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City of Newberg Public Works

City of Newberg TDML Implementation Plan Year 3 Annual Report January 2011 to December 2011

Submitted: February 2012

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EXECUTIVE SUMMARY

The City of Newberg (hereafter known as City) continues to progress with its TMDL Implementation Plan (hereafter known as Plan). Financial realities have had a large impact on some deadlines being moved into the future, however the city was able to meet many of its milestones.

Additional public education venues were explored by the City this year and public involvement was encouraged during the refinement of the municipal code required to implement the Plan. Public education occurred through booths at the Public Works Day, Camellia Festival, and Newberg Farmers Market in addition to website information, classes, and presentations. The City's website was also used to provide a method for reporting stormwater concerns and provide transparency in the adoption process of municipal code required by the Plan. The public was encouraged to attend the Stormwater Ad-Hoc Committee and Planning Commission meetings held to refine the municipal code.

The Citizen's Rate Review Committee met to discuss stormwater rates in November 2011 and the public was encouraged to attend the meetings. In addition, the City has stormwater credit programs for residential and non-residential properties to allow reductions in the stormwater management fee. The City's partnership with the Bureau of Land Management continued to provide free trees for streamside planting and education to the public on the positive effect of trees on stream temperatures and health.

Training was provided to staff through meetings with regional peers, conferences, 1-day seminars as well as webcasts. Subject matter ranged from green infrastructure to restoration work to implementing an illicit discharge program.

The Public Works Maintenance stormwater crew continues to manage the stormwater infrastructure in the City. Public Works Engineering staff and the Planning and Building Department staff provide guidance on stormwater control in pre-applications meetings. One bioswale project was being completed in 2011.

The City continues to look for innovative ways and partnerships to increase the water-quality of its streams in the face of budgetary cutbacks. Through public education and public involvement, the City is striving to listen to what its people think is important to their environment.



MEASURE #1 – PUBLIC EDUCATION

Overview

The three BMPs required by the Plan include stormwater educational activities, watershed council participation, and storm drain marking. All of the measures require an on-going effort for the City. The City of Newberg fulfilled the public education requirement in 2011 by participating in the Greater Yamhill Watershed Council, providing information on the city website and at public venues, co-sponsoring a stormwater presentation, providing low-cost stormwater classes, distributing free trees for riparian planting, holding drug take-back events, installing a permanent drug dropoff site, and marking catch basins.

Tasks Completed

PE-1 Implement Stormwater Educational Activities

The City used its website to provide timely information regarding pesticide use, erosion, and lawn fertilizers. At the Camellia Festival, the City spoke to citizens on the importance of amending their soil with compost as well as how stormwater affects stream health; trees and free NewGrow compost samples were distributed to citizens. At the Public Works Day celebration in June, the City provided free NewGrow compost samples, ladybugs, and educational material to citizens on the advantages of amending their soil and avoiding pesticides. Educational material and displays were provided at the Newberg Farmers Market with messages regarding pesticide use, pet waste, and stream shading.

An insert in the utility bill was not completed due to workload constraints. However, in March, the City and the Greater Yamhill Watershed Council co-sponsored an Oregon Environmental Council presentation on watersheds and how homeowners can help in regard to illicit discharges, pesticides, rain gardens, and lawn care. From March to May, the City sponsored a series of three classes on sustainable practices and rain garden design criteria. While attendance was low, enthusiasm for the presentations and classes was high.

Trees were distributed in March through the Bureau of Land Management's and the City's cooperative program called Trees for Streams. Citizens who had property with streams running through or next to their property were offered 2 free trees in the Fall of 2010. Those who requested trees were sent notices in February 2011 that the trees would be available at the Camellia Festival in March 2011. In November 2011, the City of Newberg signed a memorandum of understanding with the BLM's Northwest Oregon Restoration Partnership to formalize the program. For the 2012 distribution of trees, the program is open to all properties with streams running through or next to them instead of confining it to residential properties.

The City held DEA-sponsored drug take-back events in April 2011 and October 2011. Community members, Waste Management, and staff from the City Council, Newberg-Dundee Police Department, Public Works Operations, and Public Works Engineering organized and provided assistance at the event. In June 2011, the Newberg-Dundee Police Department installed a permanent prescription drug drop-off box in the Public Safety Building that is open from 8:30am to 4:30pm Monday through Friday except for holidays. The drop-off box is in addition to the City's ongoing partnership with Waste Management and the adult care facilities in the city to pick up medications.

PE-2 Participate in the Greater Yamhill Watershed Council

The City participated in Greater Yamhill Watershed Council general meetings, sub-committee meetings, and co-sponsored a presentation by the Oregon Environmental Council. The City provided guidance to the watershed council on by-laws, website design, staff budgets, marketing, office space, and potential restoration projects in the City especially in regard to restoration activities required of ODOT because of the Newberg-Dundee Bypass project.

PE-3 Provide Environmental Marking for Storm Drains

The stormwater crew from Public Works Maintenance continue to mark catch basins with heat tape and replace manhole lids throughout the city to remind citizens that stormwater in the city drains to the streams.

Effectiveness Summary

Previous Program Years (November 2008 to December 2010)

In 2009, the City of Newberg provided a booth at the Public Works Day celebration in June to educate children and adults on stream-friendly practices. City employees marked 96 storm drains, created a website page with stormwater facts and tips, and inserted an informational sheet in one of the utility bills. The City provided funds, expertise, and a rain garden presentation to the Greater Yamhill Watershed Council.

In 2010, the City of Newberg provided 8 informational displays at the Newberg Farmers Market reaching 200 to 600 citizens at each event, created a sustainability brochure highlighting low impact development projects in the city, updated the website with timely stormwater facts and tips, provided an insert on stormwater in a utility bill, and marked 91 storm drains. Citizens were offered free trees through the City of Newberg's partnership with the Bureau of Land Management's Northwest Oregon Restoration Partnership if the trees were planted in riparian areas. Finally, the City of Newberg provided expertise and funds to the Greater Yamhill Watershed Council in addition to a design handbook for a Rain Garden presentation sponsored by the watershed council.

Program Year 3 (January 2011 to December 2011)

The City's website continues to be an easy and effective method for reaching the public in 2011. Website pages were created and updated in regard to local classes and events in the area, stormwater tips, and to update the public on the progress of municipal code

being proposed to comply with the Plan (See Appendix 1A Public Education – City Website).

The Newberg Farmer’s Market continues to be a good outlet to reach citizens especially during August when the popular Tunes on Tuesday events are held. The City provided 3 informational displays in 2011 and will continue to be a presence at the market in 2012. The City also provided a booth at the Public Works Day (see Appendix 1B Public Education – Classes, Presentations, and Events).

The BLM/City of Newberg cooperative program called Trees for Streams was well-received by participating citizens (see Appendix 1C Public Education – Trees for Streams). A total of 32 trees were planted by citizens along Chehalem Creek, Springbrook Creek, and Hess Creek. In addition, 21 trees were provided through the program to George Fox University to plant along Hess Creek. The City was able to distribute the trees at the Camellia Festival in March 2011 and provide information on the positive effects of trees on stormwater in addition to information on the proper care and planting of trees.

The Drug Take-Back events and the permanent drop off box in the Public Safety Building are also popular with the citizens. The City collected 276 pounds of unwanted drugs during the April event and 104 pounds during the October event. The permanent dropoff box collected 216 pounds of unwanted drugs since its installation at the end of June (see Appendix 1D Public Education – Drug Take-Back).

The Oregon Environmental Council “Love Your River” presentation and the three sustainable stormwater and rain garden classes sponsored by the city were well-received by the citizens who attended them. One participant had started a rain garden before attending the classes and finished after the class. While attendance at the classes was lower than anticipated, the participant’s reactions was positive enough to warrant more effort in this direction (see Appendix 1B Public Education – Classes, Presentations, and Events).

The City continued to provide funds and input to the Greater Yamhill Watershed Council as they completed their transition to a 501(3)(c). The Council held 10 meetings in 2011; the August and November meetings were cancelled by the Council. Public Works Engineering staff attended 6 of 10 meetings and 4 sub-committee meetings. The City donated \$1,000 to the watershed council in the fall of 2010 (see Appendix 1E Public Education – Greater Yamhill Watershed Council).

Public Works Maintenance put heat tape on catch basins and changed manhole lids at 75 sites in the northwest area of the city to remind citizens that stormwater in the city goes to the stream without treatment (see Appendix 1F – Environmental Storm Drain Marking).

Implementation Plan Matrix Revisions

There are no revisions being requested by the City for the Public Education component of the Plan in 2012 (see Table 1 – TMDL Implementation Matrix 2012).



MEASURE #2 – PUBLIC INVOLVEMENT

Overview

The public involvement requirements of the Plan include reviewing the stormwater fee, helping develop the municipal code requirements, and providing an avenue for responding to citizen calls about stormwater issues. In 2011, the Citizen Rate Review Committee was re-convened to consider a 100% stormwater fee credit and to determine stormwater rates for 2012 to 2015; the Stormwater Ad-Hoc Committee was formed to review and refine municipal code required for implementation of the Plan; and website pages provided citizens with direction on reporting stormwater concerns and education on ways to improve stream water quality.

Tasks Completed

PI-1 Public Participation in Reviewing the Stormwater Utility Fee

The City convenes a Citizen's Rate Review Committee (CRRC) every two years to provide a recommendation to the City Council in regard to water, wastewater, and stormwater rates. The committee also meets on an as-needed basis. In January 2011, the CRRC met to discuss the plausibility of providing a 100% stormwater credit for citizens who retain 100% of their stormwater onsite or discharge directly to the streams. Staff recommended against the proposal citing the availability of the City of Newberg's residential and non-residential stormwater programs; the unavailability of a 100% credit in other cities in the region; the need to plan for stormwater capital improvement projects and programs to comply with the Willamette River TMDL Implementation Plan; and the inability of a property to truly contain 100% of rainfall from all possible storms. The CRRC voted against the 100% fee credit proposal.

In September 2011, the CRRC started the 2-year cycle of meeting to discuss water, wastewater, and stormwater rates. Rates for 2012 to 2014 will be recommended to the City Council for adoption in 2012.

PI-2 Public Participation in Ordinance and Program Development

On May 16, 2011, the City Council convened the Stormwater Ad-Hoc Committee to review and refine municipal code presented by staff in regard to illicit discharge, detection, and elimination; construction site stormwater runoff; and post-construction stormwater runoff control. The committee was composed of seven citizens residing in 5 of the 6 districts in the city. The members represented a wide variety of stakeholders in the city including developers, engineers, the parks and recreation district, the university, and citizens who had expertise in civil engineering and fire. The committee met every two weeks from May 26, 2011 to October 6, 2011. Citizens were encouraged to attend the public meetings with notices in the Newberg Graphic, Newberg Library, Public Safety Building, City Hall, Wastewater Treatment Plant, and on the City website.

Staff held a workshop for the Planning Commission on October 13, 2011 to provide an overview of the Plan and the required municipal code. Public hearings were held on November 10, 2011 and January 12, 2012 to discuss and further refine the municipal code. Citizens were encouraged to attend the workshop and public hearings with notices in the Newberg Graphic, Newberg Library, Public Safety Building, City Hall, Wastewater Treatment Plant, and on several areas of the City's website.

PI-3 Use the City Website for Education and Reporting of Stormwater Concerns

Staff organized current website pages and added new website pages to increase accessibility and provide timely information on the progress of proposed municipal code. The Stormwater Management webpage has sections on the latest news, stormwater basics, stormwater credit program, and what to do if there is a problem with flooding or illicit discharges. The Stormwater Code webpage has specific information regarding the proposed municipal code. Lastly, each meeting of the Stormwater Ad-hoc Committee was provided with a separate website page for easier tracking of the progress of the proposed code and for the committee members to easily access meeting information.

PI-4 Establish Hotline to Receive Complaints from the Public

Public Works Maintenance directs citizens on the website to email them with the location of any storm drain that is overflowing. Citizens may also use the SeeClickFix program. The SeeClickFix program allows citizens to log a complaint using the internet or a smart phone application which is then sent to Public Works Maintenance staff. Once the situation has been investigated, the Public Work Maintenance staff can post a resolution to the problem providing feedback to the public.

Effectiveness Summary

Previous Program Years (November 2008 to December 2010)

In 2009, the City Council adopted an 18% annual rate increase recommended by the CRRC. The rate was increased from \$3.80 per EDU (2,877 sq ft) to \$4.48 in 2010 and \$5.29 in 2011.

Staff began formulating municipal code for construction site runoff in 2009 and stormwater management in 2010. A request to have the municipal codes reviewed by the Planning Commission was granted by the City Council on September 7, 2010. The codes were combined and placed on the Planning Commission's October 14, 2010 public hearing when it was deferred to the November 10, 2010 public hearing. At the November 10th hearing, the Planning Commission asked that a workshop be provided by staff in order to explain the reason behind the Willamette River TMDL Implementation Plan and provide more time for public input.

The City worked on a stormwater management fee credit program for residential properties which was unveiled in late 2010.

In 2009, citizens were asked to call Public Works Maintenance to report problems with the stormwater system; any telephone calls to 911 that concerned stormwater issues were forwarded to Public Works Maintenance. In 2010, a webpage was added to the City website that instructed citizens to email Public Works Maintenance with concerns.

Program Year 3 (January 2011 to December 2011)

The Citizens Rate Review Committee met in January 2011 to consider a 100% credit of the stormwater management fee. After hearing testimony by the public and staff, they voted against the proposal (see Appendix 2A Public Involvement – Citizens Rate Review Committee meeting minutes). The Citizens Rate Review Committee re-convened on September 14, 2011 and started the discussion for stormwater rates on November 30, 2011. One citizen provided comment at the November 2011 meeting. While the committee concluded their discussion on stormwater rates on January 4, 2012 (see Appendix 2A Public Involvement – Citizens Rate Review Committee meeting minutes), a presentation won't be given to the City Council until after the Town Hall meeting on February 8, 2012.

A citizen's committee appointed by the Mayor was formed in May 2011 to review and refine proposed municipal code required to implement the Plan (see Appendix 2B Public Involvement – Stormwater Ad-Hoc Committee). The public was encouraged to provide comment during their meetings from May 26, 2011 to October 6, 2011 through public notices and information on the City's website. No one from the public other than committee members attended the Stormwater Ad-Hoc Committee meetings. When the municipal code was presented to the Planning Commission on November 10, 2012, one person provided verbal comment and 1 person provided written testimony. At the January 12, 2012 public hearing, one person provided verbal comment before the Planning Commission passed a resolution supporting the proposed municipal code. (see Appendix 2C Public Involvement – Planning Commission).

In 2011, the stormwater credit program had one applicant for the non-residential program; the residential program saw three inquiries and one applicant. The residential program applicant did not meet the requirements of the program, however the non-residential applicant was awarded a 30% reduction in their stormwater management fee in response to the stormwater efforts on their property.

The City started 2011 with a new program, SeeClickFix, for reporting stormwater concerns. The program allows citizens to report issues in the city using the internet or a smart phone application which is then sent to Public Works Maintenance. After the situation is resolved, Public Works Maintenance posts a resolution to the problem on the SeeClickFix site. There was only one comment associated with stormwater in 2011 while the remaining comments concerned street and traffic problems. The other avenue, other than calling Public Works Maintenance, is the City website which directs citizens to email the location of flooding storm drains to Public Works Maintenance. There were 7 instances where the public used the website or telephone to notify the City of flooding concerns.

Implementation Plan Matrix Revisions

Under BMP PI-2 is a task for developing a construction site runoff control ordinance which is also covered under BMP CS-1. Since the other ordinances are covered under their respective sections, e.g. IDDE ordinance is covered under Measure #3, The City requests that the BMP PI-2 task be deleted from the matrix since it is also covered under Measure #4.

Under BMP PI-3, the City is required to “Use the City’s website for education and reporting of stormwater concerns”. The City requests that BMP PI-3 remove the reference to education and instead be written as “Use the City’s website for reporting of stormwater concerns” because BMP PE-1 also requires using the website for education.



MEASURE #3 – ILLICIT DISCHARGE DETECTION AND ELIMINATION

Overview

In the City’s Willamette River TMDL Implementation Plan, the Illicit Discharge Detection and Elimination (IDDE) measure requires eight specific tasks under four BMPs. The tasks include documenting stormwater outfalls to streams within City boundaries, adopting municipal code that prohibits non-stormwater discharges, making a determination on whether to prohibit or place local controls on specific categories of non-stormwater discharges, providing public education, developing a program for controlling illicit discharges, training employees to implement the program, providing an avenue for citizens to dispose of hazardous waste properly, and investigating complaints of illicit discharges.

Municipal code was reviewed and refined by the Stormwater Ad-Hoc Committee and the Planning Commission in 2011. Training was available to staff in 2011 for IDDE. The public took advantage of the semi-annual household hazardous waste events sponsored by Yamhill County Solid Waste, two one-day drug take-back events sponsored by the City, and a drug take-back collection box installed in the Public Safety Building lobby. The City also sponsors an ongoing drug take-back program at four care facilities in the city.

Tasks Completed

ID-1 Develop IDDE Plan

In previous years, the City created a stormwater system map showing outfalls to the streams. In 2011 staff worked with the Stormwater Ad-Hoc Committee and the Planning Commission to refine municipal code developed by staff. DEQ provided comments on the proposed code and those comments were incorporated before staff presented the code to the Planning Commission in October 2011. The Planning

Commission further refined the code at their November 2011 public hearing before passing a resolution at their January 2012 public hearing recommending the code to the City Council.

ID-2 Train City Employees to Implement IDDE

Staff from Public Works Operations attended a webcast sponsored by The Center for Watershed Protection entitled “How Gross Can You Get - Controlling Gross Solids and Illicit Discharges as Stormwater Management Practices” in December 2011. Staff from Public Works Operations attends regional meetings for the Fats, Oils, and Grease (FOG) program on a monthly basis. While FOG is mostly a wastewater system problem, the stormwater system is affected when grease is discharged into catch basins by pumper trucks or individuals.

ID-3 Implement IDDE Plan

As part of this BMP, the City is required to respond to spills and illegal dumping. The Fire Department responds to spills of a hazardous nature and to vehicular accidents. Public Works Maintenance staff respond to public complaints and inspect storm line for illicit discharges and maintenance issues with the stormwater system. Public Works Operations staff inspect restaurants for illicit discharges to the wastewater and stormwater systems and also investigate and ensure that mobile businesses are not illegally discharging to the stormwater or wastewater systems. Code Enforcement staff investigate public complaints and also work with Public Works Maintenance staff and Public Works Operations staff to find people discharging to the stormwater system. Education is used when possible and fines are levied when necessary to prevent future illicit discharges.

ID-4 Hazardous Waste Collection Program

Yamhill County Solid Waste staff provided two household hazardous waste events for the City in 2011. The events were held in May and October and were well-attended by the public. Items collected by the events included fluorescent bulbs, paint, antifreeze, batteries, thermometers, flammable and toxic liquids, propane tanks, fertilizers, and pesticides.

The City continued sponsoring drug take-back events twice a year with community members and staff from Waste Management, City Council, Newberg-Dundee Police Department, Public Works Operations, and Public Works Engineering participating in the event. The City installed a permanent drop-off facility for medications in the Public Safety Building in June 2011. The events are well-attended and citizens regularly use the drop-off facility. The City also continues to sponsor an ongoing drug take-back program at four care facilities in the city.

Effectiveness Summary

Previous Program Years (November 2008 to December 2010)

By 2009, Public Works Engineering had created the stormwater outfall map (see Appendix 3A IDDE – Stormwater Outfalls). The Fire Department responded to no discharges that exceeded the state-mandated reportable quantities in 2009 or 2010. The City's Code Enforcement department responded to 4 complaints in 2009 and 2 complaints in 2010.

Staff developed municipal code for controlling illicit discharges in 2010 and combined it with the municipal code for erosion control and stormwater management for internal review in 2010. Public Works Maintenance staff was trained in illicit discharge detection during their annual training in 2009 and 2010.

Staff at Yamhill County Solid Waste provided well-attended semi-annual events for collecting household hazardous waste in 2009 and 2010. Paint collected during these events was recycled by Marion County.

The City has had a partnership with Waste Management (originally Newberg Garbage & Recycling) since 2007 to pick up medications at four adult care facilities for proper disposal. In 2008, the City collected 82 pounds of unwanted medications at the facilities; 72 pounds were collected in 2010. In 2010, the City participated in two one-day community-wide Drug Take-Back events with 100 and 360 pounds of medications, respectively, collected at the events.

Program Year 3 (January 2011 to December 2011)

Municipal code written to enforce the IDDE measure developed by staff was reviewed and refined by the Stormwater Ad-Hoc Committee in 2011. DEQ provided comments on the municipal code refined by the committee and those comments were incorporated by staff before the municipal code was presented to the Planning Commission in October 2011. The Planning Commission further refined the code at a public hearing in November before passing a resolution recommending it to the City Council at their public hearing in January 2012.

Staff was offered a webcast on IDDE which was attended by 1 person from Public Works Operations. One person from Public Works Operations attends monthly regional meetings for the FOG program where information is shared on education, investigations, and municipal code.

Based on information from the Fire Department, none of the spills requiring a response from them exceeded the reportable quantity limits imposed by state regulations. Inspection of storm line on Springbrook Road uncovered a section of line where cement or concrete spoils had been illegally dumped into the stormwater system when it was under Yamhill County's jurisdiction. Public Works Maintenance staff had to replace the line. Code Enforcement and Public Works Operations staff investigated a public complaint in December 2011 that was positively identified where FOG entered a catch basin. The discharger was educated and now has a barrel for containing FOG that will be routinely cleaned and hauled away. Code Enforcement investigated 9 complaints of other potential illicit discharges (see Appendix 3B IDDE – Code Enforcement). Most were resolved through citizen education, however one of the cases resulted in police action.

The Yamhill County Solid Waste Household Hazardous Waste events continue to be popular with citizens. Over two hundred vehicles were processed in Newberg at the May 2011 event with 2,500 pounds of paint processed under the PaintCare program; 1,005 pounds of waste sent to Marion County; and over 8,000 pounds sent to Clean Harbors in Utah. Close to 450 vehicles were processed in McMinnville during the October 2011 event with 16,700 pounds of paint processed under the PaintCare program; 1,725 pounds of waste was sent to Marion County; and 17,698 pounds of waste was sent to Clean Harbors in Utah (see Appendix 3C IDDE – Household Hazardous Waste Collection) . The City recognizes and appreciates the effort by the Yamhill County Solid Waste for staffing and coordinating these well-attended events.

The City has continued to participate in the state-wide DEA-sponsored drug take-back events held twice a year. In 2011, the events collected 276 pounds in the spring and 104 pounds in the fall (see Appendix D Drug Take-Back). In June of 2011, the City installed a permanent dropoff facility in the Public Safety Building; people disposed of 219 pounds of unused medications through this avenue. The care facility drug take-back program sponsored by the City collected 151 pounds of unused medication.

Implementation Plan Matrix Revisions

Under BMP ID-1, the City is asked to “Respond to spills and illicit discharges” which is the same task as “Current Practices” under ID-3. The City would like to delete the duplicate task from BMP ID-1.

Under BMP ID-2, the City is asked to provide public education on illicit discharge which is the same requirement under Measure #1, Public Education. Since BMP ID-2 is for training employees and not the public, the City would like to delete the duplicate requirement of BMP ID-2.



MEASURE #4 – CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

Overview

The Stormwater Ad-Hoc Committee reviewed and refined municipal code developed by staff for controlling construction site runoff. DEQ was provided advance notice of the proposed code and their comments were incorporated before staff presented it to the Planning Commission. The Planning Commission approved the municipal code refined by the committee at their public hearing in January 2012. Public Works Engineering staff reviewed erosion controls for public infrastructure in 2011. Applicants were required to provide either a grading plan or 1200-C permit to the Building Division. A complaint was lodged with the DEQ regarding erosion control at a city project. After investigation by the DEQ, it was determined that the site was in compliance with all permits.

Tasks Completed

CS-1 Develop Ordinance to Control Construction Site Runoff for less than 1 Acre

After staff developed municipal code in 2010, they worked with the Stormwater Ad-Hoc Committee from May 2011 to October 2011 to review and refine the code. In addition to the refining the municipal code, the committee selected Clean Water Services Erosion and Sediment Control Manual for the model on which to base the City's program. In October 2011, Public Works Operations staff held a workshop for the Planning Commission to provide an overview of the Plan and to explain the municipal code required by the Plan. In November 2011, the Planning Commission held a public hearing which further reviewed and refined the code. In January 2012, the Planning Commission recommended the proposed code to the City Council.

CS-2 Train City Employees Regarding Construction Site Controls

Public Works Engineering staff have experience with erosion control on construction sites and have an excellent working relationship with local developers. In October 2011, staff from the Building Division and Public Works Engineering were sent notice of the erosion and sediment control inspector classes conducted by ODOT.

CS-3 Conduct Plan Reviews, Inspections, and Enforcement for Construction Sites

Currently, Newberg does not have municipal code in place regarding construction site runoff control. The Building Division and Public Works Engineering staff have control over erosion control practices within city limits. Contractors submit erosion control sheets with the plan submittals but the Building Division does not currently comment on the proposed erosion controls for private development with the exception of asking for the 1200-C permit required by DEQ for sites larger than 1 acre. The Building Division provides grading plan review on all sites excavating at least 50 cubic yards. Staff from Public Works Engineering comments on erosion controls for public improvements.

Because the Building Code does not address erosion, staff from the Building Division do not currently address the functionality of erosion controls on private building sites. Staff from Public Works Engineering inspect erosion controls affecting public improvements and use education to protect the public stormwater system because there is no enforcement tool currently in place. While the City relies on inspectors from DEQ for enforcement of erosion control for sites greater than 1 acre, they can withhold final permit approval for sites less than 1 acre.

A citizen lodged a complaint with the DEQ regarding a potential 1200-C permit violation at a city project. Staff from DEQ conducted an investigation of the project and determined that it was not required to have a 1200-C permit.

Public Works Maintenance stormwater staff installed 900 feet of silt fence along 99W to assist a stream restoration and trail building project. They also installed 150 feet of silt fencing at a field along East Mountainview Drive to protect the stormwater system.

Effectiveness Summary

Previous Program Years (November 2008 to December 2010)

While the City does not have municipal code affecting construction site runoff, all 1200-C permits must be provided with the permit submittals. The City requires applicants to provide protection such as bio-bags, silt fences, and wattles for the public stormwater system during construction. In 2010, 4 construction sites were operating and required to provide erosion and sediment controls by the City. There were 3 complaints regarding erosion in 2010 which were resolved using public education.

Municipal code for erosion control was developed in 2010 and presented to the Planning Commission in November 2010. Based on comments and the technical nature of the code, staff was asked to provide a workshop in 2011 on the Plan and the code.

