

Memorandum

January 20, 2016

To: Community Advisory Committee
From: Kevin Cook, Multnomah County Planner
Re: Proposed Revision to Approved Stormwater Policy

OVERVIEW

Staff recently reviewed the stormwater policy that was previously approved by the CAC and found that it conflicts with current adopted code. In short, adopted code is more stringent with respect to how stormwater needs to be handled on private property than how it needs to be handled when draining off public roads.

Existing code requires stormwater run-off resulting from new development on private property be handled entirely on-site with off-site run-off not to exceed pre-development levels¹. Stormwater generated from public roads, on the other hand, can discharge to waterways but only under the strict rules outlined in the County's NPDES permit issued by DEQ. These rules are not tied to "pre-development levels".

In order to reconcile the approved policy with existing codes and rules, staff proposes a revised version, which we believe is actually stronger than the original and does not conflict with current rules.

Because rules for stormwater from private development differ from rules for stormwater from public transportation facilities, staff is removing references to the transportation facilities in this policy. The CAC has previously approved a TSP policy (shown at the end of this memo) regarding stormwater resulting from transportation facilities, negating the need to weave transportation facilities into this policy.

Summary of staff's proposed changes:

- Deleting reference to transportation improvements in the first paragraph.
- The existing reference to natural systems vs. engineered systems is confusing since any storm water system is engineered including 'natural' swales. We changed the wording to clarify the intent is to favor the natural hydrology.
- Deleting the first strategy since there is no option for discharging to a public system and because stormwater is required to be managed on-site.

¹ Stormwater run-off cannot exceed pre-development run-off as measured at the property line. Stormwater detention systems are required to, at minimum, accommodate stormwater resulting from a 10-year / 24-hour storm event (a once in a decade storm event).

- Deleting the second strategy to eliminate the off-site option and folding the requirement to manage stormwater on-site into new strategy 'b'.
- In strategy 'b' Deleting 'should' in favor of 'shall' and deleting 'wherever feasible' to strengthen the strategy in order to maintain the integrity of existing rules.
- Deleting 'where feasible' in strategy 'c' to make it mandatory.
- Reworded strategy 'd' to the employ the vernacular of those who live and breathe stormwater for a living.

CURRENT DRAFT POLICY (APPROVED BY THE CAC ON 12/02/2015)

STORM WATER DRAINAGE POLICY

Stormwater drainage for new development and redevelopment, including transportation improvements, shall emphasize water quality and use of natural systems over engineered systems to reduce and filter stormwater runoff in accordance with the following:

- a. If stormwater will be discharged to a public system, there shall have be adequate capacity in the storm water system to handle the run-off from the development; or
- b. The stormwater runoff shall be handled on the site or adequate off-site provisions shall be made to accommodate the run-off; and
- c. The runoff from the site shall not adversely affect the water quality in adjacent streams, ponds, or lakes, or alter the drainage on adjoining lands, or cause damage to adjacent property or wildlife habitat.
- d. Stormwater infiltration and discharge standards should be designed to protect watershed health by requiring onsite infiltration wherever feasible in order to mimic pre-development hydraulic conditions so that post-development runoff rates and volumes do not exceed pre-development conditions.
- e. Apply Low Impact Development Approaches (LIDA) where feasible in order to conserve existing resources, minimize disturbance, minimize soil compaction, minimize imperviousness, and direct runoff from impervious areas onto pervious areas.
- f. Protect and maintain natural stream channels wherever possible, with an emphasis on non-structural controls when modifications are necessary.
- g. Develop and adopt drainage system design guidelines and standards to accommodate fish and wildlife passage where appropriate.

STORMWATER DRAINAGE POLICY (*Changed text is shown as strikeouts and underlines.*)

Stormwater drainage for new development and redevelopment, ~~including transportation improvements,~~ shall ~~emphasize~~ prioritize water quality and ~~use of natural systems over engineered systems~~ stream hydrology in order to reduce and filter manage stormwater runoff in accordance with the following:

- a. ~~_____ If stormwater will be discharged to a public system, there shall have be adequate capacity in the storm water system to handle the run-off from the development; or~~
- b. ~~_____ The stormwater run-off shall be handled on the site or adequate off-site provisions shall be made to accommodate the run-off; and~~
- ca. The runoff from the site shall not adversely affect the water quality in adjacent streams, ponds, or lakes, or alter the drainage on adjoining lands, or cause damage to adjacent property or wildlife habitat.
- db. Stormwater infiltration and discharge standards ~~should~~ shall be designed to protect watershed health by requiring onsite infiltration ~~wherever feasible~~ in order to mimic pre-development hydraulic conditions so that post-development runoff rates and volumes do not exceed pre-development conditions.
- ec. Apply Low Impact Development Approaches (LIDA) ~~where feasible~~ in order to conserve existing resources, minimize disturbance, minimize soil compaction, minimize imperviousness, and direct runoff from impervious areas onto pervious areas.
- fd. Protect and maintain natural stream ~~channels wherever possible,~~ hydrology (or flow), with an emphasis on ~~non-structural controls when modifications are necessary~~ reducing hydromodification impacts such as stream incision and widening.
- ge. Develop and adopt drainage system design guidelines and standards to accommodate fish and wildlife passage where appropriate.

STORM WATER DRAINAGE POLICY

Avoid and minimize impacts to the natural environment, fish, and wildlife habitat when applying roadway design standards.

Strategies:

- a. Implement standards and best practices for all transportation projects with regard to water quality treatment - the reduction, detention and infiltration of stormwater runoff from existing and new impervious surfaces - to improve water quality as well as fish and wildlife habitats, consistent with requirements of the National Pollutant Discharge Elimination System - Municipal Separate Storm Sewer System Phase I Permit and the Water Pollution Control Facility - Underground Injection Control Permit, issued by the Oregon Department of Environmental Quality under the Federal Clean Water Act and Safe Drinking Water Act.
- b. Implement standards and best practices for all transportation projects with regard to protection of existing, and restoration of riparian buffers where waters of the state border current and future rights of way.
- c. Implement a program for the assessment and prioritization of fish passage barriers at stream crossings following the Oregon Department of Fish and Wildlife (ODFW) Fish Passage Rules.
- d. Secure funding for the restoration of existing fish passage barriers at stream crossings to meet ODFW Fish Passage Rules.
- e. Identify and protect critical fish and wildlife migration corridors to prevent the further fragmentation of existing habitats by future project alignments.