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Gary Shepherd, Senior Attorney

April 30, 2024

**Via electronic mail and
Multnomah County Land Use Planning Portal:**

Marisol Cervantes
Multnomah County
Land Use Planning
Marisol.Cervantes@multco.us
land.use.planning@multco.us

RE: Case File No. T3-2024-0001
Completeness Response

Dear Marisol,

This letter memorandum and attachments constitute Metro's completeness response to staff's April 26, 2024 letter. Applicant provides responsive discussion and materials that ensure the application is complete for review. Respectfully, at this time, Metro requests that the County process Case File No. T3-2024-0001 for review. If any additional information is needed to aid review, it will be promptly provided during the course of the review proceeding.

Attachments:

1. Completeness response form
2. Email exchange between County Transportation Department and Metro
re: stormwater

includes attachments: Stormwater Certificate – water service project
Stormwater Certificate – Welcome Center – phase 1
Stormwater Certificate – Welcome Center – phase 2

Item 1:

Please submit a signed Transportation Review Form the submitted Transportation Form was blank and not signed by Transportation Planning. Additionally, as a reminder you need to submit your Stormwater Certificate and calculations to Transportation Planning for review.

Response:

Metro applied and requested County Transportation Department review (a service provider request) on December 22, 2023. The narrative associated with the request confirmed that except for temporary impacts associated with installing the new water lines in the County right of way, there will be no impact, stormwater or otherwise, on the County transportation system.

On February 9, 2024, County transportation staff informed Metro that the transportation review was complete and approved and there were no additional requirements other than the already provided stormwater certificate (which certified less than 500 square feet of disturbance, no stormwater system required for the project, and no impacts to any County stormwater facility).

On March 6, 2024, County transportation staff informed Metro that the transportation review was not completed, and additional information was needed. Specifically, County transportation requested additional information on how the drainage control system meets county code for a 10-yr/24 hr. storm event. It was understood that the County was asking for additional information associated with the operation and maintenance yard and existing systems.

On that same day, Metro provided the response attached to this letter. Applicant's engineers certified *that the rate of stormwater runoff* attributed to the 11.5 x 14 foot well pump building and small water storage tank proposed in the rear of the existing and County-approved operations and storage yard *will be no greater than that which existed prior to any development as measured from the property line or from the point of discharge into a water body with the use of the designated system.*

Following Metro's March 6, 2024 submission, no response from County transportation has been received. Metro will submit any response to land use planning upon its receipt and during this review process.

When a project is proposed with less than 500 square feet of new/replaced impervious surface, an engineer can certify that the use of gutters and downspouts and natural infiltration are sufficient, and new construction of an on-site drainage control system is not required. No calculations are required.

By signing and stamping the submitted storm certificate, Metro's project engineer have confirmed that no on-site storm control facility is needed and there are no impacts to any county transportation system (road or stormwater system). There are no County stormwater facilities implicated or present in the vicinity of the project area. No project area water makes its way to any County facilities or roadways.

As far as project location and existing facilities: the existing Welcome Center and O & M yard (in which the new well house is proposed) was constructed in two efforts.

The project was reviewed and approved by County transportation in Multnomah County Case File No. T3-2015-3903, in which both Metro engineers and County transportation engineers confirmed that no onsite stormwater drainage control system is required for the facility. The stormwater certificate submitted for that project is attached. That Phase 1 project created more than 500 square feet of impervious surface and confirmed that no onsite facility was required as the rate of stormwater runoff attributed to the development during the 10-year/24-hour storm was no greater than that which existed prior to development as measured from the property line or from the point of discharge into a watercourse.

After Metro completed the Welcome Center, Metro completed the operations and maintenance yard improvements, approved under Case File No. T3-2015-3903. For the second phase, a second round of County erosion control/stormwater permits were sought and issued – BP-2021-15351. To support that permit, we submitted another stormwater certificate for more than 500 square feet of impervious surface generation. That project also confirmed that natural infiltration would adequately handle the rate of stormwater runoff attributable to the new development for a 10-yr/24-hr. storm event and no onsite facility was required.

Item 2:

Secondly you submitted an explanation about the Flood Hazard overlay and submitted maps associated with the Flood Hazard overlay. You did not indicate in your application if you will be applying for a Flood Hazard (FH) permit at this time. Please revise your application form if you plan to apply for the Flood Hazard permit with this T3 permit if not please email me a confirmation email you will not apply for a FH permit at this time until after the T3 is issued. Our office wants to ensure that we are reviewing the correct permits you have requested in the application form.