Program Year 3 (January 2011 to December 2011)

The municipal code required to enforce construction site runoff was reviewed and refined by the Stormwater Ad-Hoc Committee in 2011 (see Appendices 2B Public Involvement – Stormwater Ad-Hoc Committee and 2C Public Involvement – Planning Commission). It was further refined by the Planning Commission who passed a resolution recommending it to the City Council in January 2012. The Erosion and Sediment Control Manual from Clean Water Services was chosen by the Stormwater Ad-Hoc Committee as the basic manual to use as guidance for the City's program.

While staff received notice of the erosion and sediment control inspector training conducted by ODOT, they were not able to take advantage of the opportunity. While not certified as an inspector, there is staff at Public Works Engineering with extensive field experience in erosion control practices and devices.

According Public Works Engineering staff, they did not have any projects in 2011 that required erosion and sediment control inspections. The Building Division issued 2 grading permits in 2011 and required one project to present its DEQ 1200-C permit. The Building Division does not complete erosion inspections at this time (see Appendix 4 Stormwater Management).

A complaint was sent to DEQ regarding a potential 1200-C permit violation at a construction project on Crestview Drive in the city. After consultation with Public Works Engineering staff and a site visit, DEQ determined that the project did not require a 1200-C permit.

Code Enforcement staff investigated 4 instances of dirt or sod in the street in 2011; all were resolved through education (see Appendix 3B IDDE – Code Enforcement). Staff from DEQ investigated one complaint regarding its 1200-C program and found that the site did not require a 1200-C permit. Public Works Maintenance stormwater staff

installed 1,050 feet of silt fencing to protect streams and the stormwater system from sediment.

Implementation Plan Matrix Revisions

Under BMP CS-1, the City is required to develop an erosion control ordinance and track the number of construction projects with erosion control measures. The City requests that tracking of construction projects be moved to BMP CS-3 which requires the City to review plans and inspect projects.

Under BMP CS-2 are similar tasks to “Conduct training for staff” and “Train staff”. The City requests that “Conduct training for staff” is deleted from the matrix.



MEASURE #5 – POST-CONSTRUCTION RUNOFF CONTROL

Overview

The tasks in Measure 5 of the Plan require the City to develop an ordinance addressing runoff from new development and re-development and provide enforcement mechanisms for the ordinance; train staff; and conduct plan reviews and stormwater facility inspections. Municipal code was developed in 2011 however it cannot be implemented until adopted by City Council. Staff was able to attend training through webcasts, seminars, and conferences. Staff reviewed construction plans for stormwater detention requirements in 2011. Applicants were required to provide stormwater facilities at a couple of sites in 2011.

Tasks Completed

DS-1 Develop Ordinance to Control Runoff from New and Redevelopment

Much of the year was spent working with the Stormwater Ad-Hoc Committee and the Planning Commission to review and refine code developed by staff. DEQ was provided advance notice of the proposed code and their comments were incorporated before staff presented it to the Planning Commission at a workshop in 2011. The Planning Commission further refined the code at their November 2011 public hearing before passing a resolution in January 2012 recommending the code to the City Council.

DS-2 Train City Employees Regarding New Development Standards

Without the code in place, it was not possible to train staff in the new development standards. Staff will be able to revise the design standards after the proposed code is passed by the City Council. Several opportunities were provided to learn about sustainable methods of stormwater management including rainwater harvesting,

bioretention, creating volunteer programs, conducting effective public outreach, and municipal code development.

DS-3 Conduct Plan Reviews, Inspections, and Enforcement for New Development

There were six pre-application meetings held during 2011 where discussions took place regarding stormwater management. Projects were required to provide stormwater management through energy dissipaters at the outfalls, detention ponds, or bioswales depending on the project type. Inspections of stormwater facilities will begin after the stormwater management code has been adopted by City Council in order to provide a consistent message to the public.

Effectiveness Summary

Previous Program Years (November 2008 to December 2010)

Municipal code for stormwater management was developed in 2010 and presented to the Planning Commission in November 2010. Based on comments received during the meeting, it was determined that the Mayor would form a committee of citizens to review and refine the code.

Training for staff in 2009 occurred from in-house meetings on best management practices; and attendance at workshops presented by the OSU Extension-Sea Grant and Oregon Environmental Council. Training in 2010 included workshops by ACWA, a stormwater symposium presented by ASCE, and short schools sponsored by APWA.

There were 5 pre-construction meetings that addressed post-construction stormwater control in 2009 and 2 plan reviews in 2010. Public stormwater facilities included a bioswale in 2009 and the following facilities in 2010 — 2 rain gardens, 2 flow-through planters, and a pervious concrete pad at the Highway 240 Pump Station located on a tributary of Chehalem Creek. Private stormwater facilities constructed in 2010 included rain gardens and pervious driveways at a 2-home residential site.

Program Year 3 (January 2011 to December 2011)

After staff developed municipal code in 2010, they worked with the Stormwater Ad-Hoc Committee from May 2011 to October 2011 to review and refine the code. DEQ provided comment on the code and those comments were incorporated before staff presented it to the Planning Commission in October 2011. In November 2011, the Planning Commission held a public hearing which further reviewed and refined the code. In January 2012, the Planning Commission passed a resolution recommending the proposed code to the City Council (see Appendices 2B Public Involvement – Stormwater Ad-Hoc Committee and 2C Public Involvement – Planning Commission).

One person from Public Works Operations and one person from Public Works Engineering were able to attend the APWA Sustainability Conference that included classes on stormwater management. One person from Public Works Operations and one person from Public Works Engineering attended a webcast on the applicability of

rainwater harvesting as a stormwater management tool. Two people from Public Works Operations attended a webcast on using volunteer programs to monitor stream health. One person from Public Works Operations and one person from Public Works Engineering attended a workshop on using bioretention facilities in stormwater management. One person from Public Works Operations attended a webcast on updating local codes and a webcast on conducting effective public outreach.

There were 6 pre-application meetings in 2011. Two of the projects, which have not begun construction, were required to provide energy dissipaters at the outfalls. Two projects, which have not begun construction as of 2011, were required to provide stormwater detention. There were no water quality facilities constructed in the public right-of-way, however one bioswale project was completed on private property (see Appendix 4 Stormwater Management).

Implementation Plan Matrix Revisions

Under BMP DS-2 is a task to notify the development community of the new development standards. The City would like to move this task under BMP PI-2 which is a requirement to involve the public in ordinance and program development.

Under BMP DS-2 are similar tasks to “Implement training” and “Train staff”. The City requests that “Train staff” is deleted from the matrix.



MEASURE #6 – POLLUTION PREVENTION IN MUNICIPAL OPERATIONS

Overview

Almost all of the Public Works Maintenance stormwater crew’s time is spent maintaining and installing new components of the stormwater system. While staff training and revising the operations and maintenance manual have not progressed as well as they may have, staff concentrated on the physical aspects of the stormwater system and have fulfilled the remaining requirements of this section.

Tasks Completed

OM-1 Develop Water Quality-Sensitive Operations and Maintenance Manual

Staff time is limited in regard to this task as the Public Works Maintenance stormwater crew is out in the field maintaining or repairing the stormwater system almost all day. They use the Oregon Municipal Stormwater Toolbox as their Operations and Maintenance guidebook. Public Works Maintenance staff instituted procedures that are tracking the resolution of work orders originating from the public in 2012. They are

working with Public Works Engineering staff to track the cleaning frequency of catch basins.

OM-2 Train City Employees Regarding Revised O&M Practices

Staff was able to attend a class on stream restoration associated with a stormwater system renovation. Staff is being trained to enter work orders and their resolution on a regular basis.

OM-3 Conduct Catch Basin and Storm Drain Cleaning

Public Works Maintenance has one Vactor truck which is used to maintain the stormwater, water, and wastewater systems. Most of the catch basins in the city are self-cleaning but there was catch basin and storm drain cleaning completed in the summer and fall of 2011. Stormwater lines are inspected on an ongoing basis; they are cleaned either when a complaint occurs or when a regular inspection shows a problem.

OM-4 Conduct Street Sweeping

Street sweeping continues on a rotational basis throughout the city. In the fall season, sweeping is increased because of the amount of leaves in the street.

Effectiveness Summary

Previous Program Years (November 2008 to December 2010)

Staff workload has required that the inspection, repair, and installation of stormwater components be given a higher priority than training and revisions to an operations and maintenance manual. In 2009, staff used checklists and maps to inspect catch basins and storm drains. In 2010, Public Works Maintenance staff worked with Public Works Engineering staff to track the cleaning frequency and identify potential areas of concern. In 2009, two stormwater detention basins were renovated to decrease stormwater volume and velocity in the system. In 2009, staff inspected 5,691 feet and cleaned 18,807 feet of storm line; they installed 333 feet of new storm line. In 2010, staff inspected 1,844 feet and cleaned 6,331 feet of storm line; they installed 64 feet of storm line.

The City cleans streets on a rotational basis with additional sweeping completed in the fall because of the amount of leaves that need to be swept from the streets. In 2009, the city swept 5,242 curb miles and in 2010 the city swept 3,831 curb miles.

Program Year 3 (January 2011 to December 2011)

Public Works Maintenance staff have instituted a procedure to track stormwater complaints from the public and their resolution. Two staff attended a training event on stream restoration after completion of maintenance activities.

All but one major inlet in the city has either a trash rack or is fenced off. There were 106 catch basins and 4,961 feet of storm line cleaned in 2011. One manhole, 2 catch basins and 40 feet of new storm line were installed in 2011. One manhole and 17 feet of storm

line were repaired; no catch basins needed repair in 2011. Grates and inlets were inspected 16 times throughout the year. In 2011, the city swept 4,382 curb miles with an average of 2.2 cubic yards of debris per curb mile swept (see Appendix 5 Municipal Operations).

Implementation Plan Matrix Revisions

In BMP OM-1, Developing a Water Quality Sensitive Maintenance Manual, there is a task to “Place trash racks over major inlets”. The City requests that this task be moved to BMP OM-3 which concerns inspection, maintenance, and installation of stormwater components.

In BMP OM-3, there are two tasks that require the city to develop and implement a catch basin cleaning program. The City requests that these two tasks be moved to BMP OM-1.

In BMP OM-4 are two tasks to evaluate and implement a street sweeping program to maximize water quality benefits. The City requests that these two tasks be moved to BMP OM-1.



TEMPERATURE

Overview

The tributaries to the Willamette within the City boundaries have been designated as rearing and migration corridors for salmon and trout; the Willamette River in the Newberg area is designated as a migration corridor for steelhead and salmon in addition to the rearing and migration corridor designation of its tributaries near Newberg. The City educated the public and provided free trees to citizens to address stream temperatures in the city limits.

Tasks Completed

T-1 Educate Public on Stream Health

As part of its presentations at the Newberg Farmer’s Market and Camellia Festival, the City educated the public on the importance of trees for reducing stormwater volume and stream temperatures. The City provided a series of classes for homeowners interested in rain gardens and, as part of the classes, homeowners were taught about the impact stormwater has on stream health. The City, with the Greater Yamhill Basin Council, co-sponsored a presentation by the Oregon Environmental Council entitled “Love Your River” which educated the public on the effect of pesticides, emerging contaminants, and low impact technologies on stream health. The City also provided a booth on reducing pesticides through ladybugs and offered free compost samples for citizens to learn how it increases the infiltration capacity of soil.

T-2 Maintain Existing Stream Vegetation

The City is addressing the need to maintain existing stream vegetation through the Stream Corridor Overlay Sub-District municipal code.

T-3 Increase Effective Shading

The City, in partnership with the BLM's NORP, provided free trees for citizens that pledged to plant them along stream banks and properly care for them for two years. As the trees were distributed, citizens were offered education on proper planting and care of the trees. To help decrease stormwater temperatures that are discharged into the stream, the City offered a reduction in the residential stormwater management fee if homeowners plant trees on their property.

Effectiveness Summary

Previous Program Years (November 2008 to December 2010)

The City completed a Water-Wise Demonstration Garden in 2009 which educates the public on the avoidable expense of excess watering and using pesticides. Tours are given on an as-needed basis to groups in the region and educational material is available on rain gardens, water-wise gardening, and the hydrologic cycle. In 2010, the BLM invited the City to join their Northwest Oregon Restoration Partnership which provides free planting material for streamside planting. Through NORP, the City's Trees for Streams program started offering free trees in 2010 to its citizens.

Program Year 3 (January 2011 to December 2011)

In 2011, the City used the Newberg Farmers Market and Camellia Festival to educate the public on the impact of trees on stormwater volume and velocity; the Camellia Festival attracted 1,000 people in 2011 and the Newberg Farmers Market averaged 300-500 visitors each week. There were 32 trees distributed at the Camellia Festival to citizens who had reserved them in the fall of 2010 through NORP and Trees for Streams. In addition, the City provided 21 trees to George Fox University for planting along Hess Creek. In March, the city co-sponsored a presentation by the Oregon Environmental Council called Love Your River that was attended by approximately 30 people. In April and May, the city provided a series of three classes by Green Girl Development that educated citizens on the correlations between low impact development, stormwater, and stream health. In June, the City utilized the Public Works Day celebration to educate between 300-600 children and adults on alternatives to pesticides and the use of compost to increase the soil infiltration capacity.

Implementation Plan Matrix Revisions

The section of the Plan discussing stream temperatures does not have specific tasks associated with it; instead, it has traditionally been consolidated within the other tasks. Taking into consideration the comments that the City has received from DEQ in the last two reports requesting more information on temperature reduction, the City requests

that the previously-discussed tasks under this section be used to determine if the City has completed tasks related to stream temperature reduction. These tasks should provide a notable effect on stream temperature over time.



SUMMARY

The City continues to show progress in implementing its Willamette River TMDL Implementation Plan. Additional public education venues were explored and the public was encouraged to become involved in creating the municipal code required to implement the Plan. Public participation was encouraged through the formation of a Stormwater Ad-Hoc Committee with meetings every other week for four months, a Planning Commission workshop, and two Planning Commission hearings. In addition, the Citizen Rate Review Committee continues to encourage public participation in its meetings through public notices and town hall meetings.

Public education was completed through 3 booths at the Newberg Farmers Market in the summer, a booth at the Public Works Day, a booth at the Camellia Festival, a presentation co-sponsored by the Greater Yamhill Watershed Council, a series of 3 classes on sustainable stormwater presented by Green Girl Development, 2 Drug Take-Back events, and 2 household hazardous waste collection events by Yamhill County Solid Waste.

The City's website is used to educate the public with stormwater information and provide a method for reporting stormwater concerns by the public. The website was also used in 2011 to provide transparency in the adoption process of the municipal code required by the Plan.

The City developed municipal code in 2011 that addressed illicit discharges, construction site runoff control and post-construction stormwater runoff. The code was reviewed and refined by the Stormwater Ad-Hoc Committee and the Planning Commission before being approved for presentation to the City Council in 2012.

Training was provided to staff through meetings with regional peers, conferences, 1-day seminars and webcasts. Subject matter ranged from green infrastructure to restoration work to implementing an IDDE plan.

Because the municipal code required by the Plan has not been adopted, the City has not implemented the IDDE plan, required erosion control inspections at construction sites, or required stormwater management and inspection of stormwater facilities as part of smaller projects. The City has increased its enforcement of illicit discharges, however, partly in response to the expense incurred because of an illicit concrete spoils/cement discharge found in a section of the stormwater system previously owned by Yamhill County and partly due to the diligence of the staff assigned to the FOG program. Public Works Maintenance staff installed silt fence along East Mountainview Drive and along

99W to protect its stormwater system and Hess Creek. At their pre-application conferences, two future projects were required to provide stormwater detention and 2 projects were required to provide energy dissipaters. One project completed in 2011 installed a bioswale to control stormwater.

The stormwater staff from Public Works Maintenance continue to spend a majority of their time inspecting, repairing, and otherwise managing the stormwater infrastructure in the City. Almost all of the major inlets in the city have a trash rack or other means for keeping children, animals, and trash out of the stormwater system. Storm drains continue to be marked with “Drains to Stream” heat tape, lids, or both. Street sweeping and storm drain inspections continue to be completed throughout the year.

Some progress has been made in regard to developing standard stream-friendly maintenance procedures. Public Works Maintenance stormwater staff have begun documenting work order resolutions originating from the public and continue to work with staff from Public Works Engineering to track the cleaning frequency of catch basins.

While not all deadlines were met this year, the City will continue to look for innovative ways and partnerships to increase the water-quality of its streams in the face of budgetary cutbacks. Through public education and public involvement, the City is striving to listen to what the citizens think is important to their environment.

DEFINITIONS

ACWA	-	Association of Clean Water Agencies
APWA	-	American Public Works Association
ASCE	-	American Society of Civil Engineers
BLM	-	Bureau of Land Management
BMP	-	Best Management Practice
EDU	-	Equivalent Dwelling Unit
CRRC	-	Citizen's Rate Review Committee
City	-	City government of Newberg, Oregon
DEQ	-	Oregon Department of Environmental Quality
FOG	-	Fats, Oil, and Grease
GYWC	-	Greater Yamhill Watershed Council
IDDE	-	Illicit Discharge Detection and Elimination
NORP	-	Northwest Oregon Restoration Partnership
O&M	-	Operations and Maintenance
ODOT	-	Oregon Department of Transportation
Plan	-	City of Newberg's Willamette River TMDL Implementation Plan
TMDL	-	Total Maximum Daily Load

TABLE 1 TMDL IMPLEMENTATION MATRIX

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Table 1. Willamette River TMDL Implementation Plan Matrix for 2012

Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	Expected Implementation Timeline	Status or Changes Requested for 2012	Pollutant				
							Nutrients	Bacteria	Total Suspended Solids	Mercury	Temperature**
Measure No. 1 - Public Education											
PE-1 Implement Stormwater Educational Activities	All	Ongoing Public Education Activities	Stormwater booth at public venues.	Track number of events.	Annually	On-Going	X	X	X	X	X
		Put an educational insert in utility bills	Annual mailing starting in 2009.	Track how many inserts were mailed.	June 2009, then ongoing	On-Going	X	X	X	X	X
		Use City website to include stormwater quality tips and information.	Place materials on website	Track updates to website and number of hits to website.	June 2009, then ongoing	On-Going	X	X	X	X	X
		Educate citizen groups	Present stormwater information to interested citizen groups	Track number of presentations	Annually	On-Going					
PE-2 Participate in the Yamhill Basin Council	Urban Activities	Assure representation at Yamhill Basin Council Meetings	Attend meetings, exchange information between City and Council	Track number of meetings attended and meeting notes.	Existing Practice; Ongoing	On-Going	X	X	X	X	X
	Urban Activities	Contribute \$1,000 to the Yamhill Basin Council annually, as funds are available.	Keep receipts for donations on file	Track funds donated.	January 2009, then ongoing	On-Going	X	X	X	X	X
PE-3 Provide Environmental Marking for Storm Drains	Spills, illicit discharges	Mark storm drains in high profile areas	Mark 50 catch basins a year until all are marked	Track number of catch basins marked per year.	Existing Practice; Ongoing	On-Going	X	X	X	X	
Measure No. 2 - Public Involvement											
PI-1 Continue with Public Participation in Reviewing the Stormwater Utility Fee	All	Solicit public input for establishing appropriate stormwater rate structure	Develop ongoing Citizens' Rate Review Committee	Track meeting attendance.	Existing Practice; Ongoing	On-Going	X	X	X	X	X
		Meet with existing rate committee to review funding levels	Present funding needs to rate committee	Track progress and amount agreed upon and date it is effective.	March, 2008	On-Going	X	X	X	X	X
PI-2 Public Participation in Ordinance and Program Development	Construction site runoff, post construction controls	Solicit public input for development of new ordinances	Develop list of new ordinances needed per goals of SWMP	•Track number of ordinances needed. •Track public input received.	March, 2009		X	X	X	X	X
			Develop construction site runoff control program ordinance for public review	Track progress.	September, 2009	Delete; same requirement as a task under BMP CS-1	X	X	X	X	
			Place document on City website for 30 days.	Track comments and incorporate as appropriate.	March, 2008; Complete	Completed					

Table 1. Willamette River TMDL Implementation Plan Matrix for 2012

Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	Expected Implementation Timeline	Status or Changes Requested for 2012	Pollutant				
							Nutrients	Bacteria	Total Suspended Solids	Mercury	Temperature**
PI-3 Use the City's Website for Education and Reporting of Stormwater Concerns	All	Update website with stormwater information and requesting information from public	Provide a method for citizens to report stormwater concerns on City website.	Track number of comments received from website feedback mechanism.	May 2009, then ongoing	Remove reference to website education	X	X	X	X	X
PI-4 Establish Hotline to Receive Complaints from the Public	Spills, illicit discharges	Direct citizens to call 911 for emergency stormwater concerns	Identify and train staff to respond to incoming calls	Track number of stormwater work orders resulting from calls received.	December 2009, then ongoing	On-Going	X	X	X	X	X
			Advertise directions for reporting stormwater concerns on website and on utility bills.	Track progress.	December 2009						
Measure No. 3 - Illicit Discharge Detection and Elimination (IDDE)											
ID-1 Develop IDDE Plan	Spills, illicit discharges	Respond to spills and illegal dumps	Clean up illicit dumps and implement enforcement by citing violators	Track number of citations issued.	Existing Practice; Ongoing	On-Going	X	X	X	X	
			Implement spill containment; respond to spills with fire department	•Track number of spills responded to by fire department. •Track sources, causes, and resulting water quality problems resulting from spills.	Existing Practice; Ongoing	On-Going	X	X	X	X	
		Develop plan to detect illicit discharges	Develop Draft Illicit Discharge Ordinance	Track progress.	April, 2009	On-Going	X	X	X	X	
			Ordinance Approved by City Council	Track progress.	August, 2009		X	X	X	X	
			Map existing outfalls	Track progress.	Existing Practice; Ongoing		X	X	X	X	
			Prepare inventory	Track progress.	December, 2009	Completed	X	X	X	X	
			Develop monitoring plan including plan to follow up on discharges identified	Track progress.	June, 2010		X	X	X	X	
			Develop plan to address non-stormwater discharges	Track progress.	June, 2010		X	X	X	X	
			Develop worksheets for inspections	Track progress.	July, 2010		X	X	X	X	
ID-2 Train City Employees to Implement IDDE	Spills, illicit discharges	Inform staff, public employees, businesses and general public of hazards, new regulations, and proper disposal of waste	Develop training material and program	Track progress.	August, 2010		X	X	X	X	
			Use public education measures to inform businesses and general public	Track educational materials	October, 2010	Delete requirements as it is covered under PE-1	X	X	X	X	
			Train employees in illicit discharge investigation	Track training events.	January 2009; then ongoing		X	X	X	X	

Table 1. Willamette River TMDL Implementation Plan Matrix for 2012

Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	Expected Implementation Timeline	Status or Changes Requested for 2012	Pollutant				
							Nutrients	Bacteria	Total Suspended Solids	Mercury	Temperature**
ID-3 Implement IDDE plan	Spills, illicit discharges	Conduct illicit discharge inspections	Conduct field screening of outfalls and other elements of plan developed in ID-1	Track number of field screenings performed, results of field screenings, and any follow up actions taken.	October 2010; then ongoing		X	X	X	X	
			Follow up on reports of spills and illicit discharges	•Track number of reports received for spills or illicit discharges. •Track follow up actions taken.	October 2010; then ongoing	On-Going	X	X	X	X	
		Current Practices Respond to spills and illicit discharges	Clean up illicit dumps and implement enforcement by citing violators	Track number of citations issued.	Existing Practice	On-Going					
		Current Practices	Implement spill containment; respond to spills with fire department	•Track number of spills responded to by fire department. •Track sources, causes, and resulting water quality problems resulting from spills.	Existing Practice; Ongoing	On-Going					
ID-4 Hazardous Waste Collection Program	Illicit discharges	Provide opportunity for residents to dispose of hazardous waste	Offer free hazardous waste collection service twice per year to City residents.	Track volume of waste received during collection events.	Existing practice; Ongoing	On-Going					
Measure No. 4 - Construction site stormwater runoff control											
CS-1 Develop Ordinance to Control Construction Site Runoff for less than one acre	Construction Site Runoff	Erosion control on public works projects	Use of biobags, haybales, wattles, and other construction practices on construction sites	Track number of construction projects with erosion control measures.	Existing Practice; Ongoing	Move to BMP CS-3	X	X	X	X	
		Develop erosion control ordinance.	Prepare draft ordinance.	Track progress.	February, 2009		X	X	X	X	
			Ordinance approved by City Council	Track progress.	September, 2009		X	X	X	X	
			Select guidance manuals for program implementation	Track progress.	July, 2009		X	X	X	X	
CS-2 Train City Employees Regarding Construction Site Controls	Construction Site Runoff	Identify and train employees for plan review, inspection and enforcement of erosion control ordinance	Develop training materials	Track progress.	December, 2010		X	X	X	X	
			Conduct training for staff	Track progress.	January, 2011		X	X	X	X	
			Train staff in erosion and sediment control techniques.	Track training events.	January 2009; then ongoing		X	X	X	X	

Table 1. Willamette River TMDL Implementation Matrix for 2012

Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	Expected Implementation Timeline	Status or Changes Requested for 2012	Pollutant				
							Nutrients	Bacteria	Total Suspended Solids	Mercury	Temperature**
CS-3 Conduct Plan Reviews, Inspections, and Enforcement for Construction Sites	Construction Site Runoff	Implement erosion control program	City responds to erosion control complaints	<ul style="list-style-type: none"> Track number of complaints received and follow up actions taken by City. Track number of notices of non-compliance per year . 	Existing Practice; Ongoing	On-Going	X	X	X	X	
			Conduct plan review	Track number of plans reviewed per year.	February 2011; then ongoing		X	X	X	X	
			Conduct site inspections, enforcement, as necessary	<ul style="list-style-type: none"> Track number of erosion control inspections conducted per year. Track number of notices of non-compliance per year. 	February 2011; then ongoing		X	X	X	X	
Measure No. 5 - Post-Construction Stormwater Runoff Control											
DS-1 Develop Ordinance to Control Runoff from New and Redevelopment	New Development	Develop ordinance for on-site facilities to prevent or minimize pollutants from new development	Prepare draft ordinance	Track progress.	August, 2010		X	X	X	X	
			Ordinance approved by City Council	Track progress.	December, 2010		X	X	X	X	
			Develop standards and guidelines for on-site facilities	Track progress.	November, 2010		X	X	X	X	
			Evaluate Retrofit Opportunities	Track number of sites reviewed and result of evaluation.	February 2011; then ongoing		X	X	X	X	
			Evaluate Opportunities for Implementing Regional Facilities for Existing and New Development	Track number of sites reviewed and result of evaluation.	August 2010; then ongoing		X	X	X	X	
DS-2 Train City Employees Regarding New Development Standards	New Development	Identify staff and train staff on standards, guidelines, plan review, and inspections	Develop training materials	Track progress.	December, 2010		X	X	X	X	
			Implement training	Track when training occurred and attendees.	December 2010; then ongoing		X	X	X	X	
			Notification to development community of new requirements	Track progress.	December, 2010	Move to BMP PI-2	X	X	X	X	
			Train staff in stormwater facility inspections.	Track training events.	December 2010; then ongoing		X	X	X	X	
DS-3 Conduct Plan Reviews, Inspections, Enforcement for New Development	New Development	Implement program for on-site requirements to address stormwater quality	Conduct pre-construction conference	Track number of pre-construction conferences per year.	Existing practice; Ongoing	On-Going	X	X	X	X	
			Encourage use of water quality facilities for new development	Track number of water quality facilities installed for new development.	Existing practice; Ongoing		X	X	X	X	
			Require plan submittals, conduct plan reviews	Track number of plan submittals and reviews conducted per year.	Existing practice and March 2011; Ongoing		X	X	X	X	

Table 1. Willamette River TMDL Implementation Matrix for 2012

Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	Expected Implementation Timeline	Status or Changes Requested for 2012	Pollutant				
							Nutrients	Bacteria	Total Suspended Solids	Mercury	Temperature**
			Start inspection of new facilities	•Track number of inspections done per year. •Track inspection results.	March 2011, then ongoing		X	X	X	X	
Measure No. 6 - Pollution prevention in Municipal Operations											
OM-1 Develop a Water Quality Sensitive Operations and Maintenance Manual	Public Operations and Maintenance Practices	Develop water quality friendly practices	Place trash racks over major inlets	Track inlets installed with trash racks.	Existing Practices	Move to BMP OM-3	X	X	X	X	X
			Review existing operation and maintenance practices	Track progress.	Existing Practices	On-Going					
			Develop manual of existing practices, modifications, and new practices from other programs	Track modifications to manual.	September, 2009		X	X	X	X	X
OM-2 Train City Employees Regarding Revised O&M Practices	Public Operations and Maintenance Practices	Implementation of water quality friendly O&M practices	Review practices with staff	Track progress.	December, 2009		X	X	X	X	X
			Review new manual with staff	Track progress.	January, 2010		X	X	X	X	X
			Train staff in stream-friendly O&M practices	Track training events.	January 2009; then ongoing		X	X	X	X	X
OM-3 Conduct Catch Basin and Storm Drain Cleaning	Stormwater Runoff	Catch Basin Cleaning	Catch Basins cleaned on an as needed basis	Track number of catch basins cleaned per year.	Existing Practice; Ongoing	On-Going	X	X	X	X	
		TV, inspect, and clean stormdrains	TV, inspect and clean storm drains as needed	Track length of storm drain cleaned and number of inspections.	Existing Practice; Ongoing	On-Going	X	X	X	X	
		Repair pipe and culverts	Repair pipe and culverts as needed	•Track amount of pipe repaired per year and culvert repairs. •Track number of culverts repaired per year.	Existing Practice; Ongoing	On-Going	X	X	X	X	
		Optimize catch basin maintenance practices for water quality	Develop routine catch basin cleaning program	Track progress.	December, 2009	Move to BMP OM-1	X	X	X	X	
			Implement catch basin cleaning program	Track progress.	January 2010; then ongoing	Move to BMP OM-1	X	X	X	X	
OM-4 Conduct Street Sweeping	Street Debris	Street sweeping	Street sweeping occurs on select streets every 4 to 6 weeks	Track miles swept per year.	Existing Practice; Ongoing	On-Going	X	X	X	X	
		Optimize street sweeping practices for water quality	Evaluate street sweeping program and develop routine street sweeping program to optimize water quality benefits	Track modifications done to street sweeping program.	March, 2009		X	X	X	X	
			Implement street sweeping program	Track progress.	April 2009; then ongoing		X	X	X	X	
Temperature											

Table 1. Willamette River TMDL Implementation Plan Matrix for 2012

Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	Expected Implementation Timeline	Status or Changes Requested for 2012	Pollutant				
							Nutrients	Bacteria	Total Suspended Solids	Mercury	Temperature**
T-1 Educate Public on Stream Health		Public Education Venue as part of PE-1	Provide booths and events that educate public on stream health	Track number of events and booths	2012	On-Going	X	X	X	X	X
T-2 Maintain Existing Stream Vegetation		Use enforcement and other measures to maintain stream vegetation	Determine city code that can affect stream health	Track number of ordinances that affect stream vegetation	2012				X	X	X
T-3 Increase Effective Shade		Increase Shade along city streams	Provide incentives for citizens to plant trees	Track number of trees planted per year	2012	On-Going				X	X

APPENDIX 1 PUBLIC EDUCATION

- A. City Website**
- B. Classes, Presentations, and Events**
- C. Trees for Streams**
- D. Drug Take-Back**
- E. Greater Yamhill Watershed Council**
- F. Environmental Storm Drain Marking**

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Appendix 1A

Public Education

City Website



Stormwater Solution

The [April Love Your River challenge](#) is "Step Away From the Weed n Feed." To keep toxic chemicals out of our rivers, go natural in the garden. Here are some tips to minimize your fertilizer and pesticide use:

1. Be Discerning. Test your soil to find out what it really needs for nutrients.
2. Less Is More. Overfertilizing will stress plants resulting in pest and disease problems.
3. Let It Breathe. Aerating your lawn discourages moss.
4. Cut It High. A taller lawn discourages clover and shades the roots so they need less water and fewer chemicals.
5. Grasscycle. You can provide all the nitrogen a lawn needs by leaving the clippings on the lawn. The lawn will also lose less moisture which means less watering this summer.
6. Go Native. Trade some of your lawn for native plants. They love our climate and require fewer fertilizers and pest controls to keep them healthy and beautiful.

While Weed 'n Feed products seem like they are easy and a one-stop shop, many contain 3 herbicides that you may not need for your lawn. If you don't need them, they are wasting your money.

Metro has a [Natural Gardening Guide](#) that you can download for other ideas. Find other resources at [LoveYourRiver.org](#).



Stormwater Solution

Fertilizers make your lawn lush and green. Be aware of how much you use, however, or you will also feed algae when it rains and washes the excess fertilizer into our streams.

Algae love the nitrogen and phosphorus just as much as grass and they will create mini algae cities, or blooms, in areas of stagnant or slow-moving warm water. While most blooms are harmless, they can be toxic if the right algae and conditions are present.

Children, pets, horses, and even livestock can be susceptible to the toxins in algae blooms especially when thick foamy water is present which is blue-green, brownish red, or bright green. Signs of a reaction to a toxic bloom in people include dizziness, nausea, diarrhea, cramps, and tingling. In animals, it may cause foaming at the mouth, stumbling, and vomiting.

For more information, see [Oregon Public Health's website on harmful algae blooms](#). If you suspect a harmful or toxic algae bloom, call the Harmful Algae Bloom Program at 971-673-0400 or 1-877-290-6767.

Links

[Harmful Algae Blooms - Frequently Asked Questions](#)
[Keep Your Animals Safe from Harmful Algae Blooms](#)
[Florecimiento de algas perjudiciales](#)
[Alerta sobre seguridad para perros](#)



Stormwater Solution

NEVER rake your leaves into the street. Streams are capable of composting leaves that fall from trees along their banks. They are

overwhelmed when leaves from everybody's yards are pushed into them by people raking leaves into the street.

According to the Freshwater Society, 5 bags of leaves contain 1 pound of phosphorus. That small amount of phosphorus can fuel as much as 1,000 pounds of algae which degrades our streams and harms the fish and other aquatic life.

Leaves that are raked into the street cause localized flooding. Leaves are pushed by stormwater runoff towards the catchbasin where they plug the catchbasin and cause water to backup into your yard or your neighbor's yard.

Be a good neighbor. Take care of your leaves at the source - your yard.

Compost Them! Leaves make a great "brown" component for compost piles.

Mulch Them! Leaves provide nutrients for the lawn that help minimize fertilizing needs or put them on your flowerbeds and vegetable garden.

Bag Them! Waste Management in Newberg will take your leaves for a fee.

Links

[Newberg Waste Management](#)



Stormwater Solution

Save Your Property From Going Downstream

Homes with streams on their property sometimes have the lawn extend all the way to the stream which can cause erosion because the shallow roots of grass cannot protect the stream. Everytime it rains, the streambanks can erode which leads to your property ending up downstream. Trees, grasses, and shrubs can slow streams and decrease erosion while providing homes for animals, birds, and fish. By creating a buffer between your yard and the stream, you can keep your valuable topsoil on your property and provide a natural way to enjoy the outdoors and reduce stress in your life.

How Do You Create and Plant a Buffer?

- 1) Mark a minimum width of 10 to 25 feet from the streambank. Use the 10 foot width for gently sloping lots and 25 feet for lots with steeper slopes. If you can spare more than 25 feet of your yard, you will have a better buffer and be able to include a greater variety of shrubs, grasses and trees which will also attract a wider variety of wildlife.
- 2) Plant grasses such as sedges, ferns, rushes, or wood roses nearest the stream.
- 3) Plant shrubs such as snowberry, elderberry, willow, currants, and dogwoods interspersed with native trees such as alder, cedar, maple, oregon ash, or Douglas fir above the grasses.
- 4) Create a sense of place with meandering paths and places to watch the stream and wildlife.

Downloads

[OSU Native Plants for Streamside Gardening](#)
[Streamside Garden Design for Gradual Slopes](#)
[Streamside Garden Design for Average Slopes](#)
[Streamside Garden Design for Steep Slopes](#)

Links

[OSU Extension Streamside Gardening](#)



Local Classes and Events

Love Your River Presentation

Everyone lives in a watershed even if they don't live next to a stream. Making simple changes in our daily life can have a big effect on our rivers and streams.

Join the Greater Yamhill Watershed Council, Oregon Environmental Council, and the City of Newberg for a fun evening to learn how you can help protect our rivers and streams. The presentation is Thursday March 10 from 7pm to 8pm at the Chehalem Cultural Center at 415 E. Sheridan St in Newberg Oregon. Contact Sonja Johnson at 503.537.1282 or sonja.johnson@newbergoregon.gov for more information.



Local Classes and Events

Classes in Newberg

Are you interested in learning more about stormwater? Do you want to install a rain garden? Unsure if you have the appropriate soil or yard size for low impact development? The City of Newberg is sponsoring classes by Green Girl Land Development Solutions to help you answer these questions and more. While the classes are designed as a series, you may participate in as few or as many as you wish for \$10 per class. **Payment is by check or cash.** They will be held from 6:30 p.m. to 8:30 p.m. at the Public Safety Building at 401 E. Third Street every other Wednesday night starting on March 30, 2011. To register, contact Sonja Johnson at 503.537.1282 or sonja.johnson@newbergoregon.gov. For more information about the classes, contact Maria Cahill at 503.334.8634 or www.greengirlpdx.com/Events.htm.

March 30 Sustainable Stormwater

Join the City of Newberg and Green Girl Land Development Solutions to find out why we have more stormwater in our streets. Learn how air, water, and soil are affected by landscaping and answer the question, "What is sustainable stormwater?" Each participant will receive the guide, Water Efficient Plants for the Willamette Valley.

April 13 Rain Gardens

Learn how to choose the right landscaping option, such as rain gardens or stormwater planters, to fit your site. We'll answer questions such as, "Where should it go?", "Where should it not go?", "How big should it be", and "How do I get stormwater to it?" Each participant will receive the Oregon Rain Garden Guide. This class provides a strong foundation for the following class on April 27.

April 27 Rain Gardens for Challenging Sites

Many of our yards have clay soil, high groundwater, or slopes that make it more challenging to

have sustainable landscaping. In this class, we'll discuss how to adapt designs for normal conditions for the unique conditions in your yard. Participants should be familiar with rain garden design and their normal landscape requirements.

May 11 Landscaping to Conserve Energy

Use micro-climate strategies to conserve energy inside your home. Learn how to incorporate shade, wind blocks, and cool pavements or roofs into your sustainable stormwater design. Save money while adding beauty to your yard.



Local Classes and Events

Become a Master Recycler!

Have you ever wondered how much trash you could recycle? Have you ever wondered what happens to the stuff in your recycle bin after it gets picked up? Take the Master Recycler classes taught by the Yamhill County Solid Waste and find out! Classes start September 8th so call Sherrie at 503.434.7445 and reserve your spot now!

Tour Rain Gardens and More on September 12th

This \$75 one-day class is for those of us who have always wanted to see the different types of rain gardens, swales, and other types of green streets in action. Learn what NOT to do in addition to what works. Learn it all while biking in the fresh air and having fun! To register for the class or learn more about it, go to the [Green Girl website](#).

Join SOLV and the Great Oregon Beach and Riverside Cleanup on September 17th

Cigarette butts are the number one litter item found on the beach and are highly toxic to children and pets. Cigarette filters are composed of a plastic and, like most plastic litter, break down into small pieces that resemble food to fish, birds and marine mammals.

On September 17th, Oregonians will join thousands of volunteers in all 50 states and over 100 countries to clean up our waterways as part of the International Coastal Cleanup. For more information, visit [SOLV](#) or call 1.800.333.SOLV.

The Great Willamette Cleanup is coming October 8th!

Come out on Saturday, October 8, and help clean up the Willamette River with the [Willamette Riverkeepers](#) and [We Love Clean Rivers](#). Take to the water in kayaks and canoes or walk alongside the shore to remove trash from the river. Canoes and kayaks will be available for volunteers to use in specific locations along the river; contact Kate Ross at 503.223.6418 or kate@willametteriverkeeper.org for more information.



Local Classes and Events

Volunteer with the Greater Yamhill Watershed Council

October 22: Remove ivy from 8am to 12pm along the Dayton Trail. Start at 416

Ferry Street in Dayton ([map](#)). The Watershed Council will provide gloves, tools, and refreshments.

Celebrate Our Watersheds on November 5

Come celebrate our watersheds with the Yamhill Watershed Stewardship Fund at the [McMinnville Grand Ballroom](#) from 6pm to 10pm. The YWSF is a local non-profit that promotes healthy lands, waters, and wildlife in the Yamhill region which provides funds to individuals, groups, and organizations.

Volunteer with SOLV or Plant Trees for Friends of Trees

October 22: Eastgate Basin Park in Salem from 9am to 12pm ([map](#)). Plant trees and help rake leaves in the park. There will be donuts and drinks available for volunteers. The park is located at Glendale St NE & Alameda St (From Lansing Avenue NE, turn east on Glendale Ave; the park on your left.) For more information, visit the [SOLV website](#) or contact Patty Tipton at 503.947.1413 or Patty.J.Tipton@state.or.us.

October 29: Rinearson Creek in Gladstone from 9am to 12pm ([map](#)). Help restore Rinearson Creek by planting native trees and shrubs. SOLV will provide all tools and gloves. The site address is TriCity Mobile Home Court, 19575 River Road, Gladstone, OR. For more information, visit the [SOLV website](#), email Quintin Bauer at quintin@solv.org, or call 503.844.9571.

October 29: Durham City Park in Durham from 9am to 1pm. Plant trees along Fanno Creek and enjoy refreshments courtesy of Friends of Trees. Gloves and tools will be provided. The site address is 17075 SW Arkenstone Dr Portland, OR ([map](#)). Contact Andy Meeks at (503) 282-8846 ext. 24 or AndyM@Friendsoftrees.org for more information.

November 19: Ibach Park in Tualatin from 9am to 1pm. Plant trees along Hedges Creek. Friends of trees will provide refreshments, gloves and tools. The site address is 10455 SW Ibach Street, Tualatin, OR ([map](#)). Contact Andy Meeks at AndyM@FriendsofTrees.org or 503-282-8846 x24 for more information.



Stormwater Management

Latest News

The City of Newberg and the Stormwater Ad-Hoc Committee have created new municipal code to address erosion control, non-stormwater discharges (illicit discharges), and stormwater management. The proposed, committee-approved code will be presented by staff at a [Planning Commission Workshop](#) on Thursday, October 13th. The meeting is a workshop and not a hearing and there will not be a decision at the workshop regarding the proposed code. The public is encouraged and invited to attend the Planning Commission Workshop to learn about the proposed municipal code. A copy of the proposed code can be found at the [Stormwater Code](#) webpage. To read the meeting minutes of the Stormwater Ad-Hoc Committee, please visit the Stormwater Code webpage and choose a meeting date. If you have any questions, please contact Sonja at 503.537.1282 or sonja.johnson@newbergoregon.gov.

Stormwater Management Fee Credit Program

The City will adjust your stormwater fee if you help us decrease the amount of runoff and soil entering our streams. Business owners can receive an additional adjustment if they provide an educational program on stormwater to their employees. Read the [Stormwater Management Fee Manual](#) to find out if you qualify for the adjustment. If you have any questions about the application or whether you qualify for the program, please contact Paul at 503-554-1751 or paul.chiu@newbergoregon.gov

Stormwater Management and Erosion Control

The City is required to implement rules on illegal discharges into stormwater systems, management of stormwater facilities, and erosion control on construction sites as part of our [TMDL Implementation Plan](#). Please read the proposed [Stormwater Management and Erosion Control Ordinance](#) and provide your comments to sonja.johnson@newbergoregon.gov.

What is Stormwater?

Stormwater is more than just rain. As rain falls on an impervious surface such as an asphalt driveway or parking lot, it picks up any oil, antifreeze, grease, and brake lining dust that has been deposited by cars and trucks.

Rain that flows from your yard to the streets can have fertilizers, pesticides, pet waste, leaves, and soil as it enters our stormwater system. Fertilizers promote algae growth which can be toxic to animals and people. Pesticides and pet waste can cause deformities and disease in fish. Soil causes cloudy water that hides or kills food sources for fish. Leaves clog storm drains and can cause flooding in your street.

Where Does Stormwater Go?

In Newberg, all stormwater enters our streams without any treatment. Oil, pesticides, fertilizers, litter, and other wastes that are dumped into the storm drain or picked up by stormwater are discharged straight to our streams and the Willamette River.

What Can You Do?

- (1) Call 503-537-7709 or 503-537-1273 if you see anyone dumping **anything** in our storm drains.
- (2) Read the [Stormwater Solution](#) for seasonal information on decreasing runoff and keeping our streams clear, clean, and healthy.
- (3) Download **Stormwater - What Can I Do?** for additional information on stormwater.

Downloads

-  [Stormwater - What Can I Do?](#)
-  [Newberg Stormwater Classes March to May 2011 Press Release](#)
-  [Newberg Stormwater Classes March to May 2011 Flyer](#)



Stormwater Code

The TMDL Implementation Plan, a 2008 agreement between the City and the Oregon Department of Environmental Quality, requires the City to adopt and implement regulations to control erosion, minimize illegal or illicit discharges into the stormwater system, and manage runoff.

The additions to the municipal code that are required by the TMDL Implementation Plan will be presented to the Planning Commission meeting during a workshop held on Thursday, October 13 at the Public Safety Building located at 401 E. Third Street. This presentation is a workshop only and no decision will be made during the meeting regarding the proposed code. The public is invited and encouraged to attend.

The proposed municipal code that was developed between city staff and the Stormwater Ad-Hoc Committee is available for download below.

Please contact Sonja Johnson at sonja.johnson@newbergoregon.gov for further information. You can follow the Stormwater Ad-Hoc Committee's progress by reading the minutes posted at the individual meeting webpages shown in the menu to the right.

Downloads

-  [Council Resolution 2011-2947 forming the Stormwater Ad-Hoc Committee](#)
-  [Erosion Control, IDDE, and Stormwater Management Proposed Code](#)

Links

[Stormwater Ad-Hoc Committee Meeting May 26, 2011](#)[Stormwater Ad-Hoc Committee Meeting June 9, 2011](#)[Stormwater Ad-Hoc Committee Meeting June 23, 2011](#)[Stormwater Ad-Hoc Committee Meeting July 7, 2011](#)[Stormwater Ad-Hoc Committee Meeting July 21, 2011](#)[Stormwater Ad-Hoc Committee Meeting August 4, 2011](#)[Stormwater Ad-Hoc Committee Meeting August 18, 2011](#)[Stormwater Ad-Hoc Committee Meeting September 1, 2011](#)[Stormwater Ad-Hoc Committee Meeting September 15, 2011](#)[Stormwater Ad-Hoc Committee Meeting](#)

[October 6, 2011 Willamette TMDL Implementation Plan Design Standards Manual City of Newberg Municipal Code Oregon DEQ Stormwater Oregon DEQ TMDL Program DEQ 1200-C Permit Requirements Clean Water Services Erosion Control Manual](#)



Stormwater Ad-Hoc Committee Meeting October 6, 2011

The Stormwater Ad-Hoc Committee will meet on October 6, 2011 to discuss DEQ comments on the integrated code language required by the Willamette TMDL Implementation Plan. The integrated code will be presented at a public hearing of the Planning Commission on November 10, 2011.

Previous minutes and other material for this committee is available at the [Stormwater Code](#) webpage. If you would like to comment and cannot attend the meeting or you would like more information about the committee, please contact Sonja Johnson at sonja.johnson@newbergoregon.gov or mail your comments to:

Sonja Johnson, Environmental Specialist
City of Newberg
414 E. First Street
Newberg, OR 97132

Appendix 1B

Public Education

Classes, Presentations, and Events

Oregon Environmental Council

LOVE YOUR RIVER

Everyone lives in a watershed even if they don't live next to a stream.

Making simple changes in your daily life can have a big effect on our rivers and streams.

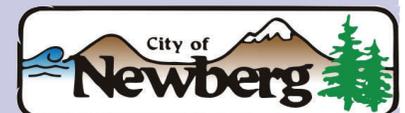


Photo Credit: Bruce Couch

Join us for a fun evening and learn how you can help protect our rivers and streams.

**Thursday, March 10
7:00 to 8:00 p.m.**

**Chehalem Cultural Center
415 E. Sheridan St
Newberg OR
503.487.6883**

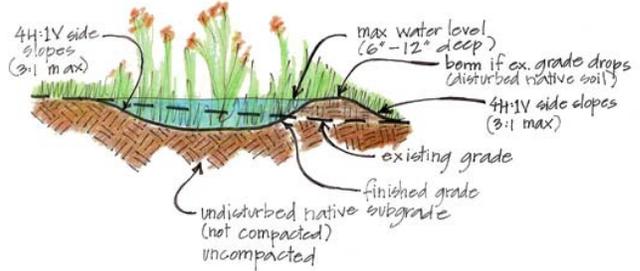




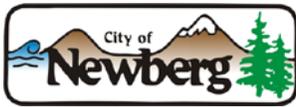
Public Education – March 2011 – Love Your River Presentation

Sustainable Stormwater Classes for Homeowners & Others

Are you interested in the benefits that stormwater management can bring to your community? Do you want to learn how you can implement practices in your everyday life that will improve water quality? The City of Newberg & Green Girl Land Development Solutions have partnered to bring you this series of classes to choose from.



- March 30** Sustainable Stormwater
- Apr 13** Rain Gardens
- Apr 27** Rain Gardens for Challenging Sites
- May 11** Landscaping to Conserve Energy



All classes:

Cost: \$10/class (cash or check)

Time: 6:30 – 8:30 pm

Location: Newberg Public Safety Building at 401 E. Third Street in Newberg, OR

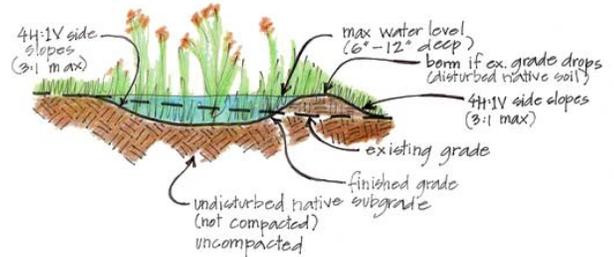
For more info: www.greengirlpdx.com/Events.htm

To register: Contact Sonja Johnson at the City of Newberg at (503) 537-1282 or sonja.johnson@newbergoregon.gov

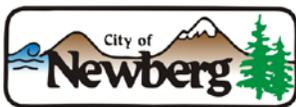


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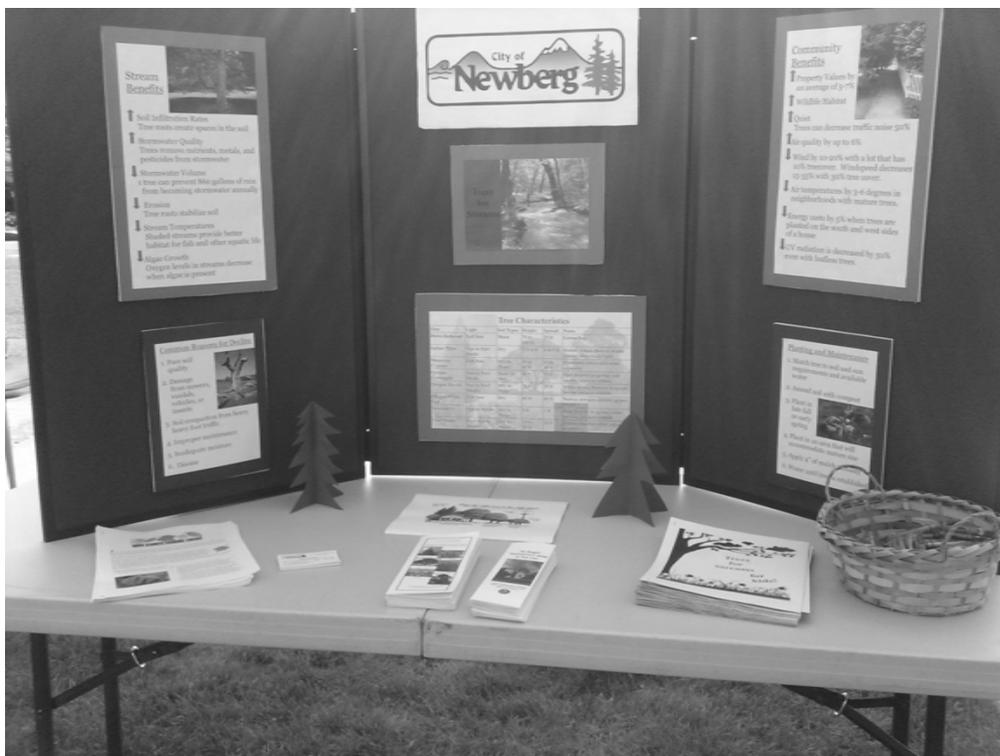
Public Education – Stormwater Classes by Green Girl Development



Public Works Day Summer 2011



Farmers Market Summer 2011 – Pet Waste



Farmers Market Summer 2011 – Stream Benefits of Trees



Farmer’s Market Summer 2011 – Pesticides

Rain Garden Workshop

Saturday, October 15

9am-4:30pm at the Public Works Auditorium,
2050 NE Lafayette Ave. in McMinnville

Cross-Section of a Rain Garden



Graphic by East Multnomah Soil and Water Conservation District

REGISTRATION
LIMITED!

SIGN UP SOON!

INSTRUCTORS: Linda McMahan, OSU Extension Community Horticulture
&
Derek Godwin, OSU Extension Watershed Mgmt. Specialist

Learn how to capture stormwater runoff and filter it into a rain garden. It's a great way to improve the health of our watersheds and enjoy a beautiful landscape!