Response:

Metro's application acknowledges the Flood Hazard Overlay. We submitted a brief explanation on applicability, submitted exhibits associated with the FH Overlay, and a statement that Metro is not applying for Flood Hazard permit at this time, but will be submitting for a FH and erosion control permit following preliminary land use approval, as is customary with Multnomah County review.

The project proposes a small section of replacement waterline is within the FEMA regulatory 100-year floodplain (approximately 650 feet in length). The waterline will be located (as is the existing line) under the existing roadway surface (which is in the mapped floodplain). There is no impact in the floodplain. No other elements of the project are within the floodplain.

The application narrative provides:

“Following this review process, Metro will submit for a Floodplain Development Permit Application and an Erosion and Sediment Control Permit Application. Wallis Engineering, in collaboration with Pacific Habitat Services, evaluated water surface conditions for the proposed project and demonstrated no impacts to the 100-year floodplain.” See Pages 3 and 4 of application narrative.

Thank you for your assistance and effort in processing this application. If any questions or concerns remain, Metro will endeavor to promptly provide responsive information.

Sincerely,

A handwritten signature in black ink, appearing to read "G Shepherd", written in a cursive style.

Gary Shepherd
Office of Metro Attorney

Attachments

From: [Gary Shepherd](#)
To: arini.farrell@multco.us
Cc: [Ben Hedstrom](#); [Kathy Moon](#)
Subject: RE: [External sender]Re: Service Confirmation Request / Oxbow Regional Park
Date: Wednesday, March 6, 2024 12:25:00 PM
Attachments: [Exhibit 6 - Storm Water Certificate signed \(MD-24-3590\).PDF](#)
[Welcome Center Stormwater certificate.pdf](#)
[image001.png](#)
[Oxbow Phase 2 - Storm Cert \(MD-21-19829\).pdf](#)

Arini - Kathy forwarded me your email. Thank you for helping out with this.

I assume that the below comment is asking Metro confirm that as part of the engineering review, our project engineer considered all new, replaced, and existing structures and impervious areas to determine that the newly generated stormwater from the new impervious surface is in compliance with county code for the 10-year/24-hour storm event.

Date: 3/11/24

NOTE TO ENGINEER: Please check one box above. Multnomah County does not use the City of Portland's storm water ordinance. As part of your review, MCC 39.6235 requires that you must consider all new, replaced, and existing structures and impervious areas and determine that the newly generated stormwater from the new or replaced impervious surfaces is in compliance with Multnomah County Code for a 10-year/24-hour storm event. This Storm Water Drainage Control Certificate does not apply to shingle or roof replacement on lawfully established structures.

PLEASE PROVIDE NARRATIVES INCLUDING CALCS ON HOW THE 10YR/24HR STORM IS MANAGED ON SITE AS DESCRIBED HERE.

Page 1 of 2

By signing and stamping the attached storm certificate, our project engineer has done so. Unless the County has a specific concern with this project impacting county transportation facilities, I am not sure why anything else, including calculations to establish no impact, would be required. Hopefully the below information helps with any concerns or misunderstandings that there may be.

The stormwater certificate submitted for this project (Exhibit 6 attached) demonstrates and confirms that no on-site storm control facility is needed and there are no impacts to any county transportation stormwater system. We are adding **less than** 500 square feet of rooftop. That water will be handled by natural infiltration into the sandy loam surface, or otherwise make it's way (via a gutter and directional downspout) to the rain water collection gardens at the Welcome Center and operations and maintenance yard facility. There are no County stormwater facilities implicated or present in the vicinity of the project area.

The existing Welcome Center and O & M yard (in which the new well house is being located) was constructed in two efforts. The project was approved and reviewed by County transportation in Mult. County case file T3-2015-3903. When the Welcome Center and operations and maintenance yard was redeveloped, our engineers and the County engineers confirmed that no on-site stormwater drainage control system is required for the facility. Attached is the stormwater certificate submitted for that project (which was a greater than 500 square foot of impervious surface created) and confirms that no on-site facility was required as the rate of stormwater runoff attributed to the development during the 10-year/24-hour storm was no greater than that which existed prior to development as measured from the property line or from the point of discharge into a watercourse.

After Metro completed the Welcome Center, we completed the operations and maintenance yard improvements approved under T3-2015-3903. For the second phase, a second round of County erosion control/stormwater permits were sought and issued – BP-2021-15351. To support that permit, we submitted the attached Oxbow Phase 2 stormwater certificate for the greater than 500 square feet of impervious surface generation. That project also confirmed that natural infiltration would adequately handle the rate of stormwater runoff attributable to the new development for a 10-yr/24-hr storm event and no on-site facility was required.