Workshop will include both presentations and field demonstrations.

Registration fee includes lunch and a copy of the Oregon Rain Garden Guide. (\$30 single or \$45 couple for General Public). Discounts available to OSU Master Gardeners and GYWC members. (\$20 single/\$35 couple).

Registration available online or at the OSU Yamhill County Extension office,
2050 NE Lafayette Ave., in McMinnville.

To register online (payment by credit card), visit:

<http://bit.ly/rOq6AW>

Presented by OSU Extension, YCMGA and the Greater Yamhill Watershed Council

For more information or to request special accommodations, call (503)-434-7517

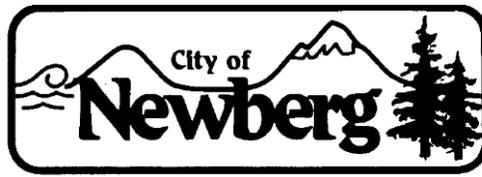


Agriculture, Family and Community Development, 4-H Youth, Forestry, Energy, and Extension Sea Grant Programs, Oregon State University, United States Department of Agriculture, and Yamhill County cooperating. The Extension Service offers its programs and materials equally to all people.

Appendix 1C

Public Education

Trees for Streams



PUBLIC WORKS DEPARTMENT

P.O. Box 970 • 414 E. First Street • Newberg, Oregon 97132 • 503.554.7705 • Fax 503.537.1277

January 13, 2011

Bureau of Land Management
c/o Kurt Heckerth – Botanist/NFWF/Nursery Coordinator
4610 3rd St.
Tillamook, Oregon 97141

Dear BLM Native Plant Nursery Cooperative Coordinator,

The City of Newberg is requesting the following trees for riparian planting within the City Limits and Urban Growth Boundary for the 2010/2011 planting season:

Big Leaf Maple.....	5
Pacific Dogwood.....	10
Grand Fir	3
Red Currant	5
Western Red Cedar.....	5
Red Osier Dogwood.....	4
Total.....	32

We appreciate your invitation to join this program and your willingness to provide practical technical advice and time as we worked to launch the program for our citizens. The positive response that we have had from our citizens showed us that your program is the perfect solution at the right time. In the current economy, it is a program that we would not have been able to provide without your help. With your continued support and as our program grows, we see a future of cleaner, cooler, and more stable streams providing beneficial aquatic and wildlife habitat which will, in turn, enrich our citizen's lives.

Sincerely,

Sonja Johnson, Environmental Specialist
Public Works, Eng Dept
City of Newberg
414 E First Street, PO Box 970
Newberg, OR 98008
503.537.1282
sonja.johnson@newbergoregon.gov

CHOOSING A TREE

- Evergreen trees provide shade all year long. Deciduous trees provide shade during the summer when our streams are warmest and most in need of shade.
- Can you provide supplemental water to the tree if it has an established root system?
- Why do you want the tree on your property? Trees can provide beauty, wildlife habitat or reduce noise.
- Will the location provide adequate sun?
- Will the space accommodate the tree at maturity?
- Will the tree's maximum height interfere with power lines? Pruning a tree can be dangerous around power lines and adversely affect the tree's shape.
- Does the tree provide fruit? Will it be dropping fruit in your neighbor's yard or on the sidewalk?
- Will you like the wildlife and birds that may be attracted to your tree?
- Do the flowers or leaf color of your tree complement the rest of your landscaping?



Indian Plum

TMDL IMPLEMENTATION PLAN

In 2010, the Bureau of Land Management (BLM) offered the City a place within its Northwest Oregon Restoration Partnership — a program that offers trees to property owners with streams running through or bounding their property in order to maximize stream water quality. The trees planted as part of this program allow the City to comply with part of the requirements of the TMDL Implementation Plan. Ultimately, they will be used to decrease stormwater volume and provide lower stream temperatures for aquatic life in city streams. Research has shown that trees:

- Catch sediment and absorb stormwater.
- Provide shade which creates pools of cooler water for fish and other aquatic species to live.
- Provide nutrients to aquatic life.
- Prevent erosion and stabilize stream banks.

Trees must be planted within 10 to 20 feet of a streambank and within the Newberg City Limits or Urban Growth Boundary.



Oregon Myrtle

Please call Sonja at 503-537-1282 if you have any questions about Trees for Streams. If you are interested in volunteering with the BLM's Northwest Oregon Restoration Partnership, call Kurt at 503-815-1132 or Denise at 503-322-0002 for opportunities in Tillamook.

CITY OF NEWBERG

2011 TREES FOR STREAMS



Dawn Redwood



Vine Maple



Oregon White Oak



Oregon Crabapple



Snowberry



Monterey Cypress

A Great Place to Grow

PROGRAM RULES

1. All property owners who have property within the Newberg City Limits or Urban Growth Boundary are eligible as long as Hess Creek, Chehalem Creek, Springbrook Creek, or a tributary of these creeks bounds or runs through their property.
2. Trees received through the program cannot be used to qualify for a stormwater credit.
3. **Reserve your tree by 5pm on Thursday, November 10, 2011.** Reserve a tree by:
 - A. Complete this form and mail to: Sonja Johnson, Trees for Streams, PO Box 970, 414 E First St, Newberg OR 97132
 - B. Pick up a brochure or postcard from the Water Conservation Table in City Hall and mail it to Sonja Johnson, Trees for Streams, PO Box 970, 414 E First St, Newberg OR 97132
4. **Trees will be available for pick up during the Camellia Festival in April 2012.**
5. Trees must be planted within 10 to 20 feet of a streambank by May 31, 2012.
6. The Applicant agrees to provide adequate water and care for the tree(s) for at least 2 years.
7. The Applicant agrees to accommodate a request by the City to verify the planting and proper care of the tree and also authorizes the City to include the tree(s) in public database systems.
8. The City reserves the right to terminate or expand the program at any time for any reason.
9. The City shall not be held liable for any current or future expenses incurred by the property owner in regard to the tree.

FALL 2011 RESERVATION FORM

<p>Quantity Tree</p> <p><input type="checkbox"/> Dawn Redwood</p> <p><input type="checkbox"/> Monterey Cypress</p> <p><input type="checkbox"/> Oregon Myrtle</p> <p><input type="checkbox"/> Snowberry</p>	<p>Quantity Tree</p> <p><input type="checkbox"/> Indian Plum</p> <p><input type="checkbox"/> Oregon Crabapple</p> <p><input type="checkbox"/> Oregon White Oak</p> <p><input type="checkbox"/> Vine Maple</p>
---	--

Name: _____

Property Address:

Email (optional—for notification purposes only):

Stream on Property:
 Chehalem Hess Springbrook Tributary

If a tributary, what stream does it flow into?
 Chehalem Hess Springbrook

Tree Care Pledge and Permission to Post Online:
 I agree to care for this tree and provide supplemental water for 2 years until it has an established root system. The City may verify that the tree is being properly maintained, correctly planted, and include the trees in public databases. The City is not liable for any current or future expenses incurred by me because of the tree.

 Print Name

 Signature

 Date

Tree Characteristics

Tree	Light	Soil Types	Height	Spread	Notes
Dawn Redwood	Full Sun	Moist	70 - 100 ft	25 ft	Grows fast
Indian Plum*	Sun to Part Shade	Dry	10 ft	5 ft	Yellow flowers in late winter; blue-black fruit
Monterey Cypress	Full Sun	Dry to Moist	40 to 80 ft	12 to 40 ft	Crown becomes flat-topped when exposed to wind
Oregon Crabapple	Sun to Part Shade	Moist to Wet	10 to 30 ft	10 to 30 ft	Pink flowers in spring; red apples; attracts wildlife
Oregon Myrtle*	Sun to Part Shade	Dry to Moist	70 ft	25 ft	White spring flowers; fragrant leaves; attracts wildlife.
Oregon White Oak	Full Sun	Dry	60 ft	60 ft	Grows slowly; attracts wildlife
Snowberry	Sun to Shade	Dry to Moist	6 ft	4 ft	Pink flowers in spring; white berries; attracts wildlife
Vine Maple*	Part Sun to Shade	Dry to Moist	15 to 20 ft	15 to 20 ft	Red-orange fall color; attracts wildlife

Dry: Soil can become dry **Moist:** Soil is damp much of the year **Wet:** Soil rarely dry out
Sun: 6 hours or more **Part Shade/Part Sun:** 2 to 6 hours sun **Shade:** Less than 2 hours of sun
 *Tree prefers moist conditions if planted in sunny areas. Shady areas can be dry.

Appendix 1D

Public Education

Drug Take-Back

Newberg-Dundee Police Department Website Page



The City of Newberg participated in the 4th National Drug Take Back event held on October 29, 2011 at the Newberg Public Safety Building. Within a four hour period, a total of 83 community members dropped off unused/unwanted drugs for a total of *104 pounds!!!*

The City accomplished this event with the help and cooperation of employees and volunteers from:

- Waste Management Company of Newberg - *6.5 hours*
- Newberg City Council - *6.5 hours*
- City of Newberg Waste Water Treatment Division - *14 hours*
- City of Newberg Public Works - *5 hours*
- Newberg - Dundee Police Department & Reserve Officers - *26 hours*
- Community Volunteers - *8 hours*

Thank you to all those who volunteered to make this day a success!!!

Don't worry if you missed out on this event... there is a Drug Take Back Bin permanently affixed in the lobby located at the Public Safety Building, 401 E. Third Street, Newberg, Oregon 97132. The bin is open to the general public Monday - Friday, 8:30 am - 4:30 pm.

Did you know...

- Drop off of unused/unwanted drugs at the drop box and/or at the Drug Take Back Event - **NO QUESTIONS ASKED.**
- Since June 30, 2011 the City has taken in over 170lbs of unused/unwanted drugs.
- Unused drugs kept in medicine cabinets, tossed in the garbage, or flushed down the toilet or drain can be serious threats to human and environmental health.
- Drug Take Back programs reduce avoidable poisoning of both children and adults; prevent intentional misuse of unwanted prescription drugs, especially by teenagers; and protect water quality, fish and other aquatic species.

Public Works Operations Website Pages



The reasoning behind the program:

Based on industry estimates, 3% of the prescriptions written in the US are unused. In Oregon, that translates to a possible 1,004,200 prescriptions unused annually in Oregon - 663,000 from residents and another 341,000 from long-term care facilities. Some of these unwanted and unused prescription drugs reach Oregon's environment.

How do they get there?

Drugs from households and care facilities reach waterways from excretion, flushing drugs down the toilet into sewers and septic systems, and trash disposal resulting in landfill leach that reaches surface water or infiltrates groundwater.

Adult care facilities in Oregon serve about 35,000 people, and they typically flush unwanted or leftover medications down the drain. Newberg has several care facilities in addition to Providence Newberg Hospital. Four of the local care facilities are participating in the drug take back program.

Some drugs can be treated at traditional wastewater treatment plants, but others cannot. A drug take back program is an important step in reducing chemicals in the environment.

At this time the full time program only serves the care facilities. Twice a year City Staff work with Federal DEA officers to hold a prescription take back day open to the public. Watch for notices in the Fall and Spring. To learn about safe methods to dispose of your personal pharmaceutical supplies contact your physicians office or your local pharmacy.

How the full time program works

Currently Newberg Police Department and Newberg Garbage and Recycling Service partner with us to pick up controlled and non controlled pharmaceuticals at the participating care facilities in Newberg. These pharmaceuticals are then safely and securely taken to the Metro hazardous waste facility in Oregon City or Covanta incinerator in Brooks.

APRIL 30, 2011 - DRUG TURN-IN EVENT

SPRING - PRESCRIPTION TURN IN EVENT

The City of Newberg is happy to announce that we plan to participate in the **Prescription Turn in Event scheduled for April 30, 2011.**

This is a great opportunity to properly dispose of your unwanted and expired prescription and over the counter medications.

Last September's event took in approximately 306 pounds of unwanted medications that would have potentially been flushed down the toilet or thrown in our landfills contaminating our rivers, streams and land.

Please mark your calendars! With your help, we can make our next event an even greater success. We will continue to keep you informed as the time draws near. The City of Newberg thanks you for your continued participation.

Mayor's Musings August 2011

DRUG TAKE BACK PROGRAM

Got Drugs? The City has actively participated in the last three NATIONAL TAKE BACK INITIATIVE drives and is anticipating participating again this Fall at the Public Safety Building (PSB). As a result of previous drives collections have included: 100 lbs. in March, 2010, 314 lbs. in September, 2010, and 315 lbs. in April, 2011. In addition to the annual "Take Back Initiative," the City installed a take back bin located in the lobby of the PSB. Since June, 2011, the total amount of drugs taken in at this site is 55 lbs; averaging 11 lbs. a week.

This initiative addresses vital public safety and health issues. More than seven million Americans abuse prescription drugs according to the 2009 Substance Abuse and Mental Health Administrations' National Survey on Drug Use and Health. Each day, approximately, 2,500 teens use prescription drugs to get high according to the Partnership for a Drug Free America. Studies show that a majority of abused prescription drugs are obtained from family and friends, including home medicine cabinets. The purpose of the initiative and Newberg's local efforts is to provide a venue for citizens to dispose of unwanted prescription drugs in a convenient way.

The national initiative and the City's local on-going program has a further benefit of avoiding the disposal of prescription drugs down the drain or being flushed down the toilet. These two methods of disposing of prescription drugs are harmful to the long term health of our waterways, wildlife, and "downstream" drinking water for other communities. There are only limited resources or technology for the removal and treatment of these chemicals in our Wastewater Treatment facilities.

Volunteers at the event have a strong ethic of service by committing their time and resources to engage in community volunteerism. Their dedication calls for adjusting their schedules, communicate with other citizens on various topics, read mounds of documents, listen to citizen input, and making decisions on behalf of their fellow citizenry. The contributions of volunteerism strengthen the community and improve the lives of Newberg citizens.

Appendix 1E
Public Education
Greater Yamhill Watershed Council



**GREATER
YAMHILL
WATERSHED
COUNCIL**

800 NE 2nd Street
P.O. Box 1517
McMinnville, OR 97128
Phone: 503.474.1047

Board of Directors

December 14, 2011

Annette W. Frank, Chair
Watershed Resident

Brandy Humphreys, Vice Chair
Confederated Tribes of Grand Ronde

J.L. Liddane, Secretary
Watershed Resident

Erik Grimstad
City of McMinnville

Dave Hanson
Native Plant Society of Oregon

Marci Humlie
McMinnville Water & Light

Sonja Johnson
City of Newberg

Travis Orback
Watershed Resident

David Riedman
Watershed Resident

Leonard A. Rydell
Yamhill Co. Small Woodlands Assoc.

Bruce Sigloh
Watershed Resident

Staff

Bernadette Hansen
Executive Director

Denise Schmit
Water Quality Monitoring Tech.

Corissa Holmes
Water Quality Assistant

Daniel Danicic, City Manager
City of Newberg
PO Box 970
Newberg, OR 97132

Dear Mr. Danicic,

Thank you and the City of Newberg for supporting the Greater Yamhill Watershed Council (GYWC) by providing \$1,000.00 for operational support for the 2011-2012 fiscal year. Your support, especially during these difficult economic times, provides valuable match to grants from the Oregon Watershed Enhancement Board and other local agencies. The funds will be used to pay for essential operational costs such as copies, computer service, meeting and office supplies, and training for staff and council members, enabling us to apply for additional grants to develop and implement projects and events.

The GYWC is focused on conducting activities that will improve water quality and watershed stewardship in the Yamhill River and Chehalem Creek watersheds. In 2011-2012, the Council will be undertaking a number of projects, including stream clean-ups, streamside plantings, fish habitat enhancement, water quality monitoring, and education and outreach for children and adults throughout the basin.

We would love the opportunity to either meet with you or the City Council to discuss ways in which we can work together on projects that enhance the City of Newberg and support the local economy. Please contact me at 503.474.1047 if you would like to meet or have the GYWC make a presentation at a City Council meeting. We thank you again for your continued support.

Sincerely,

Annette W. Frank, Chair
Greater Yamhill Watershed Council



**GREATER YAMHILL WATERSHED COUNCIL
MEETING MINUTES**

January 13, 2011 6:00 p.m. - 8:00 p.m.
McMinnville Water Reclamation Facility Conference Room

Members Present:

Annette Frank, Chair
Dave Hanson
Brandy Humphreys
Terry Anthony
J.L. Liddane
Steve Liddane
Leonard Rydell
Bruce Sigloh
Steve Wegner
Steve Wendell

Staff Present:

Jeff Sanders, Watershed Coordinator

Guests Present:

None

1) Call to Order and Introductions

The Chair called the meeting to order at 6:10 p.m. Only 9 members present until 6:30, when Dave Hanson showed up, then ten (10) members were in attendance - and a quorum was present.

2) Acceptance of December 2010 Minutes and Fiscal Report

Moved and seconded that the December 2010 meeting minutes be accepted and filed, carried.

3) GYWC Proposed Bylaws

Annette started a discussion of the proposed GYWC bylaws that Bernadette had sent to the Council earlier in the week. All agreed that a vote on the bylaws could not occur since there a still gaps and changes that need to be made. The main issue discussed was whether the GYWC would be considered a “membership” or a “non-membership” organization. Bruce raised the issue on whether we would want to include membership attendance requirements. A suggestion was made to remove the word “revoke” and replace this with “re-designate” with regards to membership status changes. Another suggestion was to allow agency representatives to assign alternate representatives.

Language regarding expulsion of a board member needs to be looked at closely.

All agreed that the steering committee meeting would be a better forum to discuss the details. Brandy and Leonard would not be able to attend so will submit their comments via e-mail.

4) GYWC Officer Nominations

Annette nominated as Council Chair
Brandy nominated as Vice Chair
JL nominated as Secretary/Treasurer

Nominations accepted and adopted as listed.

5) Discussion of Fiscal Manager

Annette passed around information on Anne White CPA and the proposal to use her company as the fiscal agent and accountant for GYWC fund tracking. There was some concern that we are only considering one person/company to do this. Brandy indicated that she knew somebody and would be sending this information to Bernadette. We will vote on this next month.

6) Project Updates & Future Grant Opportunities

Jeff updated the Council on various projects. This led to a discussion about future grant opportunities. Steve Wegner lead a discussion regarding the replacement of culvert 4166 located along Gooseneck Creek. Steve indicated that Resource Advisory Committee (RAC) funds are available and that we should really consider applying. Due in April (?). Steve also discussed the RAC program.

Bruce discussed the possibility of a restoration project along Rock Creek (NW of Sheridan) on property owned by the Delphian School. Bruce, Jeff and Dave will be meeting with the school to look at the project site and discuss funding opportunities. The project is too large for an OWEB small grant so it might need to be completed in two phases - if using small grants.

Brandy indicated that the OWEB small grant team would be meeting at the Polk SWCD to evaluate recent small grant applications - including the two Beaver Creek applications submitted by the GYWC. Jeff will be attending in case the team has any questions on the applications.

8) Other Business/Public Comment

Terry Anthony would like to meet at 5:00 before the next council meeting to continue discussions related to the SWRP program. There will probably be a need to meet a couple more times before June 2011, when the planning and outreach should be completed. Tasks include teacher recruitment, sampling strategy & equipment needs, funding and oversight. Terry has agreed to oversee and facilitate the project.

9) Announcements & Upcoming Events

None

10)Adjourn: Annette adjourned the meeting at 7:30 p.m.



**GREATER YAMHILL WATERSHED COUNCIL
MEETING MINUTES**

February 10, 2010 6:00 p.m. - 8:00 p.m.
McMinnville Water Reclamation Facility Conference Room

Members Present:

Annette Frank, Chair
Brandy Humphreys, Vice-Chair
Terry Anthony
Eric Berry
Mike Green
Erik Grimstad
Dave Hanson
Marci Humlie
Sonja Johnson
J.L. Liddane
Steve Liddane
Travis Orback
Leonard Rydell
Steve Wegner
Steve Wendell

Staff Present:

Bernadette Hansen, Council Administrator
Jeff Sanders, Watershed Coordinator

1) Call to Order and Introductions

The Chair called the meeting to order at 6:09 p.m.. 14 members in attendance - a quorum is present.

2) Acceptance of January 2011 Minutes & Fiscal Report

Moved and seconded that the January 2011 meeting minutes be accepted and filed, with the changes as presented by Brandy Humphreys; carried.

Moved and seconded that the January 2011 fiscal report be accepted and filed; carried.

3) Approval of New Bylaws

Bernadette began with the structure of the GYWC bylaws. The Steering Committee met on February 16th to review and discuss the organizational structure of the bylaws. The GYWC has filed with the state as a non-profit, "non-membership" organization. As a "non-membership" organization there will be a board of directors who will have the authority to make decisions on behalf of the GYWC. The draft GYWC bylaws were reviewed by the Council.

Moved and seconded that the bylaws be accepted, as amended; approved unanimously.

4) Fiscal Administration – QuickBooks Set Up

Council reviewed three proposals for QuickBooks set up and training. After some discussion, the Council decided to go with Anne White, CPA.

Moved and seconded that Anne White, CPA, be hired for QuickBooks set up and training; approved unanimously.

5) Grant Proposals

- OWEB Technical Assistance Grant: Jeff will send a draft proposal and concept to the Council for review and comment.
- OWEB Small Grant - Delphian School: Update by Jeff and Bruce who are working with the Delphian school on an OWEB small grant proposal for a restoration project located on the school's Rock Creek property. This may be integrated into the school curriculum. To be submitted in March.
- OWEB Small Grant – City of Dundee: Update regarding the City of Dundee 's Harvey Creek Park to remove a fish barrier culvert and replace with a foot bridge. To be submitted in March.
- BLM RAC (Resource Advisory Committee): Steve Wegner suggested applying for the upcoming RAC grant and working with Polk County to replace a fish barrier culvert on Gooseneck Creek.
- Yamhill County RFP (Fender's Blue Butterfly): It was decided the Council will not be involved.
- Bypass Project – ODOT Mitigation Projects: Annette suggested the GYWC position itself to become part of the required mitigation projects and to attend some of their meetings. Jeff received a telephone call from their consultant a couple months ago, asking the GYWC to become involved.

6) Deer Creek Park Restoration Project Update

The project has been completed except for seed planting. Jeff has been in touch with OWEB concerning this. OWEB will not pay for the Institute for Applied Ecology (IAE) seed that has not been delivered or planted as required by the project. IAE will refund the \$8,500 that they previously invoiced us for.

7) Yamhill Partners for Land and Water

The Council discussed the role of the Council with the Yamhill Partners for Land & Water. The Council agreed that they would like to have the GYWC actively partner with the Yamhill Partners for Land & Water. To that end, the Council consented to signing a Declaration of Cooperation (see attached) to formally show their support.

8) Other Business/Public Comment

Website & e-newsletter design/development discussion was tabled and will be brought up at next Steering Committee meeting (Wednesday, February 16). Anybody interested in participating should plan on coming to this meeting.

Annette asked the Council to think about what goals we wanted to accomplish in the next six month period. Please bring ideas to the April meeting to be discussed and move forward with.

9) Announcements & Upcoming Events

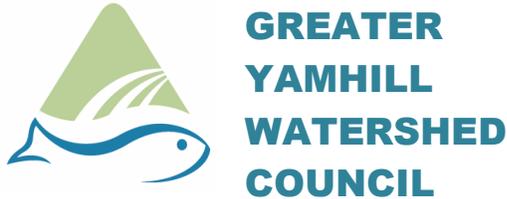
Steering Committee Meeting: February 16, 9:00 a.m. – Yamhill SWCD

SWRP Meeting: March 10, 5:00 p.m. – Chehalem Cultural Center

GYWC Business Meeting: March 10, 6:00 p.m. – Chehalem Cultural

GYWC Presentation (“**Love Your River**”): March 10, 7:00 – Chehalem Cultural Center

10)Adjourn: Annette adjourned the meeting at 8:13 p.m.



GYWC Steering Committee Meeting Minutes

February 16, 2011

9:00 – 11:00 a.m.

***Yamhill SWCD Conference Room
2200 SW 2nd Street, McMinnville, OR***

Attendees:

Annette Frank, Chair
Sonja Johnson
J.L. Liddane
Dave Riedman
Bernadette Hansen, Staff
Jeff Sanders, Staff

Meeting started at 9:00 a.m.

Discussion items:

GYWC Website Design & Development

Council members in attendance reviewed the three proposals for GYWC’s website design & development. After much discussion regarding the merits of each proposal, with an emphasis on cost and timeline of deliverables, the members decided to go with Claritas Consortium (Tim Liszt & Manda Beckett). The deciding factor was the proprietary nature of the website and content. That is, Claritas Consortium was the only proposal that would give “ownership” of the completed website and all content to the Council, thereby allowing staff to update/amend content at independent of the website designer.

It was moved and seconded that Claritas Consortium be hired for GYWC’s website design & development; approved unanimously. Bernadette indicated that she would start work on drafting a professional services contract immediately.

There was additional discussion by the group regarding fundraising for similar “non-restoration” type projects in the future (e.g., Council “swag”). It was decided that further discussions were needed and possibly even creation of a subcommittee dedicated to fundraising should be looked at. Will follow up at a later date, possibly after the transition to nonprofit is completed.

Meeting adjourned at 11:00 a.m..



**GREATER YAMHILL WATERSHED COUNCIL
MEETING MINUTES**

March 10, 2011 6:00 - 8:00 p.m.
Chehalem Cultural Center
415 E. Sheridan Street, Newberg

Members Present:

Annette Frank, Chair
Terry Anthony
Eric Berry
Erik Grimstad
Marci Humlie
Sonja Johnson
J.L. Liddane, Secretary
Steve Liddane
Travis Orback
Mike Paine
David Riedman
Steve Wegner

Staff Present:

Bernadette Hansen, Council Administrator
Jeff Sanders, Watershed Coordinator
Corissa Holmes, Water Quality Assistant

1) Call to Order and Introductions

The Chair called the meeting to order at 6:01 p.m. Twelve (12) members in attendance - a quorum is present. Introductions of everyone in attendance were made.

2) Acceptance of February 2011 Minutes & Fiscal Report

Moved and seconded that the February 2011 meeting minutes be accepted and filed; carried.

Bernadette discussed the fiscal policy manual she is compiling. She also suggested that as we become a nonprofit organization, the Board of Directors will need to be more active in how we manage and administer funds.

Council members need to remember to sign their monthly tracking sheets. These are needed as match for council support grant.

3) Website Design & Development Update

Bernadette explained the decision-making process used to hire Claritas Design Consortium as the contracted website developer.

There was additional discussion regarding what kind of content should be put on the new website.

4) House Joint Resolution 29

Bernadette updated the Council on what is happening with Ballot Measure 76 (BM 76) and House Joint Resolution 29 (HJR 29). HJR 29 would significantly alter BM 76, a measure that passed in November 2010 by a majority of voters in every county in Oregon.

HJR 29, which was/is designed to refer BM 76 back to the voters, appears to be derailed for the time being and is extremely unlikely to get onto a May 2011 ballot. It was heard by the House Energy, Environment and Water Committee on February 22, 2011 and the result of that hearing was no action taken. For now, it appears that HJR 29 is on hold.

5) Other Business/Public Comment

Bernadette introduced Mike Paine, who sits on the board of the Yamhill Soil and Water Conservation District. Mike addressed questions concerning the role that the YSWCD will play with the GYWC as we become a nonprofit organization. He indicated that they will be a continued partner and resource to draw from.

6) Announcements & Upcoming Events

Steering Committee meeting is cancelled for March 2011.

GYWC Monthly Meeting: April 14, 6:00 p.m. – McMinnville Water Reclamation Facility

7) Adjourn: Annette adjourned the meeting at 6:37 p.m. to prepare for the “Love Your River” presentation.



**GREATER YAMHILL WATERSHED COUNCIL
MEETING MINUTES**

April 14, 2011 6:00 p.m. - 8:00 p.m.

McMinnville Water Reclamation Facility Conference Room

Members Present:

Annette Frank, Chair
JL Liddane
Eric Grimstad
Brandy Humphreys
Mike Paine
Leonard Rydell
Dave Hanson
Marci Humlie
Dave Riedman
Bruce Sigloh
Travis Orback

Staff Present:

Bernadette Hansen, Council Administrator
Jeff Sanders, Watershed Coordinator

1) Call to Order and Introductions

The Chair called the meeting to order at 6:05 p.m..

2) Acceptance of March 2011 Minutes & Fiscal Report

Moved and seconded that the March 2011 meeting minutes be accepted and filed; carried.

Moved and seconded that the March fiscal report be accepted with the following change: correct the Grant Completion dates for DEQ Pesticide Stewardship and CTGR/BLM Culverts. In addition, the Council would like to have fiscal reports that are more “meaningful” and lays out the information in a more understandable format.

3) Appointment of GYWC Board of Directors

- | | |
|------------------|---------------------|
| 1) Erik Grimstad | 7) Leonard Rydell |
| 2) Bruce Sigloh | 8) Brandy Humphreys |
| 3) Dave Hanson | 9) Annette Frank |
| 4) Travis Orbeck | 10) JL Liddane |
| 5) Dave Riedman | 11) Marcie Humlie |
| 6) Sonja Johnson | |

Leonard Rydell moved for a formal appointment and Dave Hanson seconded; unanimously approved.

Bernadette is looking into future board training for the new Board of Directors.

4) Finance Committee

We need to convene a finance committee to oversee the budget and manage monies coming in and going out, as well as working to secure a strong infrastructure. Ann White, CPA, is working with us to make sure everything is correctly in place and that we are able to keep the IRS happy.

The finance committee will consist of the following people (working with Bernadette): Annette Frank, JL Liddane and Marcie Humlie.

It would be wonderful to have a few other Board members on the committee – possibly Sonja Johnson.

Bernadette made an open invitation to anyone interested in attending Executive Committee meetings, which are held Wednesday mornings following the Thursday Board Meetings.

The Council decided that GYWC will open a bank account with First Federal. They are very involved with the community and other nonprofit organizations. They have a volunteer tracking program which gives \$1.00 per volunteer hour – will look into it.

Leonard Rydell motioned to open an account with First Federal and Bruce Sigloh seconded; approved unanimously.

5) McMinnville Community Media

Bernadette and JL Liddane explained that McMinnville Community Media (MCM) is a local nonprofit organization that manages public, educational and governmental television access in the City of McMinnville. MCM offers training and equipment to help McMinnville residents create their own television programs. Bernadette and JL Liddane have started taking classes. There are four slots available for those who would like to sign up and learn to use the media equipment and learn to edit and produce programming that can be used for the benefit of GYWC. We would like to ultimately produce a 3-5 minute video about the Council to broadcast on the local channel and on our website. In addition, we would like to create more videos about our projects and members, as well as film presentations.

6) Project & Grant Application Updates

Gooseneck: Officially completed with request for final fund reimbursement from OWEB.

NFWF: Awaiting final decision.

OWEB Technical Assistance: Submitted today (4/14/11).

OWEB Water Quality: Final report extension was granted – extended to 6/30/11.

DEQ Pesticide Monitoring: Water sampling underway – lots of volunteers.

Sheridan SEP: Completed – final report submitted & request for funds (350 trees planted).

OWEB Small Grant: City of Dundee culvert removal & foot bridge was approved.

OWEB Small Grant: Delphian School project was not approved.

CTGR/BLM Culvert Survey: Work is continuing.

7) Other Business/Public Comment

Leonard would like us to have more speakers and workshops like those in Newberg. (i.e., rain gardens, etc.). He asked if we would consider using “Green Girl – Land Development Solutions” for future presentations and workshops. Staff indicated interest, but not if we had to pay for those services.

Bernadette and JL Liddane are working with OSU Master Gardeners to bring in Mike Gamroth, OSU Professor to present a program on caring for rural wells and septic systems for our next meeting.

Annette gave an update on the Dayton sewage spill.

8) Announcements & Upcoming Events

GYWC Business Meeting: May 12, 6:00 p.m. @ McMinnville Reclamation Facility
GYWC Presentation “**Rural Wells & Septic Systems**”: May 12, 7:00-8:30 p.m. @ McMinnville Reclamation Facility

9) Adjourned meeting at 8:00 p.m..



**GREATER YAMHILL WATERSHED COUNCIL
MEETING MINUTES**

May 12, 2011, 6:00 p.m. – 6:45 p.m.
McMinnville Water Reclamation Facility Conference Room

Members Present:

Brandy Humphreys, Vice Chair
Sonja Johnson
JL Liddane, Secretary
Eric Grimstad
Steve Wegner
Marci Humlie
Dave Riedman
Travis Orback

Staff Present:

Bernadette Hansen, Council Administrator
Jeff Sanders, Watershed Coordinator

Associate Member:

Ginger Lofftus

1) Call to Order and Introductions

Brandy Humphreys, Vice Chair, called the meeting to order at 6:03 p.m. . Eight (8) directors in attendance - a quorum is present.

2) Acceptance of April 2011 Minutes

Moved by Dave Riedman and seconded by Erik Grimstad that the April 2011 meeting minutes be accepted and filed; carried.

There was no fiscal report this month because Bernadette is becoming familiar with the new fiscal format.

3) GYWC Transition and Grant Application Development

As of May 1, 2011, the GYWC is officially separated from the Yamhill SWCD. This means that all fiscal and personnel administration will be managed by the Council and staff. Bernadette is working with Anne White to continue the process of getting paperwork and bookkeeping into order. A bank account has been opened at First Federal.

OWEB has completed review of Council Support grant applications. Merit category placements and draft funding recommendations have also been made. As anticipated, the Council's merit ranking dropped from "Very Good" to "Good" and thereby resulted in approximately \$15,000 less funding in FY 2011-13 than in FY 2009-11.

OWEB's evaluation summary noted that the GYWC lacked a strategic plan and a work plan. The reviewers will be looking for work plans that identify and prioritize projects based on limiting factors listed in our current Action Plan, especially in any future projects. We need input from Council members concerning ideas for projects.

A reminder: The budget only accommodates one full-time salary, which Jeff and Bernadette currently share. We need more funding to adequately compensate them and/or allow both of them to become full-time employees.

4) Future GYWC Presentations and Partnerships

OSU Master Gardeners is happy to be working with us in an effort to educate our community and get more people involved with conservation. The OSU office has a wealth of materials and information at their fingertips. By co-sponsoring various presentations with them our community will benefit from all the knowledge both the OSU Master Gardeners and the GYWC have to share.

In April 2012, GYWC and Master Gardeners will co-sponsor a presentation for the McMinnville City Club. GYWC will discuss what a watershed is, their importance, why we need to protect them, and how they affect our aquifers. After GYWC's presentation, the Master Gardeners will present information on various water conservation practices we can use in our own yards.

If anyone has any ideas for future events or presentations please let Bernadette or J.L. Liddane know. It is important that we start early with all events and presentation planning so we can have adequate advertising time to attract the greatest number of attendees.

Jeff suggested we show films like the SWCD does, but not at Third Street Pizza.

5) Other Business/Public Comment

Dave Riedman would like the Council to write a letter to Yamhill County concerning pesticide spraying. He also has a friend on Muddy Creek and Hwy 18 - perhaps we can get a grant to clean up that area and then post a sign to advertise that GYWC did it.

It was suggested we have a yard sale, raffles or Bingo for fundraising – something fun. There was discussion about doing a Trail Run (“Run for the Watershed”) at Miller Woods – Jeff to follow up with Yamhill SWCD. Travis Orback suggested partnering with the Yamhill County “Slow Food” group.

Please bring ideas to the next meeting and/or talk to Jeff or Bernadette.

8) Announcements & Upcoming Events

GYWC Mtg: July 7, 6:00 p.m. @ Reclamation Facility

9) Adjourned meeting at 6:48 p.m. in order to prepare for “Rural Water Systems” presentation by Mike Gamroth, OSU Professor Emeritus.

READ AND APPROVED by the Board of Directors on June 9, 2011

Secretary



**GREATER YAMHILL WATERSHED COUNCIL
MEETING MINUTES**

June 9, 2011, 6:00 p.m. – 8:20 p.m

McMinnville Water Reclamation Facility Conference Room

Members Present:

Annette Frank, Chair
Brandy Humphreys, Vice Chair
JL Liddane, Secretary
Erik Grimstad
Dave Hanson
Travis Orback
Dave Riedman
Leonard Rydell
Bruce Sigloh
Dave Riedman

Staff Present:

Bernadette Hansen, Council Administrator
Jeff Sanders, Watershed Coordinator

Visitor:

Lynn Omey, WSC Insurance

1) Call to Order and Introductions

The Chair called the meeting to order at 6:09 p.m..

2) Acceptance of May 2011 Minutes

Moved by Eric Grimstad and seconded by Bruce Sigloh that the May 2011 meeting minutes be accepted and filed; carried.

3) GYWC Transition –Budget Update

Bernadette reviewed the new “GYWC Projects - Fiscal Report” format and went over the current budget numbers and fiscal administration changes (see attached handouts).

4) Risk Management

Bernadette introduced Lynn Omey of WSC Insurance. Lynn gave a presentation (see attached handout) explaining what is and what is not covered by OWEB’s self insurance, risk management for watershed councils and the importance of Directors & Officers insurance.

Motion: Moved by Leonard Rydell that the Board approve the purchase of Directors & Officers Insurance; seconded by Brandy Humphreys. Motion carried.

5) Other Business/Public Comment

Leonard Rydell would like to see the Council follow through with a letter to Yamhill County concerning Dave Riedman’s comment from the last meeting. Dave suggested that the Council write a letter to Yamhill County concerning pesticide

spraying along roadsides. It was suggested that Leonard and/or Dave draft a letter for review by the Board at the next meeting. Leonard offered to take the lead and compose a letter/plan to stop the spraying of roadsides and instead put in grassy bioswales.

Dave Riedman has a friend who lives on Muddy Creek/Hwy 18 and suggested that we work with him to get a grant to clean up that area and then post a sign to advertise that GYWC did it.

Dave Riedman would like to have a calendar of upcoming activities so council members can participate. Bernadette will work on producing an activities calendar.

Jeff will prepare information about possible grants GYWC can apply for with the help of Council members.

Please bring ideas to the next meeting and/or talk to Jeff or Bernadette.

8) Announcements & Upcoming Events

OWEB Fun Fridays: June 10, 10:00 a.m. @ GYWC Office

GYWC Business Meeting: July 14, 6:00 p.m. @ McMinnville Reclamation Facility

9) Adjourned meeting at 8:20 p.m..

READ AND APPROVED by the Board of Directors on July 14, 2011.

Secretary



**GREATER YAMHILL WATERSHED COUNCIL
MEETING MINUTES**

July 14, 2011, 6:00 p.m. – 8:00 p.m.
McMinnville Water Reclamation Facility Conference Room

Members Present:

Annette Frank, Chair
Brandy Humphreys, Vice Chair
JL Liddane, Secretary
Erik Grimstad
Marci Humlie
Sonja Johnson
Leonard Rydell
Bruce Sigloh

Staff Present:

Bernadette Hansen, Executive Director

1) Call to Order

The Chair called the meeting to order at 6:00 p.m..

2) Acceptance of June 2011 Minutes

Motion: Moved by Eric Grimstad that the June 2011 meeting minutes be accepted and filed; seconded by Annette Frank. Motion carried.

3) GYWC Staff: Position Descriptions & Wage/Benefits (2011-13)

Motion: Moved by Brandy Humphreys that the review of position descriptions be tabled; seconded by Annette Frank. Motion carried.

Brandy Humphreys led discussion of wage/benefit package being offered to GYWC staff (see attached handout).

Motion: Moved by Leonard Rydell that the wage/benefit package be approved; seconded by Sonja Johnson. Motion carried.

4) GYWC Funding Opportunities

Bernadette Hansen led a discussion on potential GYWC projects (see attached handout). The Council decided to convene a Projects Committee, which will prioritize project acquisition and oversee the grant application process. Erik Grimstad volunteered to chair the committee. Will follow up with Dave Hanson, Dave Riedman and Steve Wegner to participate in the committee.

5) Other Business/Public Comment

Annette Frank thanked Bruce Sigloh, Dave Hanson and Steve Wegner for participating in the OWEB Fun Friday tour of projects. The tour was a success and lots of fun. Members of the OWEB grant review team were able to see “on the

ground” execution of previously funded projects and to interact with Council members.

8) Announcements & Upcoming Events

- OWEB Projects & Grants Mtg (Wendy Hudson): July 20, 2:00 p.m. at YSWCD Conference Room
- GYWC Business Meeting: August 11 – **Cancelled**

9) Adjourned meeting at 8:00 p.m..

READ AND APPROVED by the Board of Directors on September 9, 2011.

Secretary



**GREATER YAMHILL WATERSHED COUNCIL
MEETING MINUTES**

September 8, 2011, 6:00 p.m. – 8:00 p.m.
McMinnville Water Reclamation Facility Conference Room

Members Present:

Annette Frank, Chair
Brandy Humphreys, Vice Chair
Erik Grimstad
Marci Humlie
Sonja Johnson
Dave Riedman
Leonard Rydell
Travis Orback

Staff Present:

Bernadette Hansen, Executive Director

1) Call to Order

The Chair called the meeting to order at 6:00 p.m..

2) Acceptance of July 2011 Minutes

Motion: Moved by Sonja Johnson that the June 2011 meeting minutes be accepted and filed; seconded by Erik Grimstad. Motion carried.

3) GYWC Staff Update

Annette Frank updated the group about Jeff Sander's (Watershed Coordinator) resignation on July 15, 2011. Due to Jeff's sudden resignation and lack of transition, the Executive Committee and existing staff (Bernadette Hansen) have had to work quickly to reallocate and prioritize Council projects and other works. Bernadette Hansen will be attending an OWEB sponsored work plan training and hopes to have an official work plan for the Council by November/December 2011.

4) OWEB Technical Assistance Grant Application

Erik Grimstad made a presentation to the group about the OWEB Technical Assistance grant being applied for to produce an updated, comprehensive action plan (strategic plan). The new action plan will outline a 10 year, phased restoration roadmap for the Yamhill Basin.

This process will synthesize information from a fish passage barrier inventory, the Oregon Conservation Strategy, aquatic habitat inventories, and other recent information sources to provide an evaluation of restoration opportunities and action priorities.

The completed action plan will contain the following elements:

- A prioritized list of watersheds, river reaches, and streams for the most effective approach to improving watershed health
- Descriptions of detailed restoration projects with information on location, phasing, and planning-level budget estimates
- The formation of partnerships among a diverse group of landowners, agencies, and organizations; and
- A summary of additional watershed information needs with an outline of landowner education and outreach priorities.

In addition, there was discussion about possibly applying for an OWEB Monitoring Grant. This would involve employing a rapid bio-assessment process (limiting factors analysis) to create a prioritized list of prescriptions for an area (i.e., what are the physical limitations within a priority sub-basin that can be restored).

5) Other Business/Public Comment

Brandy Humphreys gave an update on the OWEB Small Grants Team. The team met on August 30th to update bylaws, procedures and evaluation forms. They will probably have \$100,000 available for the biennium. Will present to the OWEB Board for approval. The next round for small grant applications is December 16 - 30.

8) Announcements & Upcoming Events

- GYWC Monthly Meeting: October 13, 6:00 p.m. @ McMinnville Reclamation Facility
- GYWC Presentation – Kevin Masterson, DEQ “Pesticide Monitoring Update”: October 13, 7:00 p.m. @ McMinnville Reclamation Facility
- “Rain Garden Workshop”: October 15, 9:00 a.m.-4:30 p.m. @ Public Works Auditorium, McMinnville

9) Adjourned meeting at 7:20 p.m..

READ AND APPROVED by the Board of Directors on October 13, 2011.

GYWC Secretary



**GREATER YAMHILL WATERSHED COUNCIL
MEETING MINUTES**

October 13, 2011, 6:00 p.m. – 8:30 p.m.
McMinnville Water Reclamation Facility Conference Room

Members Present:

Annette Frank, Chair
Brandy Humphreys, Vice Chair
Marci Humlie
JL Liddane
Leonard Rydell
Travis Orback
Mark Vroman
Steve Wegner

Staff Present:

Bernadette Hansen, Executive Director

Visitors:

Amanda Melhoff, Willamina
Robin Cone-Murakami, Linfield
Kevin Masterson, DEQ
Kevin Fenn, ODA

1) Call to Order

The Chair called the meeting to order at 6:08 p.m..

2) Acceptance of September 2011 Minutes

Moved and seconded that the September 2011 meeting minutes be accepted and filed; carried.

3) OWEB Technical Assistance Grant Application

The Board reviewed the OWEB Technical Assistance grant, to be submitted October 17th, which will produce an updated, comprehensive action plan (strategic plan). Brandy noted a discrepancy in the mileage amount. The Board approved the grant application as amended.

4) Other Business/Public Comment

Bernadette gave an update on the Harvey Creek restoration project and solicited for volunteers to construct a pedestrian/bicycle bridge at Harvey Creek Park in Dundee on October 15, 2011.

Bernadette informed the Board about an opportunity for the Council to be featured on “Living Culture”, a website/weblog dedicated to agriculture and the environment in the Willamette Valley. “Living Culture” would like to showcase the Council and feature one or two restoration projects with landowner and/or Board member interviews. They would like to have the video featured in early 2012. The Council indicated they would like to participate and suggested featuring restoration projects on Gooseneck Creek or Dave Riedman’s property. Bernadette will follow up.

Dave Riedman would like to host classes in 2012 on the proper use of agricultural chemicals – “Chemicals for Dummies.” It was suggested that we could work with

either Wilco and/or DEQ to host the classes and possibly even offer certification. Dave will work with staff.

5) DEQ Pesticide Monitoring Presentation

See attached for presentation materials.

6) Announcements & Upcoming Events

- GYWC Monthly Meeting: December 8, 6:00 p.m. @ McMinnville Reclamation Facility

7) Adjourned meeting at 8:30 p.m..

READ AND APPROVED by the Board of Directors on December 8, 2011.

GYWC Secretary



**GREATER YAMHILL WATERSHED COUNCIL
MEETING MINUTES**

December 8, 2011, 6:00 p.m. – 8:00 p.m.
McMinnville Water Reclamation Facility Conference Room

Members Present:

Annette Frank, Chair
Brandy Humphreys, Vice Chair
Erik Grimstad
Marci Humlie
Sonja Johnson
Leonard Rydell
Dave Riedman

Staff Present:

Bernadette Hansen, Executive Director
Ginger Lofftus

1) Call to Order

The Chair called the meeting to order at 6:02 p.m..

2) Acceptance of October 2011 Minutes

Moved and seconded that the October 2011 meeting minutes be accepted and filed; carried.

3) New Office Space Acquisition

Annette Frank led a discussion about the need for new office space for the GYWC. In mid-November 2011, Yamhill County Action Partnership (YCAP) announced they would be vacating the YCAP building and that the GYWC would be responsible for rent and utilities after December 31, 2011, which had been previously donated by Yamhill County. Research indicated that utilities for the YCAP building could potentially cost from \$800.00 to \$1500.00 per month, which prompted the immediate search for a new office.

The Board discussed possible leads in McMinnville and Newberg to be followed up on. Annette Frank also reiterated the need for more Board involvement in the search and future move.

4) GYWC Annual Meeting

Bernadette Hansen led the discussion regarding the GYWC's Annual Meeting in January 2012. As part of being a 501(c)(3) nonprofit organization, it is required that the Council hold an annual meeting to elect a Board of Directors and an Executive Committee. It was decided that the Annual Meeting would be a less formal affair (no business meeting other than the Board nominations and elections) and would include a potluck and member presentation. In addition, the group committed to try and bring at least one additional guest to the meeting to increase membership and bring in 'new blood'. Staff to follow up with draft invitation and press release for the Annual Meeting.

5) OWEB/GYWC Workplan

As part of the 2011-13 OWEB Council Support grant, all councils ranked “good” or below are required to submit a work plan to OWEB. GYWC was rank as “good” and thereby is required to create and submit a work plan to OWEB by January 3, 2012. Staff handed out a draft work plan for the Board to review, discuss, amend (as needed), finalize and adopt (i.e. vote on). Staff will finalize the work plan, submit to OWEB and send to the Board.

6) IT Conversion Update

Ginger Lofftus gave a presentation about the current and future IT needs of the Council with a breakdown of costs (see attached handout). The Council discussed various elements of the IT conversion plan, including cost of hardware and installation services.

Motion: Moved by Brandy Humphries that the IT conversion plan be approved; seconded by Leonard Rydell. Sonja Johnson abstained from the vote. Motion carried.

7) Other Business/Public Comment

Bernadette Hansen informed the Board that letters requesting donations were sent to the local municipalities. Last year the letters of request generated over \$9,000.

Leonard Rydell shared an article in the News Register about the topographical mapping of the Yamhill Valley by Karl Klooster. He suggests that we invite Mr. Klooster to become a member of the Council or at the very least have him write an article about the Council. Leonard and staff to follow up.

Dave Riedman updated the Board regarding his idea for the GYWC to host a “Chemical for Dummies” class, which would teach the proper use of agricultural chemicals and possibly even offer certification. He has started discussions with Wilco to participate in the event. It was suggested that he also communicate with Chemeketa Community College, OSU Extension Service, DEQ, and the local viticulture community. He would like to have the class offered in fall 2012.

Erik Grimstad said that he would like to see the Council involved in more local clean-up events. That is small, discreet clean-ups such as on Cozine Creek or behind the McMinnville Senior Center – possibly in April or May 2012. It was suggested that we could work with SOLV on these types of projects. Erik indicated that he would be willing to take the lead on this effort. Erik will follow up with staff.

8) Announcements & Upcoming Events

- GYWC Monthly Meeting: January 12, 6:00 p.m. @ McMinnville Reclamation Facility
- GYWC Executive Committee Meeting: January 25, 9:00 a.m. @ GYWC Office

9) Adjourned meeting at 8:15 p.m..

READ AND APPROVED by the Board of Directors on January 12, 2012.

GYWC Secretary

From: [GYWC Administrator](#)
Subject: GYWC Steering Committee Meeting - Wednesday, January 19
Date: Tuesday, January 18, 2011 11:08:36 AM

Dear Council Members,

Just a reminder that there is a GYWC Steering Committee meeting tomorrow – logistics as follows:

GYWC Steering Committee Meeting
Wednesday, January 19th
9:00 a.m. – 11:00 a.m.
Yamhill SWCD Conference Room
2200 SW 2nd Street, McMinnville

We will be working on better defining the organizational structure of the nonprofit corporation and will continue developing a set of bylaws. As you know, Oregon nonprofit corporations are required to have bylaws, which lay out the roles of board members and procedures governing our organization. These bylaws will need to be filed with the Form 1023 requesting tax exempt status. We will be referencing the draft bylaws handed out and discussed at the last Council meeting.

Thank you for your time, energy and assistance in this effort! See you tomorrow!



Bernadette Hansen
Council Administrator
Greater Yamhill Watershed Council
800 NE 2nd Street
P.O. Box 1517
McMinnville, OR 97128
Phone: 503.474.1047
gywc_administrator@co.yamhill.or.us

From: [GYWC Administrator](#)
Subject: GYWC Steering Committee Meeting - 2/16/2011
Date: Monday, February 14, 2011 4:37:59 PM
Attachments: [MACA Proposal.pdf](#)
[Yamhill Jim Proposal.pdf](#)
[Claritas Design Consortium Proposal.pdf](#)

Dear Council Members,

Just a reminder that there is a GYWC Steering Committee meeting on Wednesday, February 16th. Logistics as follows:

GYWC Steering Committee Meeting
Wednesday, February 16th
9:00 a.m. – 11:00 a.m.
Yamhill SWCD Conference Room
2200 SW 2nd Street, McMinnville

We will be reviewing three website design proposals (attached) and choosing one to work with. If you are unable to attend the meeting but wish to comment or “vote”, please get back to me by 5:00 p.m. tomorrow and I’ll make sure it is noted in the meeting. Also, if you have any questions, please don’t hesitate to either e-mail or call me. Thank you!



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From: [GYWC Administrator](#)
To: [GYWC Chair](#); [Sonja Johnson](#); [Marci E. Humlie](#)
Cc: [GYWC Coordinator](#); [Brandy Humphreys](#)
Subject: GYWC - Budget Meeting
Date: Thursday, April 28, 2011 4:56:53 PM

Hello All,

First, thanks so much for stepping up and being part of the GYWC Budget Committee! Although we have a lot to accomplish in the next couple of months, I am totally confident that all our hard work will ultimately put the Council in good financial stead. I will make sure that we keep our meetings to a minimum and that the process is organized and efficient – I will try my best not to waste your valuable time!

That said, our first budget meeting is scheduled for Tuesday, May 3rd at 10:00 a.m.. We will meet at the Yamhill SWCD conference room. I will have budget information and other materials for you at the meeting. Please don't hesitate to call me if you have questions. See you there!



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From: [GYWC Administrator](#)
To: [Brandy Humphreys](#); [GYWC Chair](#); [Marcie E. Humlie](#); [Sonja Johnson](#)
Subject: GYWC Staff Wage/Benefits Meeting - 7/13/11 @ 10:00 a.m.
Date: Tuesday, July 12, 2011 5:25:03 PM
Attachments: [Council Support Employee Package \(1\).xlsx](#)
[Council Support Employee Package \(2\).xlsx](#)

Hello All,

I am writing to confirm a GYWC staff wage/benefits meeting to be held via conference call for tomorrow, July 13th at 10:00 a.m.. Brandy will initiate the conference from her office. At this meeting, you will be discussing and finalizing (hopefully) the GYWC staff wage/benefits package that will subsequently be put before the Board for a vote. I am attaching two wage/benefit scenarios for reference during the conference call. In addition, following is some base information needed to guide the discussion:

OWEB Council Support for Fiscal Year 2011-13

- 1 - **\$70,750.00** (initial amount to be granted in July 2011)
- 2 - **\$83,850.00** (full amount to be granted in September 2011)

GYWC Operating Expenses (per year) to come out of Council Support

Risk Management: \$1,330.00
Office Operations: \$1,500.00
Fiscal Admin (5%): 1 - \$1,770.00 2 - \$2,096.25

Please note that there are a lot of assumptions made with each scenario and in the budgeting process as a whole. Rather than listing them here, maybe they can be addressed as part of the discussion. In addition, I noticed that mileage wasn't taken into account in either scenario. Typically, travel to and from meetings (e.g., OWEB in Salem, City Council mtgs, etc.) are paid for by Council Support monies.