In sum, when the Welcome Center and operations and maintenance yard were redeveloped, our engineers and the County engineers confirmed that no on-site stormwater drainage control system is required for the facility and that the rate of stormwater runoff attributed to the development during the 10-year/24-hour storm will be no greater than that which existed prior to development as measured from the property line or from the point of discharge into a watercourse.

Conditions have not changed since then.

This is a 11.5 x 14 foot well pumphouse building being constructed in the rear of the existing Operations and Maintenance Yard at the park. No water from this area reaches the County right of way. Plus, there are no county surface water facilities in the right of way adjacent to the Welcome Center. All surface flow naturally and rapidly percolates into the sandy soil. It is my understanding that no engineering calculations are needed with such a minimal (none in the this case) impact and the submitted engineering certificate. I hope this information provides the County transportation with all the information needed to review this project. If not, please let me know. Regards. Gary

Gary Shepherd
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From: Kathy Moon <Kathy.Moon@oregonmetro.gov>
Sent: Wednesday, March 6, 2024 11:03 AM
To: Gary Shepherd <Gary.Shepherd@oregonmetro.gov>
Subject: FW: [External sender]Re: Service Confirmation Request / Oxbow Regional Park

Hi Gary,

I got the below email from the county about this storm water certificate. Turns out they *haven't* approved it yet, and they are requesting resubmission with a narrative. Comments are in red on the last couple pages of the attachment.

Thanks,
Kathy

From: arini.farrell@multco.us <arini.farrell@multco.us> **On Behalf Of** Right of Way Permits
Sent: Wednesday, March 6, 2024 10:10 AM
To: Kathy Moon <Kathy.Moon@oregonmetro.gov>
Subject: Re: [External sender]Re: Service Confirmation Request / Oxbow Regional Park

CAUTION: This email originated from an **External source**. Do not open links or attachments unless you know the content is safe.

Hi Kathy,

Here is a copy of the reviewed storm water certificate, I was mistaken and it looks like there is actually a request to update the certificate to provide a narrative on how the drainage control system meets county code for a 10-yr/24hr storm. Can you send that to me for review?

Thank you,
Arini
Right-of-Way Permits
Multnomah County Transportation Division
Bridges: 1403 SE Water Ave | Portland, Oregon 97214 | Phone: 503.988.3757
Roads: 1620 SE 190th Ave | Portland, Oregon 97233 | Phone: 503.988.5050

Please note: our permitting process has moved online, please go to our new [Permit Portal](#) for online submissions.

Further information/requirements for permits can be found at the following links.

[ROW Website](#)

[Learn about the Transportation Development Review Process](#)

[Road and Bridge Permit Applications](#)

On Tue, Mar 5, 2024 at 2:20 PM Kathy Moon <Kathy.Moon@oregonmetro.gov> wrote:

External -



Hi Arini,

I was hoping to access a copy of this approved stormwater certificate referenced in your email below, but I'm not sure how to go about that. It sounds like it should be in the permit portal, but I can't find it in my account.

Could you please advise on how I could get a copy?

Thank you!

Kathy

Kathy Moon

Paralegal

Office of Metro Attorney

(she/her)

Metro | oregonmetro.gov

600 NE Grand Ave.

Portland, Oregon 97232-2736

(503) 797-1861 (voicemail)

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From: arini.farrell@multco.us <arini.farrell@multco.us> **On Behalf Of** Right of Way Permits

Sent: Friday, February 9, 2024 4:14 PM

To: Kathy Moon <Kathy.Moon@oregonmetro.gov>

Subject: [External sender]Re: Service Confirmation Request / Oxbow Regional Park

CAUTION: This email originated from an **External source**. Do not open links or attachments unless you know the content is safe.

Hi Kathy,

Your transportation review is complete, there were no requirements other than the stormwater certificate. The permit portal has been updated to include the approved stormwater certificate.

Thank you,

Arini

Right-of-Way Permits

Multnomah County Transportation Division

Bridges: 1403 SE Water Ave | Portland, Oregon 97214 | Phone: 503.988.3757

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[Road and Bridge Permit Applications](#)

On Fri, Dec 22, 2023 at 9:52 AM Kathy Moon <Kathy.Moon@oregonmetro.gov> wrote:

External -



Good morning,

Attached please find a letter with supporting documents and a Transportation Planning Review form from Gary Shepherd regarding a planned waterline improvement project at Oxbow Regional Park.

If you have any questions, please contact Gary Shepherd at gary.shepherd@oregonmetro.gov.

Thank you,
Kathy

Kathy Moon

Paralegal
Office of Metro Attorney
(she/her)

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