Anyhow, this should give you enough information to start with. If you have any questions or need clarification of any issues/data, please don't hesitate to contact me. I will be in the office and at my desk during your meeting. Here's to a productive meeting!

p.s. Brandy – Not sure if Sonja will be available for the conference call. I left a voicemail & email message for her with a request to follow up with either you or me by 9:45 a.m. tomorrow morning. If you don't hear back from her (or me), it means she was not in the office or available. Marcie, however, is available and will be participating in the conference call. Following are phone numbers for Marcie (503) 435-3118 & Sonja (503) 537-1282.

 **Bernadette Hansen**
Greater Yamhill Watershed Council
800 NE 2nd Street
P.O. Box 1517

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Anyhow, this should give you enough information to start with. If you have any questions or need clarification of any issues/data, please don't hesitate to contact me. I will be in the office and at my desk during your meeting. Here's to a productive meeting!

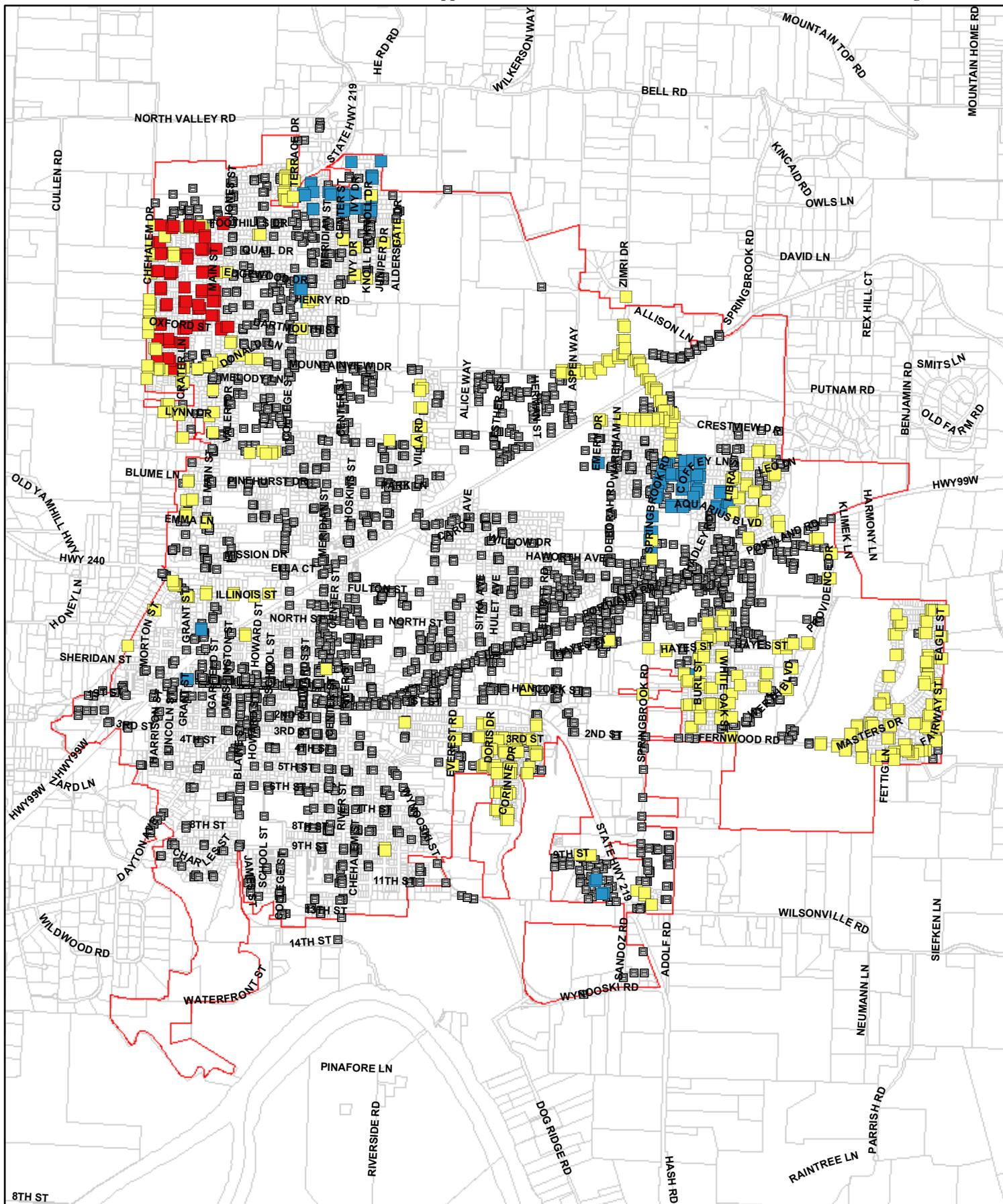
p.s. Brandy – Not sure if Sonja will be available for the conference call. I left a voicemail & email message for her with a request to follow up with either you or me by 9:45 a.m. tomorrow morning. If you don't hear back from her (or me), it means she was not in the office or available. Marcie, however, is available and will be participating in the conference call. Following are phone numbers for Marcie (503) 435-3118 & Sonja (503) 537-1282.

 **Bernadette Hansen**
Greater Yamhill Watershed Council
800 NE 2nd Street
P.O. Box 1517

Appendix 1F

Public Education

Environmental Storm Drain Marking



Legend
 Catchbasins with Heat Tape and/or Fish Lids
 Year
 Unknown year, 491 markings
 2009, 93 markings
 2011, 75 markings
 catchbasin (Total: 2894, some of these are private)
 Newberg City Limits

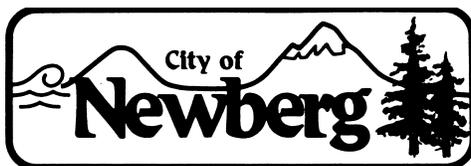
Date Saved: 02/07/2012 4:30:33 PM
 Path: P:\GIS_LandInfo\totalsystemcatchbasinmarkings.mxd

APPENDIX 2 PUBLIC INVOLVEMENT

- A. Citizen's Rate Review Committee**
- B. Stormwater Ad-Hoc Committee**
- C. Planning Commission**

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Appendix 2A
Public Involvement
Citizen's Rate Review Committee



**CITIZENS' RATE REVIEW COMMITTEE AGENDA
WEDNESDAY, SEPTEMBER 14, 2011
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

Mission Statement

The City of Newberg serves its citizens, promotes safety, and maintains a healthy community.

Vision Statement

Newberg will cultivate a healthy, safe environment where citizens can work, play and grow in a friendly, dynamic and diverse community valuing partnerships and opportunity.

I. CALL MEETING TO ORDER

II. ROLL CALL

III. COMMITTEE BUSINESS

1. New Agenda Format/Public Comment Procedure (Page 3)
2. Membership Terms/Renewals (Page 4)
3. Meeting Schedule (Page 5)
4. Roberts Rules (Pages 6-15)
5. Committee Ethics (Pages 16-24)

IV. PUBLIC COMMENTS

(30 minutes maximum, which may be extended at the Chair's discretion, with an opportunity to speak for no more than 5 minutes per speaker allowed)

V. CONSENT CALENDAR

1. Approval of January 13, 2011 Minutes (Pages 25-28)
2. Approval of June 21, 2011 Minutes (Pages 29-30)

VI. CONTINUED BUSINESS

1. Review/Recap Financial Status
 - A. Utility Bill Overview (Pages 31-38)
 - B. Fund Balances (Revenues, Expenses, and Reserves) (Pages 39-56)
 - C. Debt Covenants
 - D. Water Peak Demands
2. Review/Recap Capital Improvement Projects
 - A. Adopted CIP (11/12 budget) vs Approved CIP (by Committee) (Pages 57-58)
 - B. Twenty-Year Capital Improvement Program (Pages 57-58)
3. WWTP Project Update
 - A. DEQ Approved Loan (Pages 59-62)
 - B. Debt Repayment? (SDCs/Rates Split) (Page 63)

VII. NEW BUSINESS

Move Rate Implementation date to January of each year?

VIII. ADJOURNMENT

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the City Recorder at (503) 537-1283. For TTY services please call (503) 554-7793.

The Committee accepts comments on agenda items during the meeting. Fill out a form identifying the item you wish to speak on prior to the agenda item beginning and turn it into the Secretary. The Chair reserves the right to change the order of the items on this agenda.

CITIZENS' RATE REVIEW COMMITTEE

MEMBERSHIP LIST

Updated: August, 2011

Council District Lives In	Member/Contact Info	Occupation	Term Appointments
6	Ernie Amundson, Jr. 2901 E 2 nd St, #70 Newberg, Oregon 97132 (503) 538-6320 (H); (503) 538-7478 x4444 (W)	ernieamundson@yahoo.com ernie.amundson@a-dec.com	Customer Service Representative Appointed: 2/20/2001 Re-Appointed: 2/2003, 11/2005, 1/5/09 Term Expires: 12/31/2011 Replaced:
6	Mike Gougler 4729 Masters Drive Newberg OR 97132 (503) 538- 2732 (H); (503) 538- 9011 (W); (503) 810-5576 (C)	ggoug@yahoo.com Developer	Appointed: 2/6/2006 Re-Appointed: 12/17/2007, 12/20/2010 Term Expires: 12/31/2013 Replaced:
5	Beth Keyser 1400 Hoskins Street Newberg, OR 97132 (503) 537-3054 (H); (503) 730-2599 (W)	bkeyser777@frontier.com Real Estate Broker	Appointed: 1/5/2009 Re-Appointed: Term Expires: 12/31/2011 Replaced: Schutter
3	David Maben 309 E. 8 th Street Newberg, Oregon 97132 (503) 538-4518 (H); (503) 537-2812 x2411 (W); (503) 577-8789 (C)	dave.maben@a-dec.com Grounds Maintenance Lead Person	Appointed: 2/20/2001 Re-Appointed: 3/5/2007, 12/21/2009 Term Expires: 12/31/2012 Replaced:
4	Tony Rourke 3208 N. Main Street Newberg, Oregon 97132 (503) 554-0459 (H); (503) 553-5064 (W); (503) 784-0091 (C)	tony.rourke@comcast.net Manager of Underwriting	Appointed: 3/17/2008 Re-Appointed: 12/21/2009 Term Expires: 12/31/2012 Replaced: Sylvester
	VACANT Address Newberg, OR 97132 (503)xxx-xxxx (W)	@	Appointed: Re-Appointed: Term Expires: 12/31/2011 Replaced: Tsohantaridis (resigned 8/2011)
5	Charles Zickefoose 1201 Fulton Street, #9 Newberg OR 97132 (503) 538-8047 (H); (503) 244-7005 (W)	czicky@comcast.net Semi-Retired/ Part-time Consultant	Appointed: 11/7/2005 Re-Appointed: 12/17/2007, 12/20/2010 Term Expires: 12/31/2013 Replaced:

Staff Representatives:

Janelle Nordyke, Finance Director
(503) 537-1216
janelle.nordyke@newbergoregon.gov

Dain Eichel, Interim Public Works Director
(503)-537-1238
dain.eichel@newbergoregon.gov

Mayor Andrews, Ex-officio
(503) 537-1276
bob.andrews@newbergoregon.gov

Citizens' Rate Review Committee
Meeting Schedule
Public Safety Building Training Room
(401 E. Third Street)
7:00 p.m.

<i>DATE</i>	<i>TOPIC</i>
September 14, 2011	Introduction New Agenda/Meeting Format Membership Renewals Committee Ethics Review/Recap
October 5, 2011	Present Water Rates
October 18, 2011	Conclude Water Rates
November 9, 2011	Present Wastewater Rates
November 30, 2011	Conclude Wastewater Rates
December 14, 2011	Present Stormwater Rates
January 4, 2012	Conclude Stormwater Rates
January 11, 2012	Final Wrap-Up
January 17, 2012	Town Hall Preparation
February 1, 2012	Town Hall Meeting at Public Safety Building at 7:00 pm
February 15, 2012	Town Hall Debrief/Recommend Rates to Council
March 19, 2012	Council Hearing and Rate Adoption

Thursday, 7 PM

January 13, 2011

CITIZEN'S RATE REVIEW COMMITTEE
MINUTES
City Hall

Members Present:

Chair Tony Rourke
Charles Zickefoose

Mike Gougler
Demetri Tsohandaritis

Ernie Amundson
Mayor Bob Andrews (Ex-Officio)

Members Absent:

David Maben (excused)

Beth Keyser (excused)

Staff Present:

Janelle Nordyke, Finance Director
Rob Charles, PW Director
Sonja Johnson, Environmental Specialist
Crystal Kelley, Recording Secretary

Others Present:

Jim Keller

1. Call to Order/Roll Call/Introduction

Chair Tony Rourke called the meeting to order at 7:00 p.m. and welcomed the new Citizens' Rate Review Committee members.

2. Appoint Chair and Vice Chair

MOTION #1: Gougler/Tsohandaritis moved to appoint Ernie Amundson as Vice Chair (5 Yes/0 No) Motion Carried.

MOTION #2: Gougler/Amundson moved to appoint Tony Rourke as Chair. (5 Yes/0 No) Motion Carried.

3. Approval of CRRC Minutes from July 13, 2010 and September 7, 2010

MOTION #3: Rourke/Gougler moved to approve the CRRC minutes for July 13, 2010 and September 7, 2010 (5 Yes/0 No) Motion Carried.

4. Residential Storm Water Program

Mr. Rob Charles presented the staff report (see official meeting packet for full report). Jim Keller has requested credits through the stormwater program. He is looking for 100% credit through the program. Mr. Ernie Amundson asked if the comparable program figures presented are for residential customers or residential and commercial customers combined. Mr. Charles stated they are for the combined customers. Mr. Keller asked if the figures are for new stormwater. Ms. Sonja Johnson stated they are. She stated the City provided a free guide from Oregon State University to the citizens. The guide can be found on the water conservation table in City Hall. Mrs. Janelle Nordyke stated there are only two businesses that are currently taking advantage of the

credit program. The local businesses are A-dec, Inc. and George Fox University (GFU). Mr. Keller asked why A-dec, Inc. and GFU get the credit. Ms. Johnson shared A-dec, Inc. is eligible due to their work in public outreach. They send their stormwater through the spoil allowing them to take advantage of 50%. GFU has infiltration techniques on site. They do not get 100% of the credit. The maximum is 50% for commercial customers and 35% for residential customers.

Chair Tony Rourke asked how much of the fee is attributed to maintenance. Mr. Charles stated they did not have a breakdown of that. It is hard to break out that piece without looking at it on a case by case basis. Mr. Amundson asked if they are looking to change the policy in response to Mr. Keller's request. Mr. Charles stated the 35% credit opportunity was not afforded to him. They are here to talk about a request by Mr. Keller for a 100% credit program which would change the current program. Staff does not feel Mr. Keller's request is reasonable.

Mr. Mike Gougler asked Mr. Keller to give the details in regards to his request. Mr. Keller stated he has a total of 9.5 acres with paved streets and catch basins. They route the run off to the back of the property and it filters out across the lower pasture and empties out into Chehalem Creek. In the last 5 years they have paid over 7 thousand dollars in fees and they are not using the system. He rents the spaces to the tenants and they own the units. The water, wastewater and garbage are included in their rent. There are 46 dwelling units on his property. The units he owns are sitting on gravel and cement.

Chair Rourke stated he is assuming Mr. Keller's property is zoned developed non-single family property rather than commercial. Ms. Johnson stated Chair Rourke is correct and Mr. Keller would qualify for the 50% credit. Mrs. Nordyke stated rental units are not considered commercial property. Mr. Gougler stated the charges are created as a benefit to the user. Mr. Keller stated it is a user fee rather than a tax. Mr. Gougler stated it is not a fee that can be assigned to the direct use of stormwater. In order to get to his property Mr. Keller goes onto property that has stormwater benefits. Mr. Keller agreed that is correct. Mr. Gougler stated the fees are a way to spread the burden of draining the entire City. He agrees Mr. Keller is entitled to a credit. He feels the fee is similar to a tax but is a way of trying to assess the tax to allow some control over it.

Mr. Gougler stated the City has a new standard they have to meet with regards to stormwater. Ms. Johnson confirmed the City will be included in the new standard. Mr. Gougler stated he feels the CRRC needs to pay attention to having private lots maintain their catch basins and do their own detentions. Mr. Charles agreed it is a partnership that benefits both parties. Mr. Gougler stated when people do not apply for credit with the city we have no way of knowing what they are doing. Just sweeping the parking lots creates a benefit to the downstream water. The City would have information they need when someone makes a request for the program. They would then be able to have them fill out the needed paperwork which would benefit the City by helping them comply with DEQ. Chair Rourke stated they are here to determine if the numbers are good or if they should change the policy to 100%. Mr. Charles stated staff recommends they stay with the current program.

Mr. Gougler recommended they stay with the current credit program. Mrs. Nordyke stated this is the first time the CRRC has seen the residential stormwater credit program. They did discuss the details involved in the program in prior meetings. Staff will work directly with Mr. Keller to get his application into the City for the credit program. Mr. Gougler stated the role of the CRRC is to determine if they want to make a recommendation to modify the ordinance based on Mr. Keller's request.

MOTION #4: Gougler/Amundson moved to reject Mr. Keller's request to modify the program and recommend he work directly with the City on his request for credit. They also recommend the City leave the residential stormwater credit program as is and reject the request to modify the ordinance. (5 Yes/0 No) Motion Carried.

5. Rate Discussion for Wastewater based on CWSRLF Loan Received

Mrs. Janelle Nordyke presented the staff report. When the City passed the recommended rates for wastewater they discussed the possibility of free money from DEQ. They applied for a state loan and received a loan for \$11.5 million at 3.38% interest. The cost of the debt was figured at 4-5% in the last discussion. If the City did not get the free money they would stay with the rate increase of 16.9% which was recommended to the City Council. The City did not get the free money but did get a loan with a lower interest rate. The City is not planning on spending the full amount that was offered for the loan. The recommendation from staff is to leave the rate increase at the recommended rate of 16.9%. Chair Rourke stated the CRRC can't determine the financial impact for every percentage change in the interest rate of the loan. The City will only borrow what they are going to spend. The line of credit is up to \$11.5 million. The application is going before the City Council on February 7, 2011 to get approval to accept the loan. The 16.9% increase includes making payments back on the loan which will be less than originally projected.

MOTION #5: Rouke/Amundson moved to recommend the City does not change the rate increase that has already been agreed upon by the CRRC of 16.9%. (5 Yes/0 No) Motion Carried.

6. Utility Billing Assistance Program

a) Update on CSG water audit contract

Mrs. Janelle Nordyke presented the staff report (see official meeting packet for full report). The CSG water audit contract can serve as a third avenue for the City to provide residents who are responsible for their own utility bill more than one type of assistance. They have put together a program for water audits which is being sent to the City Attorney to ensure the contract is ready and it will then be implemented. There is nothing for the CRRC to vote on with this matter. It is on the agenda tonight as an informational item only. The contract is for low income residents who can get a 5-10 dollar credit per adult. Staff has already recommended the residents use the program. Ms. Johnson stated the water audit contract will help residents reduce their water usage which will also help them lower their utility bills. The CSG will invoice the City for what they do in addition to a charge of \$20 per household for the assessment and \$12 for the shower heads. The City will only be billed half the fee for the shower head and the total amount of \$20 for the water audit. The City has already seen 9 residents apply for the program as of today.

b) Update on non-profits/YCAP

Mrs. Janelle Nordyke presented the staff report (see official meeting packet for full report). It has become clear most residents will not go to a church and ask for assistance with their utilities but they will usually go to Love, Inc. Residents will be asked to sign up for the program which will allow them to get help up to three times. Chair Rourke recommends staff track how many people come to the City for assistance. It will help him determine later how to respond to the requests. Mrs. Nordyke stated YCAP has 3-4 different people who look at the applications they receive. It is up to them to monitor the money. They will get a maximum of \$9,000 and they can use it until they run out. Chair Rourke stated he also recommends the CRRC review the military credit dollar amount before they meet again. Mayor Andrews asked staff if the City has sent any advertisement to the military for the program. He stated they should make contact with the military department and make it known. Mrs. Nordyke stated they have not at this time. Chair Rourke stated they will send a recommendation back to staff to review the dollars in the military program similar to Love, Inc. They will also need to decide if they want to attach any additional strings. Mrs. Nordyke stated if they send out applications again in May and the same churches send in an application they will have to decide what they will do with the applications. Staff

sent the information to apply for the program to every non-profit organization in the City even if they do not offer assistance with utilities.

c) Options for utility relief for renters

Mrs. Janelle Nordyke presented the staff report. The CRRC has discussed the utility relief for renters in the past. They discussed at that time how they distribute the vouchers. Staff could not think of a way to give out the vouchers so they tabled the issue to allow the CRRC to review it later. Mr. Gougler stated the utility relief program is not a wealth distribution program. The City has to determine what would make a renter want to ask for an audit. Mayor Andrews stated they may be able to identify waste opportunities for renters. Chair Rourke stated in order to get a renter to make the phone call they have to provide an incentive to the renter since they do not pay a water bill. The City can give them something as a thank you for saving the City money and fixing the problem. Mr. Gougler stated if the City has a good database of the landlords in the area they can target them for the incentive. Chair Rourke stated the CRRC wants to effect change for conservation purposes. Mrs. Nordyke stated the City does have a database with the Landlords in the area. Mayor Andrews asked how many of the landlords are paying the utilities. Mrs. Nordyke stated they do not have that information broken down at this point. Ms. Johnson stated part of the program is education to the landlords. Staff created a brochure to show landlords how quickly the pay back is for them when the water usage of the renters goes down. This portion of the agenda is for information only and does not require any action from the CRRC.

7. Questions

Chair Rourke asked the CRRC if they would like to meet prior to the non-profit letters going out for the Utility Assistance Program to discuss the policy. It was agreed by the CRRC they would like to assign rules once they get the applications back. He would like to have them consider meeting the end of June to review the applications. Mrs. Nordyke stated she would update her calendar to reflect that change.

8. Adjournment

The meeting adjourned at 9:11 p.m.

Approved by the Citizens' Rate Review Committee on this 14th day of September 2011.

Recording Secretary

Citizens' Rate Review Committee Chair

CITY OF NEWBERG
CITIZENS' RATE REVIEW COMMITTEE MINUTES
WEDNESDAY, NOVEMBER 30, 2011
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)

I. CALL MEETING TO ORDER

Chair Tony Rourke called the meeting to order at 7:00 PM.

II. ROLL CALL

Members

Present:	Tony Rourke, Chair	Ernie Amundson, Jr.	Mike Gougler
	Charles Zickefoose	Mayor Bob Andrews, Ex-Officio	Beth Keyser

Staff

Present:	Dan Danicic, City Manager	Janelle Nordyke, Finance Director
	DawnKaren Bevill, Minutes Recorder	

Others

Present: Deb Galardi, Consultant

III. PUBLIC COMMENTS

Mr. Hank Grum distributed an email (see official packet for full report) that he had previously sent to the City Council, dated November 22, 2011. At the November 9, 2011 Citizens' Rate Review Committee meeting there was mention of certain mandates requiring upgrades of the wastewater treatment plant. Mr. Grum has not seen enough questioning of the assumptions that the City of Newberg must adhere to the upgrades that are mandated. He referred to the last page of the handout stating he sees recycled water as an issue needing transparency. Closer inspection of the loan application, which was the point source document that was discussed at the last Budget Committee meeting, and the \$55 million loan application from the State of Oregon concerning the loan application, reveals the "need" to maintain Willamette River temperature at an optimum of 20 degrees centigrade for fish as a motivator to establish an expanded irrigation program. He is not convinced that this issue has been investigated adequately.

Mr. Grum asked the committee to also take a closer look at the pension costs for city employees. He believes that they are being paid much more on the average than employees in other private sector agencies.

IV. CONSENT CALENDAR

Approval of November 9, 2011 minutes (Pages 2-5)

MOTION #1: Zickefoose/Amundson approved the Citizens' Rate Review Committee minutes from November 9, 2011, as written. Motion carried. (5 Yes/0 No/0 Absent).

V. CONTINUED BUSINESS

Conclude Water Rates Discussion

1. O&M Reductions

Mr. Dan Danicic began by addressing the question brought forward by Mr. Ernie Amundson at the last meeting. Mr. Amundson questioned whether 70% of the budget allocated to staff costs is reasonable. Mr. Danicic did some research and found that although there is no one source to show what the labor percentage should be, he did find a report on www.constructionbusinessowner.com that stated, depending on the benefit package involved, employee related costs will typically account for 24%-33% for non-union contractors and 60%-70% for union contractors. Mr. Danicic found another reference, not related to construction but rather on the food and beverage industry, which ranged from 40%-75% of sales. An analysis was done comparing the relative size of labor costs at UPS, Fed-Ex, and the U.S. Postal Service in comparing a government agency to the two other entities. The report showed the percentages of salaries at 82% for UPS, 71% for Fed-Ex and 89% for the U.S. Postal Service.

There was also a report from Pennsylvania which looked at alternatives for toll roads. It looked at the labor content comparison of two different plans. Based on a report citing data from the Construction Estimator Handbook, the labor percentage of the project costs ranged from a low of 25% if looking at sub-grade and paving work to a high of 85% for the removal of infrastructure and improvements. Utilities were at 65%. These show 70% is comparable. The reason for the 70% is because the City does smaller projects overall and although many projects have a small amount of materials; it takes more than one employee to do the job. All staff time is tracked as well as equipment and material usage on a project basis. A recent project was a 300 foot waterline with a total cost of \$48,000.00 of which \$10,000.00 of that was strictly the labor cost which came out to 22% of the total project. When budgeting staff time; you need to account for sick time, holiday time, training time, and meeting time which typically is 20% of an employee's time. Including this time into the labor costs for the waterline project, calculates to 66% of construction costs which shows 70% as reasonable.

Mr. Amundson was referring to the overall budget in labor and what the employees are doing when they are not working on a specific project. That is why he believes using contractors would be helpful. Mr. Danicic said contractors will charge for labor and equipment, which the City does not budget or pay for, as well as for the materials plus profit on top of that. Mr. Danicic questions whether privatization would effectively save money. Mr. Amundson answered that when the contractor has completed a job the City would stop paying for benefits for that contractor. Mr. Danicic stated the public works crew moves from one project to another. They are doing all the same things that contractors do. Mr. Danicic does not believe the 70% labor costs are inappropriate.

Mr. Danicic stated the debt coverage can be achieved by either increasing revenue or by reducing costs. He referred to the O&M handout (see official packet) and reviewed the proposed reductions totaling \$584,164.00. This would allow us to meet the debt covenant with no rate increase. Mr. Danicic does not feel it appropriate for the CRRC to vote on and set a water rate at this meeting due to the need to see the effect to all three funds; water, wastewater and stormwater.

Mr. Chuck Zickefoose asked about the risk factor of these reductions. Mr. Danicic stated the proposed reductions to the various line items will not put the City at risk for meeting the clean water rules and standards. It will, however, limit the money set aside for future capital projects which means the money may need to be borrowed when/if it is available. The reductions shown are a combination of allocating staff salaries more appropriately and reducing certain line item costs for operations.

Ms. Deb Galardi pointed out the fairly significant reduction to the waterline repair and maintenance line item of the distribution system budget. She explained that if major repairs are needed, in excess of the revised budget amount, then those additional funds would need to be pulled from contingencies.

2. Final Presentation (Deb Galardi)

- Percent Increase to Achieve Coverage (based on reduced O&M)

Ms. Galardi presented the staff report with use of a PowerPoint (see official meeting packet for full report). She also referred to the water rate study and the O&M reductions handouts. With assumed cost escalation there is a slight shortfall in fiscal year 2013/14. Issues that need to be taken into consideration are: water consumption which will cause further erosion in coverage; transfers from reserves which are projected for CIP (reserves are less than \$500,000.00 in fiscal year 2015), and O&M cuts increasing the risk (limited to \$500,000.00 contingency). Increases in fixed charges will reduce revenue instability over time but will also be perceived as rate increases to some customers. Regardless of an overall rate increase, the rate structure must be determined. The rate structure can be changed to come from the fixed charges which will still cause rate fluctuation impacts. Stormwater is a 100% fixed charge which does have definite benefits.

Chair Tony Rourke asked for statistics on suggested reserve balances. Ms. Galardi stated it is based on number of days of O&M costs with a range of 30-180 days. We assume a 60-day reserve balance in our contingencies, which is on the lower end but within planning standards.

Mr. Amundson believes the first decision is whether to increase the fixed rate of consumption. Chair Rourke agrees with Mr. Danicic's earlier comment that the decision to increase should be reviewed later after the three systems have been analyzed.

Ms. Beth Keyser believes the committee should wait regarding rates. She has not heard enough about reducing staff and related expenses. Chair Rourke stated of the \$584,162.00 reduction shown, \$250,000.00 are actual cuts. Mr. Danicic clarified that some of the savings are due to shifting costs. Eliminating a significant amount of staff makes him question whether the City would function well. Mr. Danicic explained that staff has been cut every year; building inspectors, planners and engineers all have been cut in the last two years. Ms. Keyser agrees there needs to be a change in the fixed/volume ratio but it will be more palatable to the public if they see the City making sacrifices as well.

Mr. Mike Gougler stated at the last meeting he asked that the CRRC work towards changing the ratio of variable to fixed. He did so with the understanding it will be perceived as a rate increase. He questioned some of the logic in regard to concerns about city expenses. As a builder, he contracts for the services at the time he needs them. On the other hand, he cannot afford to contract out for a bookkeeper that balances the books. Changing the ratio between variable and fixed is a good long-term tactic. Newberg chose to postpone necessary improvements to the water treatment plant and if future capital project money will be reduced, the City will be facing the same problems again ten years down the road. Not raising rates caused the raised rates last year and it will happen again. At this point, the CRRC has to change the ratio from a variable to a fixed rate structure with dependable revenue. Mr. Gougler stated the CRRC needs to be prepared so it is defensible to the people. Mr. Zickefoose emphatically concurred with Mr. Gougler.

- Rate Structure Decision

MOTION #2: Rourke/Zickefoose moved to explore the possibility of an 80/20 variable/fixed ratio with flexibility to any other percentages; moving toward more fixed as a percentage of the total. Motion carried. (5 Yes/0 No/0 Absent).

VI. NEW BUSINESS

1. Present Stormwater Rates (Pages 7-11)

Mr. Danicic reviewed the capital projects portion of the stormwater budget. It is rather straightforward showing \$259,000.00 budgeted in fiscal year 2012/13 for a master plan update. The Crestview Drive and Springbrook Road projects are multi-funded. Vermillion Street is a local drainage problem and will be completed this budget year.

Mr. Gougler stated the decision of the stormwater control and the adoption of the stormwater management plan will have budgetary impacts. Mayor Andrews suggested staff obtain a copy of the Planning Commission Meeting Minutes discussing the stormwater management plan. Mr. Danicic will forward a summary of that information to the CRRC prior to the next meeting.

Ms. Galardi reviewed the stormwater financial plan (see official meeting packet for full report). The stormwater rate is a fixed charge and is based on impervious area which does not change. The only reason for reduction in revenue would be from a loss of customers, an increase in credits provided, or lack of growth. There is a small variance between the estimated and actual revenue in fiscal year 2011/12. Revenues are holding with some deferral of capital and O&M expenses are right in line.

Mr. Zickefoose asked if a closed business is still required to pay the stormwater fees for that property. Mr. Danicic replied only as long as there is a utility account in place. The question was asked if Suntron was still using water, although the building was not in use. *(Mrs. Nordyke has since confirmed that the utility bill shows that water is primarily being used for irrigation.)*

Chair Rourke prefers paying cash instead of paying a bank interest and is a proponent of adding to reserves. The capital improvement projects of \$1.2 million for two years will cost over \$500,000.00 in interest.

2. Move Town Hall Meeting to February 8, 2012

Chair Rourke explained the date was changed from February 1, 2012 to February 8, 2012 due to a scheduling conflict. Further scheduling changes may take place as discussions proceed

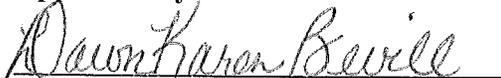
Mayor Andrews explained the new CRRC appointments will begin on January 1, 2012. Ms. Keyser has not reapplied to serve on the CRRC. Her last official meeting will be December 14, 2011.

Chair Rourke will not be present at the next scheduled meeting of December 14, 2011 due to a work conflict.

VII. ADJOURNMENT

The meeting adjourned at 8:50 PM.

Approved by the Citizens' Rate Review Committee on this 4th day of January 2012.


DawnKaren Bevill, Minutes Recorder


Tony Rourke, Citizens' Rate Review Committee Chair

Finance Website Page

Utility Rate Increase Discussion

The Newberg Citizens' Rate Review Committee will hold a **Town Hall (February 08, 2012)** which will be an open forum opportunity for the citizens of Newberg and the Committee to discuss the rate setting process and the potential need for utility rate increases. The meeting will be facilitated by the City Manager and will have Council members present.

The **Public Hearing (February 15, 2012)** is a formal meeting whereby public comments will be heard and the Committee will deliberate on the rate review findings. The Committee will recommend utility rates that will be presented to the City Council on March 19, 2012 for their approval to be implemented January of the 2012/13 and 2013/14 fiscal years.

Location

Public Safety Building, 401 E Third Street, Newberg

Date/Time of Event

2012-02-08 19:00

Public Works Engineering Website Page

The Citizens' Rate Review Committee will be meeting to develop rates for the next two years. These meetings are open to the public and citizens are encouraged to attend to find out how rates are decided. Utilities to discuss will be the water, wastewater, and stormwater rates.

There will be several meetings throughout the Fall and Winter months, so please view the City calendar for those dates. All meetings will be held at the Public Safety Building, 401 E Third Street, from 7 - 9 pm.*

The tentative dates will be:

September 14, 2011

October 5, 2011

October 18, 2011

November 9, 2011

November 30, 2011

December 14, 2011 - **CANCELLED**

January 4, 2012

January 11, 2012

January 18, 2012*

February 8, 2012

February 15, 2012

*Jan 18 meeting will be held at Newberg City Hall main floor conference room (414 E. First Street).

Mayor's Musings August 2011

CITIZENS' RATE REVIEW COMMITTEE

Meetings to Begin in September

The Citizens' Rate Review Committee (CRRC) will convene in September, 2011, to begin its biennial review of our utility systems and the funding requirements necessary to assure these systems continue to operate effectively and efficiently to support the needs and demands of our city. The CRRC consists of seven city residents and is charged with the responsibility to review the rate structure of the city sewer, potable water, storm water systems, and other rates and/or fees as requested by the City Council. Please go to the City's web site at www.newbergoregon.gov for more information or call 503.537.1273. We encourage and look forward to your participation.



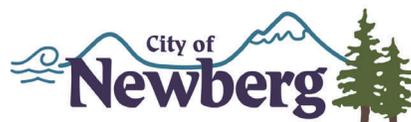
Utility Rates Are Changing (water, sewer and stormwater)

The Citizens' Rate Review Committee
invites you to a Town Hall on

February 8, 2012 at 7:00 pm

to learn about the rate setting process and
understand the potential need for utility
rate increases. This is an opportunity to
have your questions answered.

Visit www.newbergoregon.gov for more information.



Meeting Location:
Public Safety Building
401 E. Third Street
Newberg, Oregon

Appendix 2B
Public Involvement
Stormwater Ad-Hoc Committee

**CITY OF NEWBERG
STORMWATER AD-HOC COMMITTEE**

May 26, 2011

8:30 a.m.

Newberg Public Safety Building - 401 East Third Street

Present: Al Blodgett Don Clements David Craig
Joe Kavale Leonard Rydell Jadene Stensland
Clyde Thomas

Staff

Present: Rob Charles, Public Works Director Annette DePaz, City Surveyor
Sonja Johnson, Environmental Specialist Bob Andrews, Mayor
DawnKaren Bevill, Minutes Recorder

I. CALL MEETING TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

Rob Charles opened the meeting at 8:36 a.m. and asked for roll call.

II. COMMITTEE PURPOSE

Rob Charles, Public Works Director, explained that in 2008 the City of Newberg adopted the Total Maximum Daily Loading (TMDL) Implementation Plan for the Willamette River, which is an agreement between the DEQ and the City listing ways to protect the Willamette River's water quality. The primary purpose of this committee is to guide the Public Works Department in setting up three different articles in the City Code: Erosion Control, Stormwater Management, and Illicit Discharge.. The process began mid-2010 at the Planning Commission level but the commission requested more community involvement in order to rewrite the code to be more applicable for smaller development such as commercial redevelopments. There are many tasks before the committee. The first component has two sections under Construction, which are a site erosion and sediment control code amendments and a site erosion and sediment control manual. The second component is a stormwater facility design and maintenance code amendment and an accompanying stormwater facility design manual. The last component is a prohibition of non-stormwater discharges into the stormwater system. The ultimate goal of the committee is to present a recommendation to the Planning Commission on adoption of each component.

III. OVERVIEW OF TMDL

Sonja Johnson provided an historical overview of the TMDL program and what a 303(d)-listing for a stream means (see official meeting material for full presentation).

IV. MEETING SCHEDULE

The committee reviewed the schedule and decided to meet on Thursday mornings from 7:00 – 9:00 a.m. every two weeks. The following dates were decided upon at this time but are subject to change:

- June 9, 2011
- June 23, 2011
- July 7, 2011
- July 21, 2011

V. APPOINTMENT OF COMMITTEE CHAIR

MOTION: Craig/Rydell moved to nominate Clyde Thomas as Committee Chair. (7 Yes/0 No/0 Absent) Motion carried.

MOTION: Craig/Clements moved to nominate Leonard Rydell as Committee Vice-Chair. (7 Yes/0 No/0 Absent) Motion carried.

VI. RULES FOR PROCEEDINGS

Annette DePaz stated official minutes will be taken at each committee meeting by the minute's recorder and will need to be brought back to the committee for approval. Whether the minutes are to be signed or not is up to the committee, as well as the degree of formality for the meetings. After discussion, the committee agreed to approve the meeting minutes by consensus only; no roll call vote. Ms. DePaz will confirm with Norma Alley, City Recorder, on how detailed the minutes should be.

The committee agreed that public testimony should be taken. Mayor Bob Andrews stated the City Council has recently adopted its rules and guidelines and he can supply a copy to Chair Thomas to help with setting rules regarding public comment and testimony. There will be no formal reading of the roll call but will be noted by the Minute's Recorder. The Pledge of Allegiance will not be included as a meeting agenda item in the future. City Staff will prepare meeting agendas but the committee can add, subtract and/or change the order of the agenda.

VII. REVIEW OF STORMAWATER MANAGEMENT

Annette DePaz recommended the committee look at the general provision interpretations and definitions as a sixth task after the recommendations for the five tasks stated earlier by Mr. Charles are completed. Ms. DePaz reviewed the Stormwater Management Section. The first two pages are out of the TMDL Plan and are a summary of what the committee will need to do. She then reviewed the current stormwater practices of the City.

Sonja Johnson stated Newberg is rural but has access to metropolitan areas as well. City staff looked at cities with comparable populations in the Northern Willamette Valley area and suggested the committee look at what other jurisdictions are doing in order to find a middle ground between a large city and Newberg. One of the cities Newberg is compared to is McMinnville, but they are not driven by TMDL regulations. Fourteen cities in this area were looked at and may be informative to the committee.

The committee discussed the stringent requirements for the smallest of projects. Staff has scaled the requirements.

The committee will discuss the proposed Stormwater Management Code at the June 9, 2011, meeting and the committee will receive a revised Table of Contents from staff at that time.

VIII. ADJOURNMENT

Chair Thomas adjourned the meeting at 10:30 a.m.

**CITY OF NEWBERG
STORMWATER AD-HOC COMMITTEE**

June 9, 2011

7:00 a.m.

Newberg Public Safety Building - 401 East Third Street

Present: Al Blodgett Don Clements David Craig
 Joe Kavale Leonard Rydell Jadene Stensland
 Clyde Thomas

Staff
Present: Annette De Paz, City Surveyor
 Mariann Schluter, Minutes Recorder

I. OPENING BUSINESS

- a. Clyde Thomas called the meeting to order at 7:05 a.m.
- b. Roll Call duly noted
- c. Public Testimony: Agreed by consent that public testimony would be permitted with a 5-minute time limit. Any testimony that requires more than 5 minutes to present verbally will be required to be submitted in writing.
- d. Committee Scope: Questions to staff will be directed to De Paz as project lead. Chair will admit committee comments in turn.

MOTION: Rydell/Stensland moved to accept minutes. (7 Yes/0 No/0 Absent) Motion carried.

II. STAFF FOLLOW-UP REPORT

- a. Meeting Minutes Detail

Staff reported minutes could be prepared to three standard levels of detail: verbatim, summary, or action. Staff recommended the committee use a summary style. Don Clements recommended the action style due to the omissions and errors typically found in the summary style. Committee decided, by consensus, to use the summary style for the meetings.

- b. Pledge of Allegiance

Staff reported the pledge of allegiance is not a requirement for committee meetings and the committee agreed, by consensus, to omit it from future meetings.

- c. Supplemental Materials

Staff distributed a revised binder index page; meeting calendar; and memos explaining additional proposed code language, scope of the stormwater code amendment providing scaled requirement based on the size of the project, beneficial use designations of streams in the watershed and further clarified the 303(d) status' of streams in the watershed, and the correlation between stream temperature and mercury methylation.

Leonard Rydell would like to see private and public stormwater facilities differentiated and the code require vegetated street rights-of-way. Mr. Rydell requested the committee not create language requiring new permits and would like to see new standards adopted.

Clyde Thomas asked if the city addressed water quality swales in their design standards. Staff stated they are not addressed in current design standards. Jadene Stensland commented the current design standards do not address many different types of stormwater facilities.

Leonard Rydell provided an example of someone stripping vegetation from a residential landscape and causing erosion. David Craig pointed out that this was an erosion control issue. The committee discussed the issue and agreed it should be addressed either in erosion control or illicit discharge.

Clyde Thomas clarified how the proposed new language should fit in the language originally submitted to the committee. Joe Kavale noted the word “or” should be added prior to “do not require a city permit.”

The committee discussed how to address small projects without adding new permits or expensive requirements. The committee suggested educating the public as an option. Staff responded a basic manual could be handed out to the public. The committee discussed how to educate people who do not need a permit. Jadene Stensland stated Clean Water Services sends out a service provider letter. Staff noted the city’s code enforcement officer educates the public when responding to a complaint and a manual could be given to citizens by the officer.

Leonard Rydell proposed the 500 square feet of impervious area triggering the stormwater code be changed to 500 square feet of disturbed area.

Don Clements asked whether sump pumps would be exempt under the proposed code regulations. Staff replied it would depend on the definition of stormwater facility in the code regulations. David Craig answered sump pumps are covered under the plumbing code.

Jadene Stensland read the Clean Water Services definition of stormwater facilities. David Craig recommended facilities be more narrowly defined than what occurs in the Clean Water Services definition.

Clyde Thomas said the committee needs to determine thresholds for when a facility requires a permit, when it needs administrative review, when stormwater fees are required, when engineered plans are required, and when a project is exempt from the code regulations.

Joe Kavale proposed best management practices (BMPs) be required for all projects. David Craig proposed that BMPs are required when stormwater facilities are required.

Jadene Stensland requested staff provide examples of exempt projects.

Staff summarized the committee’s discussion: 1) All projects, without threshold, should be subject to BMPs. 2) Any project currently requiring a permit may be subject to the rest of the provisions of the proposed code and whether or not they are required would be an administrative decision made during the permit review process.

The committee discussed whether a rain garden would require a permit and whether grading would be required to follow the stormwater code. Staff stated that no permit is required for rain gardens, rain collection systems would fall under the plumbing code, and grading permits only address fill density and slope away from structure. Staff would find out the current threshold for a grading permit and report back to the committee.

Staff noted a new permit could increase staff requirements, funding, and public fees. After discussion, the committee determined they did not want to create new permits or fees for the public.

Jadene Stensland proposed a determination be made whether a project is required to follow the stormwater code regulations during an administrative review except when projects are located on a steep slope, close to streams, or discharge directly to streams.

Staff said for the next meeting there will be revises proposed code to require: 1) all projects be subject to the requirements of the Stormwater Treatment section, 2) during the permit review process, staff will determine whether a permitted project required compliance with all of the stormwater code regulations, and 3) projects that are located on steep slopes, are close to streams or discharge directly to streams are required to comply with all of the stormwater code regulations.

The committee will review the section on Stormwater Treatment for the next meeting.

III. ADJOURNMENT

Chair Thomas adjourned the meeting at 9:00 a.m.

**CITY OF NEWBERG
STORMWATER AD-HOC COMMITTEE**

June 23, 2011

7:00 a.m.

Newberg Public Safety Building - 401 East Third Street

I. CALL MEETING TO ORDER

Chair Clyde Thomas opened the meeting at 7:02 a.m.

II. ROLL CALL

Present:	Chair Clyde Thomas	Al Blodgett	Don Clements
	Joe Kavale	Leonard Rydell	Jadene Stenland
	David Craig		

Staff

Present:	Dain Eichel, Interim Public Works Director
	Sonja Johnson, Environmental Specialist
	DawnKaren Bevill, Minutes Recorder

III. APPROVAL OF JUNE 9, 2011, MINUTES

MOTION #1: Kavale/Rydell moved to approve the June 9, 2011, minutes. (7 Yes/ 0 No/ 0 Absent) Motion carried.

IV. STAFF REPORT

Leonard Rydell stated that Newberg should minimize impervious areas and many of the things we take for granted here is sometimes taken for granted. He encouraged the committee to take the goal from 65% impervious area to 5% impervious area.

Sonja Johnson gave the staff report and PowerPoint presentation (see meeting record for full report). Stormwater management's two components are flood control and erosion of stream banks. Impervious area is what causes stormwater and as impervious area increases, there is decreased infiltration. The effect of that decrease can be seen in a stream hydrograph which shows a shorter time between when the storm starts and when the streamflow increases. Impervious areas cause decreased infiltration and increased stream velocity. The result is streambank erosion. Streambank erosion causes an increase in sediment, mercury, and bacteria in the stream. The TMDL Implementation Plan requires that we decrease sediment, mercury, and bacteria in streams so the strategy the city is looking at is to decrease the amount of impervious areas and increase infiltration. The committee will need to decide how much to require in the code.

Don Clements stated we have some areas where, down by the river, pump stations spill into streams. Dain Eichel replied we have not had that happen for a year and a half and that problem has been taken care of.

Clyde Thomas said the NPDES permit allows a certain amount of overflow. Jadene Stensland stated that the wastewater and stormwater systems are separate systems. Overflows happen in the sanitary pipes and not the stormwater pipes.

Don Clements stated they both go into the stream and the results are still the same with the stream being affected by bacteria and other things.

Jadene Stensland said they have different codes. Dain Eichel explained that groundwater and stormwater infiltrates into the wastewater system which is then pumped to the treatment plant. Every drop of water that comes through those pipes is treated and sent out to the Willamette River.

V. PUBLIC COMMENT

None.

VI. DISCUSSION OF PROPOSED STORMWATER CODE REGULATION

- A. Definitions and Scope**
- B. Facility Ownership**
- C. Facility Design**
- D. Facility Treatment**
- E. Facility Maintenance and Inspection**
- F. Variances**
- G. Bonds**

David Craig expressed concern with the economics of limiting development. Many things need to be taken into consideration especially the economy of the city. Regulatory burdens come with a cost such as staff time. The cost burden will increase and have an economic impact.

Leonard Rydell stated that the engineering community is moving to alternative methods because they can no longer afford traditional storm systems. The best way to solve a stormwater problem is not to create it. Only so much water can be run through the existing system. The trend with most cities is to keep the stormwater on site.

Jadene Stensland said she agrees that natural systems are more flexible and realizes that adding more structures is not the answer. Communities are looking toward mandating less impervious area. Most cities already regulate down to 500 square foot of new impervious area.

Don Clements stated that the way developers build today, right or wrong, is to create the most buildings with the least amount of land - large houses on small lots. Development is one aspect but having the community follow the same rules as a developer shows no flexibility and the cost keeps increasing making the community upset. He is not sure how to solve it but the committee needs to keep in mind the effect of the regulations on homeowners.

Clyde Thomas referred back to the charge of the committee and stated it needs to merge longevity and economics together. He asked the committee to look at whether they think the proposed code would work for projects greater than one acre. Later they could look at whether the proposed code needs to be changed for projects less than one acre.

Don Clements asked staff where the greatest problem lies in acreage and asked for some project examples under an acre. Sonja Johnson replied that the city does not currently have a code to address projects under one acre. Developers must adhere to the design standards but there is no regulatory code driving the design standards. The proposed code's facility design section provides a tiered system for under one acre. Projects greater than one acre must provide engineered stormwater facilities. Projects less than one acre but more than 1 EDU (currently at 2,877 sq ft) are required to have stormwater facilities but may not need to be designed by an

engineer. Projects between 500 square feet and 1 EDU may not need stormwater facilities. Anything creating less than 500 square feet of net impervious area does not need to follow the regulations.

Leonard Rydell recommended the city deal more with individual properties; little solutions for little problems.

David Craig stated that trying to dictate what every homeowner can do in their own yard creates an enforcement nightmare.

Clyde Thomas asked if a developer can submit low impact development facilities in developments now. Sonja Johnson replied that the way the proposed code is written allows developers flexibility to include traditional facilities or low impact development facilities. The city can include standard details and designs for low impact development facilities in the design standards but the city wanted the code to be flexible and give those who are doing development projects the choice of the type of stormwater facilities they want to use.

Don Clements would like to see the cost difference and the benefits between the two. Sonja Johnson replied she has done some research but the effect on cost is specific to area and site so people can show that low impact development is cheaper or that traditional facilities are cheaper. In other words, the research is inconclusive and the city want developers to be able to choose which method they are comfortable with as long as it complies with the water quality requirements of the city.

Joe Kavale suggested a design standard that is flexible with a code that has a general goal allowing change as newer theories come along.

David Craig suggested breaking the code into pieces; looking at one acre or more first and coming to an agreement in addressing stormwater facilities.

Al Blodgett agreed that flexibility and customer friendliness is the key to projects under an acre. Education will come along over a period of years and people will be happy if they are not dictated to.

Discussion commenced on developments over an acre. Sonja Johnson explained projects over an acre are required to comply with the entire proposed code. The design section requires engineered stormwater facilities and a design flow calculation that fulfills the standards in the design manual. Stormwater facilities must have an emergency overflow or bypass for flood waters so they do not overflow on neighboring properties. Privately owned facilities need someone to maintain the facility. In order to make sure people in the homeowners association know how to maintain the facility, they will have to sign a maintenance agreement with the city. The entity maintaining the facility must provide an annual report to the city letting them know that maintenance has been done and who to contact in an emergency. The city will be able to inspect the facilities to be sure they are maintained. A performance bond is required to ensure that facilities are built and a 2-year maintenance bond is required to make sure that the homeowner's association understands how to maintain it and to guarantee established vegetation.

Leonard Rydell asked for clarification on the 35% infiltration required in the facility design section. He does not see how anyone can comply with the temperature requirement or enforce it. Sonja Johnson explained that temperature and other water quality requirements can be determined by taking samples before the project starts. Most stormwater facility designs provide for complying with requirements. The committee can choose to put specific requirements in the stormwater code or in the design standard manual.

David Craig stated that impervious surfaces produce runoff and is quantifiable but, when talking about temperature, it becomes very confusing and may be used to ultimately stop development.

Clyde Thomas said he was not sure why the temperature was chosen as a matrix. Some rainfall can be warmer than the water in the stream.

Don Clements stated that there are many factors in runoff and the committee need to address who is responsible to take care of it. Sonja Johnson said that the maintenance plan will state what is required to maintain a facility. When staff reviews a facility design, it should be capable to work as designed. Don Clements stated that homeowner's associations are not a solution because they do not always last and facility maintenance then falls to the city.

Al Blodgett said he agrees that, in many subdivisions, homeowner's associations no longer exist.

Leonard Rydell said he agrees with Al and Don because 95% are not maintained. He recommends that the city monitor them.

Jadene Stensland added that these issues are not uncommon and it is why many planning and development codes have changed so that facilities that are owned by homeowner's associations have a maintenance agreement attached to the property title and it becomes the responsibility of the property owners. Don Clements agreed it needs to be tied to the property.

Clyde Thomas does not want to solve it through the ordinance but have the city tie it to the homeowners alone.

David Craig stated landscaping can be impervious when they put Visqueen in an area so it should be included in projects over one acre and covered by the code. Sonja Johnson agreed that landscaping be included if it creates more than 500 square feet of net impervious area but that regular landscaping would not fall under this code.

Joe Kavale requested clarification on the code as it appears that it states that the one acre threshold means one acre of impervious area and not disturbed area. Sonja Johnson stated that the code was meant to cover projects disturbing one acre or more that the code would be changed to clarify the point.

Leonard Rydell stated that erosion is a concern and requirements for that may be different from grading or impervious areas. Also, there is a need to keep them separate on the design because design for erosion control is not only for DEQ but for the city as well. If doing a small four-lot subdivision, you can have a 30,000 square foot project where impervious areas should be addressed.

David Craig expressed concern with performance bonds. It will restrict and prohibit folks from developing their own property.

Sonja Johnson explained that four of the six cities with stormwater code regulations had maintenance bonds for two years to cover the costs to re-vegetate the facilities. Oregon City requires a developer to pay the city to maintain stormwater facilities for two years. The maintenance bond requirements can be changed to cover the cost of maintaining the facilities for two years. The maintenance bond is used to make sure the homeowner association can maintain it and to guarantee the survival of vegetation in a facility.

Clyde Thomas suggested if we do not go with the maintenance then civil penalties will be needed in the ordinance.

Jadene Stensland said it is better to have a bond at the start of using a facility because facilities are not protected during the civil process.

Clyde Thomas stated that the committee should be able to make a decision on the proposed code at the next meeting and he wanted the committee to focus on the facility design and the maintenance bond sections.

Discussion commenced regarding maintenance agreements. Sonja Johnson added language to the original code that lets the city immediately repair facilities that are threatening the public or environment and that clarified the procedures used to inspect facilities so that people will know what to expect when a city is inspecting their facility.

Jadene Stensland requested an operation agreement manual as well. David Craig believes it should be included with the legal agreement.

Don Clements asked what occurs if the homeowners association disbands. Jadene Stensland stated the association has to be titled as an LLC.

Leonard Rydell stated that he does not recommend an LLC for a four to five lot partition. Jadene Stensland said there needs to be additional work by staff to clarify responsibilities, facility design, and the infiltration requirements in the code.

VII. OTHER BUSINESS

No other business was brought forward.

VIII. NEXT MEETING

The next meeting is scheduled for July 7, 2011, at 7:00 a.m. to 9:00 a.m. in the Public Safety Building

X. ADJOURNMENT:

Chair Thomas adjourned the meeting at 9:02

**CITY OF NEWBERG
STORMWATER AD-HOC COMMITTEE**

July 7, 2011

7:00 a.m.

Newberg Public Safety Building - 401 East Third Street

I. CALL MEETING TO ORDER

Chair Clyde Thomas opened the meeting at 7:04 a.m.

II. ROLL CALL

Present:	Chair Clyde Thomas	Al Blodgett	Don Clements
	Joe Kavale	Leonard Rydell	Jadene Stensland
	David Craig		

Staff

Present:	Sonja Johnson, Environmental Specialist
	DawnKaren Bevill, Minutes Recorder

II. APPROVAL OF JUNE 23, 2011 MINUTES

Jadene Stensland noted a correction on page 4 from the word “judicial” process to “civil” process.

MOTION #1: Rydell/Craig moved to approve the June 23, 2011 minutes as amended. (7 Yes/ 0 No/ 0 Absent) Motion carried.
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III. STAFF REPORT

Sonja Johnson gave the staff report (see meeting record for full report). A Stormwater Management Code Summary was provided to the committee that provided a matrix of the code requirements. Based on the committee’s discussion, staff has tiered the requirements for stormwater management according to the net impervious area created by a project. The tiers include: 1) more than one acre of disturbed land which is the requirement of the TMDL, 2) a net impervious area of more than 2,877 square feet which is equal to 1 EDU and is the average impervious area for a single residential home, and 3) 500 square feet to 1 EDU of net impervious area. Ms. Johnson stated the square footage can be changed by the committee if they so choose. The committee was concerned about over-regulating the smaller homeowner and small developer regarding small projects. The first tier is for one acre and above and the project will need an engineered design due to the amount of stormwater large projects create; the second tier will be required to have stormwater facilities but may not require an engineered design; and the third tier may not be required to have stormwater facilities.

David Craig asked how the City can require stormwater treatment without a facility. Ms. Johnson gave the example of sheetflow across a grassy area would not be considered as a facility per se but it would take care of stormwater treatment. David Craig stated the City would be requiring treatment for small areas but what will be accomplished by doing so? The facility and the treatment requirements should go hand-in-hand.

Leonard Rydell stated that sheetflow across grassy areas is the cheapest and most effective way of solving these problems.

V. PUBLIC COMMENT

None.

VI. DISCUSSION OF PROPOSED STORMWATER CODE REGULATION

David Craig stated clarification is needed on what a facility is. Ms. Johnson explained a facility is defined as something that has been designed to control stormwater and which the City has approved. As long as a new impervious area of not more than 500 square feet is created, there will not be a requirement for facilities. Regarding smaller projects and stormwater treatment, infiltration will be considered treatment which is why the City would accept sheetflow across a grassy area as acceptable treatment as long as it decreased the stormwater volume. David Craig stated that he did not think an average homeowner would understand the facility requirements.

Leonard Rydell stated stormwater treatment should be required for every project. There are two types of projects – building permit projects and public works projects. At the building permit stage, there should be a volunteer program when the site plan is reviewed that suggests stormwater facilities such as grassy swales to the homeowner. There should not be a fee or maintenance bond; rather it should be handled by the Planning, Building, and Engineering Departments alone. In his experience, performance bonds are generally only required if you want to record a subdivision before the street is built. Mr. Rydell stated he would rather not have a performance bond at all. A maintenance bond should only be for engineered facilities and those covered by development permit. Generally a maintenance bond should not be required for a single family residence. It is difficult to do anything without a permit from the City but it needs to be kept simple yet conscious of the impact on the environment. A stormwater review should be done at the time of applying for a permit. Facilities should be suggested on a voluntary basis.

David Craig agrees as part of the education process to encourage management of stormwater. Regarding permits, there are many things you can do that do not require them. Decisions need to be made regarding bonds since it is a substantial burden on developers and homeowners. The City has allowed bonding lands on landscaping but it is purely voluntary.

Sonja Johnson stated the performance bond is to guarantee the facilities are built correctly and are only required with an engineered design facility. The maintenance bonds are to maintain the stormwater facilities for 2 years. If the maintenance is for vegetative cover, the bond would be much lower than something more complicated. It makes sure the maintenance organization is able to properly take care of the facility.

Chair Thomas called a few people who work in the banking industry; one being a Vice President for Bank of America and a few Certified Public Accountants and asked them about bonds in regard to single family residences. They commented they had not heard of such a thing.

Jadene Stensland stated when she has seen bonds they are usually through a surety and not through a bank. Ms. Stensland asked staff the cost of a maintenance bond for the homeowner and for a non-engineered facility. Ms. Johnson stated she has not researched the cost.

Leonard Rydell suggested deleting the performance bond section in its entirety. Many people do not have the ability to get a maintenance bond and he does not recommend them for all facilities but for facilities greater than 2,878 square feet. There should be no bonding requirements for a single family residence. Mr. Rydell stated the face value normally required for a bond is 20%.

Sonja Johnson stated the City has not talked about the dollar amount to be charged but she will look into it and can supply information to the committee within the next two weeks.

Don Clements stated that the cost and burden of the regulations is the reason this committee is here. There is no information on the cost, the benefits, or the analysis and the answers needed in order to make an informed decision. Mr. Clements requested asking a bonding expert to come in and address the committee in order to be better informed before making a decision on this matter. The committee agreed.

Al Blodgett stated homeowners should not be discouraged with unnecessary bureaucracy regarding single family residences.

Joe Kavale stated if the purpose of the maintenance bond is to cover the cost to the City, then why shouldn't the City have the right to place a lien for the value of the cost of maintenance of the facility and tie the deed up if need be? David Craig replied the challenge is when there is a homeowner's association and knowing which property to place the lien on.

David Craig feels he has enough information and experience regarding bonding to say that the performance bond should be eliminated as well as the maintenance bond requirements for anything except one acre and over.

Jadene Stensland stated from a municipality's standpoint, the costs will be passed on to everyone if something goes wrong. The cost should be placed on the person doing the development, thus having performance bonds and maintenance bonds, except no maintenance bonds under one EDU.

Chair Thomas asked about the use of a lien instead of a performance bond and is there a way to word the ordinance in order for the City to go back and enforce a lien. David Craig believes there is already language in the City code when penalties are not paid. Ms. Johnson stated there is a Summary Abatement in the current code; if the facility is not maintained and it threatens downstream facilities or other people's property, the City has the right to go in and make sure the facility is properly functioning and bill that cost to whoever owns the facility and will attach it as a lien.

Chair Thomas summarized some of the suggestions: to remove and strike the performance bonds in all three tiers; remove the maintenance bond up to 1 acre; and the option to work with a lien instead. Leonard Rydell would recommend maintenance bond only if an engineering design is required; greater than 2,878 square feet. Sonja Johnson will find out whether the bonds are negotiable as well as something to back that up.

Don Clements suggested bringing back those who testified earlier in order to present their comments before the committee concludes in order to be sure concerns have been addressed.

Jadene Stensland asked staff for information regarding performance bonds for one acre or greater.

Leonard Rydell stated the number of performance bonds on projects are not typical and does not understand why the City would want to do them now.

Chair Thomas, referring to the Stormwater Treatment section of the Stormwater Summary handout, asked if the requirement to discharge to the stormwater system or a stream refers to overflow. Sonja Johnson replied yes; the reason it was included is the code says stormwater facilities cannot discharge to the City's wastewater

system so they must discharge overflow to either the stormwater system or the stream. She asked the committee to look at the actual code on this and delete the bullet point in the handout.

Jadene Stensland, referring to the Stormwater Treatment section of the code that requires controlling peak stormwater, stated that peak discharge is not the only issue in Oregon due to the small storms that come in one after the other; peak discharge combined with storm duration causes erosion problems. She recommends using a 72-hour storm duration.

Leonard Rydell sees danger in that due to calculations. The policy should be to keep stormwater volumes at the same level as they were pre-development. Sonja Johnson stated, in regard to the erosion in the streams, we used to keep the stormwater back and let it out slowly but keeping the higher discharge rates for a longer time causes more streambank erosion. If you have higher discharge rates going through a stream for a longer period of time, a lot more streambed material is moved by the stream and she believes that is why cities have moved to a 72-hour duration storm requirement instead of a design storm based on annual frequency.

Sonja Johnson referred back to the section requiring treatment of 500 square feet of net impervious area up to one EDU and asked if the committee is okay with it. She also asked if the committee agreed that the City should keep the discharge rate and stormwater volume down in order to not inundate downstream facilities or increase flooding and erosion problems downstream, and that projects follow the Oregon Drainage Law.

David Craig believes that it is open-ended. It could be stated that the requirement is zero net increase in run-off.

Leonard Rydell referred to the Oregon State Highway Department Drainage Manual which states you cannot keep water from upstream properties from running across your own; cannot change where it runs or divert it from one place and have it discharge somewhere else, and cannot increase the flows downstream.

Sonja Johnson stated that the City is not asking for zero run-off but does not want to create a problem downstream and definitely does not want to increase flooding or erosion problems downstream. There is a clause in the code that states if a project cannot fulfill the intent of the code then an applicant can ask for the City for a variance.

David Craig stated the definition for “facility” needs to be clarified. Leonard Rydell stated all would be called a facility due to the problems that would be caused in ground disturbance even if just a landscaping change.

Sonja Johnson will change the definition of a stormwater facility to say, “has been required by the city”.

David Craig stated you can have both kinds; a stormwater facility that is not required by the City and also a required facility. Jadene Stensland is hesitant to use the same definition twice; a definition for “required” is what is needed.

Don Clements referred to facility maintenance and stated there should be one statement that says publicly or privately owned and shows everyone is responsible. Sonja Johnson will change the language in section A to, “the city shall operate and maintain public stormwater facilities.”

VII. OTHER BUSINESS

Sonja Johnson asked the committee if they would be able to meet on Wednesday, July 20, 2011 from 7:00 – 9:00 a.m. instead of 7:00 to 9:00 a.m. on Thursday, July 21, 2011 since the recording secretary will be unable to

attend due to a meeting conflict. The committee will be unable to change the date so the recording secretary will transcribe the meeting from the audio recording.

**VIII. NEXT MEETING JULY 21, 2011
7:00 A.M. TO 9:00 A.M.
PUBLIC SAFETY BUILDING, 401 EAST THIRD ST.**

X. ADJOURNMENT:

Chair Thomas adjourned the meeting at 9:04 a.m.

**CITY OF NEWBERG
STORMWATER AD-HOC COMMITTEE**

July 21, 2011

7:00 a.m.

Newberg Public Safety Building - 401 East Third Street

I. CALL MEETING TO ORDER

Chair Clyde Thomas opened the meeting at 7:00 a.m.

II. ROLL CALL

Present: Chair Clyde Thomas Al Blodgett Don Clements
Joe Kavale Leonard Rydell David Craig

Absent: Jadene Stensland (excused)

Staff

Present: Sonja Johnson, Environmental Specialist
Alan Lee, Environmental Services Supervisor

III. APPROVAL OF JULY 7, 2011, MINUTES

MOTION #1: Kavale/Rydell moved to approve the July 7, 2011, minutes as amended. (6Yes/ 0 No/ 1 Absent [Stensland]) Motion carried.

IV. STAFF REPORT

Sonja Johnson began by addressing the comments brought forth by the committee members at the last meeting. The first was regarding how the City would know which properties will require more stringent requirements for facilities based on the severe erosion definition. In the Design Standards Manual, the City will reference soil survey maps from the Soil and Water Conservation Districts or the National Resources Conservation Services (NRCS) who have mapped the area as to the type and category of the soils. The 72-hour storm duration was also discussed at the last meeting. Storms are detailed in the Design Standards Manual and staff will look very strongly at incorporating a 72-hour storm as opposed to a 24-hour storm. Ms. Johnson referred to the Stormwater Manual Code Summary where she has highlighted the changes she has made in the Code as well as the actual changes within the Code.

V. PUBLIC COMMENT

None.

VI. DISCUSSION OF PROPOSED STORMWATER CODE

Leonard Rydell thought the City was not going to require performance bonds, but can see it as a requirement when an engineering design is required. Ms. Johnson asked for more clarification from the committee, perhaps a consensus motion concerning the performance bonds as well as the maintenance bonds.

MOTION #2: Rydell/Craig moved to delete the requirement for a performance bond on both one Equivalent Dwelling Unit (EDU) of net impervious up to one acre, and from one acre and above.

Don Clements stated the committee did go back and forth discussing the bond issue at the last meeting, but what the committee did not know was how difficult a bond would be to acquire as well as the requirements.

Leonard Rydell stated the only time a performance bond is done is when it is a public works contract and you want to guarantee that the contractor is going to perform. He does not believe a performance bond has any place in ordinary development. The City already has a mechanism in place to ensure a developer performs, such as in a subdivision.

Ms. Johnson stated if the committee removes the bond section it will also strike it for all public improvements, not just private, and that is where the City is hesitant.

David Craig does not understand how that is an issue. It can be stated it is required for public works projects, but agrees wholeheartedly with Mr. Rydell. Mr. Craig has worked in the construction industry for 25 years and all the mechanisms are there to ensure all the aspects of a private development are fulfilled before the Certificate of Occupancy is issued. It is an unnecessary financial burden. If a private citizen wanted to develop their own property, such as a retail shop on an acre of property, they will not have the ability to be bonded. The only time you go back on a bond is when someone does not perform which normally only happens when a company is going bankrupt or out of business.

Al Blodgett asked staff if it will be difficult to change the verbiage in order to separate public and private. He believes it would be much more customer-friendly if that were done. Ms. Johnson replied that staff can put the bond requirements in a contract instead of the regulations. Staff will strike those two sections if the committee requests it.

Don Clements stated he will abstain from the motion, because he does not feel he has enough information to vote.

VOTE ON MOTION #2: (6Yes/ 0 No/ 1 Abstain [Clements]/ 1Absent [Stensland]) Motion carried.

Leonard Rydell stated he is torn on the maintenance bonds because too often he has had some of his projects designed only to have them fall apart at the maintenance stage. He has had developers who had good intentions but did not carry it through. Mr. Rydell does not want more requirements but would like to be sure projects are completed correctly. It is also good for the maintenance of landscaping.

David Craig said he believes there is a better way to address maintenance either through civil penalties or another mechanism the committee could come up with, which would provide folks with the incentive to keep those facilities maintained. A better solution is needed other than spending money on a two-year window since he suspects a lot of these facilities that are neglected occurs after the first couple of years.

Leonard Rydell said a level of enforcement can be added where the City can issue a violation, a stop-work order during construction, or a summary abatement as a way to handle this issue.

Chair Thomas stated the question of landscaping was raised at the last meeting and asked staff how the City currently handles incomplete landscaping. Ms. Johnson replied the City does not currently have the ability to recoup expenses from inadequate maintenance on private facilities which is why the current language contains a

summary abatement section. The City does have a landscaping requirement under the Development Code that uses a surety as opposed to a bond. Perhaps the option is to change the language as Mr. Rydell suggested and call it a surety or financial assurance.

Don Clements stated one of the problems is if you want to occupy a project and the landscaping is not done due to it not being conducive at that time. He is unsure if the City currently has the ability to give temporary occupancy.

Joe Kavale stated the same situation arose when building The Allison. They did not want to put the landscaping in during the middle of the summer so they obtained a temporary occupancy from the City and financially covered the cost until the landscaping was completed, which is what he would consider assured. He has also heard of the City holding a Certificate of Deposit (CD) in two names; the City's name and another entity's name being held for the completion of a road.

Leonard Rydell discouraged the use of a temporary occupancy permit due to his business experience.

David Craig said he thinks the system the City of Newberg currently has works. It gives the ability to post financial responsibility whether by check, CD, or in the way of a bond if possible. It gives the incentive to finish the project or lose the money.

Al Blodgett stated from his years of working with the City, he has seen temporary occupancy work well.

Leonard Rydell asked if the word "assurance" can be used instead of "bond".

David Craig stated the wording will not change the fact that there is still a requirement. He does not see this applying to stormwater facilities as much as it would to landscaping. He would rather see something on the enforcement side; a perpetual solution instead of a short-term solution. Joe Kavale agrees with Mr. Craig and suggested Terry Mahr, City Attorney, speaks to the committee about it. Leonard Rydell agrees, as well.

Chair Thomas reiterated the committee's discussion; eliminate maintenance bonds and deal with maintenance through enforcement

Leonard Rydell suggested the one sentence in the maintenance bond box located under number one regarding projects lying within the 100 year flood plain or stream corridor overlay are subject to additional requirements, should be deleted.

Chair Thomas explained that sentence came from a comment made by Jadene Stensland at an earlier meeting where she stated a lot of jurisdictions have a statement like that within 100 feet of the 100 year flood plain. Ms. Johnson stated the stream corridor overlay sub-district closely follows the 100-year flood plain.

David Craig said he agrees with Mr. Rydell; if there are additional requirements then they need to be defined. The only other issue he would bring up for discussion is what the requirements would be for stormwater facilities for an area that fell between one Equivalent Dwelling Unit (EDU) and one acre.

Leonard Rydell stated he is involved in a project with Habitat for Humanity where they want to take one lot and divide it into two lots; remodeling one house and the City required improvements on a second house. He asked would that count as more than one EDU or would each parcel be judged separately. Ms. Johnson replied the

requirements are based on the net impervious area of the project itself. If doing two houses at once, it would be based on how much new impervious area is created.

Don Clements stated changes in the Development Code would change many of these issues. Ms. Johnson stated the Development Code may be changed later but it is not part of the committee's tasks to look at the Development Code. The City understands that code requirements may be creating stormwater.

Joe Kavale asked if language could be added stating the net impervious area is figured on what you are doing on your project property and not on adjacent property. Ms. Johnson will consult the Engineering Division and the Planning & Building Department regarding that suggestion. She will also ask other staff if, as discussed by the committee, streets are considered to be part of the net impervious areas.

David Craig said he wants to be sure everyone is on the same page and would rather the language state stormwater facilities "may" be required rather than just stormwater facilities "are required" due to the many examples that can fit into that scenario. Ms. Johnson stated there is a proposed clause in the Code that is a variance so if the project follows the regulations but does not fulfill the intent of the Code, then the opportunity is available to apply for a variance.

Ms. Johnson stated the reason staff used the definition of an EDU as a limit for the tiered requirements is because that is the average impervious area in the City on a lot and the City should be able to handle that much in the stormwater system.

David Craig referred to Section 13.35.07 regarding maintenance and requiring that the maintenance agreement be deeded to the property and the maintenance plan, as well as annual reporting and asked if that is something the committee would want applied to every stormwater facility or just to stormwater facilities that are in the one acre and above.

Leonard Rydell suggested it should go down to the more than one EDU level. His goal is to encourage people to realize what they do in their yard does make a difference in the big picture.

Ms. Johnson stated one of the handouts at the last meeting was an example of a report the City may require. The Stormwater Inspection and Maintenance Report requires only a contact name, brief description of what was done, and a signature. Ms. Johnson passed around a copy for the committee to view (see official meeting record for the report). The stormwater facility definition that has been discussed has been changed from the originally proposed definition to one that has been required by the City. Originally, it had stated that a facility was one that the City approved instead of required. Many municipalities are struggling with smaller facilities that people do not realize they have on their property and do not understand what they have to do to maintain it. The agreement helps them understand that they have a facility and how they need to maintain it.

Ms. Johnson explained the City should be able to handle and provide at least 2,877 square feet so perhaps the use of an EDU is confusing because if you have a large lot and you build a large house up to the set-backs, you will trigger these regulations because you will be creating more than 2,877 feet of net impervious area. Conversely, if you build a small house that is 1,200–1,600 square feet your project will probably not fall under the regulations.

David Craig asked if someone builds a 3,000 square foot home and the net impervious surface when completed is 3,000 square feet, will the additional 123 square feet of impervious surface that takes them over the limit trigger a stormwater facility or are there smaller things they could do like disconnecting their rain drains which

will make the net impact to the system less than the average 2,877 square feet. The Code states if you are create more than one EDU of net impervious area, stormwater facilities are required. Ms. Johnson stated that the maintenance agreements and annual reports would only be for required facilities because that is how it is defined in the definition section. She will look into whether disconnecting the rain drains would create what would be considered a stormwater facility.

Chair Thomas asked how many people would fall into that category in the City of Newberg. David Craig replied it is at least 50% because the average is one EDU for the entire City.

Joe Kavale suggested adding a sentence under Maintenance that says, "All stormwater facilities shall be maintained per best management practices and in addition engineered facilities shall have additional requirements as specified below." Sonja Johnson will confer with other staff on Mr. Kavale's suggestion.

Leonard Rydell pointed out that home ownership changes on the average every five years and making people aware of ways to preserve the environment down the road is very important. He is not a fan of having every property owner send in paperwork to the City but there needs to be a way to encourage and educate the public.

Joe Kavale stated regarding education, the Environmental Protection Act (EPA) website has an incredible amount of pamphlets for all of this. A great place to begin education is also with school age children. He also hates to think of burdening the public or the City with paperwork. Ms. Johnson stated as part of the TMDL requirements, the City is required to provide educational outreach and so they try to do that. One of the goals is providing education to the children since the City believes children will come home and bring the information to their parents. The main reason why the City has this section is so people understand they do have a facility and they need to maintain it for the public good.

Ms. Johnson stated that some cities send annual letters out to facility owners. The City could have a fillable form online or, if the property owners do not have access to a computer, then it could be filled out and mailed in.

Leonard Rydell suggested including the letter in the water bill on an annual basis.

Al Blodgett stated the City is mandated to send out an annual newsletter to the citizens regarding the status of the City's water, which may reach more people than the monthly water bill. Ms. Johnson stated both are very good ideas and will take the suggestions under advisement. Mr. Kavale is not certain either way is a guarantee of reaching everyone responsible for a facility. Mr. Blodgett agreed due to absentee owners.

Joe Kavale asked if anyone has thought about incentives for people to disconnect their drains. In Portland you can have your water bill reduced by doing so. Ms. Johnson stated the City began a Stormwater Credit Program in December of last year for residential properties as an incentive.

The committee has completed their task of looking at the stormwater code and Clyde Thomas asked for clarification on how to proceed from this point. The next task the committee is scheduled to look at is the current design requirements. Ms. Johnson would like the committee to provide suggestions for the City's current design standards manual such as what sections of other cities' design standards that the committee would like to see incorporated. The committee's handbook has several design standard manuals from other cities and some of them go into a lot of detail. Currently, Newberg's design manual is very basic and needs to be improved on in order to provide people with the right tools to comply with the proposed requirements. City staff understand that they will need to add some design and maintenance requirements for non-structural facilities.

Leonard Rydell asked for clarification on the 72-hour storm. Ms. Johnson explained Jadene Stensland had asked staff to look into that and staff will investigate whether a 72-hour storm duration is better than the currently required 24-hour duration. Alan Lee stated three inches within 24-hours is defined in the five-year storm by DEQ. He has worked for the City for 22 years and has never seen that happen. Ms. Johnson stated that what causes most of the stream erosion is the multiple storms that come to the area. Cities are starting to use the 72-hour duration storms instead of the 24-hour storms because of the increased stream volume and velocity created by these multiple storms.

VII. OTHER BUSINESS

None

**VIII. NEXT MEETING AUGUST 4, 2011
7:00 A.M. TO 9:00 A.M.
PUBLIC SAFETY BUILDING, 401 EAST THIRD ST.**

IX. ADJOURNMENT

Chair Thomas adjourned the meeting at 9:00 a.m.

**CITY OF NEWBERG
STORMWATER AD-HOC COMMITTEE**

August 4, 2011

7:00 a.m.

Newberg Public Safety Building - 401 East Third Street

I. CALL MEETING TO ORDER

Chair Clyde Thomas opened the meeting at 7:00 a.m.

II. ROLL CALL

Present: Chair Clyde Thomas Al Blodgett Don Clements
Leonard Rydell Jadene Stensland

Absent: David Craig Joe Kavale

Staff

Present: Alan Lee, Environmental Supervisor
Sonja Johnson, Environmental Specialist

III. APPROVAL OF JULY 21, 2011 MINUTES

MOTION#1: Rydell/Stensland moved to approve the July 21, 2011 minutes as amended. (5Yes/ 0 No/ 2 Absent [Craig, Kavale]) Motion carried.

IV. STAFF REPORT

Sonja Johnson provided answers to questions raised at the previous meeting. Net impervious area will be calculated by the project's total impervious area rather than taking out impervious areas that are required by the Development Code or other requirements. Using an online form for the annual facility maintenance report will be easier for the public and staff and will be pursued. Staff does not want to disconnect rain drains unless it is already going to a stormwater facility such as a swale or rain garden where the overflow can be directed to the stormwater system.

Leonard Rydell asked what the City's official position is regarding disconnecting rain drains. Ms. Johnson explained the flow needs to go specifically to one spot where the overflow from that facility is directed to the stormwater system. This is needed in order to stay in accord with the Oregon Drainage Law.

Chair Thomas asked if disconnecting rain drains is included as an incentive program and is it done in the Portland. Ms. Johnson replied rain drains can be disconnected in Portland. In Newberg there is a non-single residential Stormwater Credit Program that the City has had for several years and last December the City started a single-family residential homeowner credit program where, if you plant trees or put in a swale or a rain garden, a credit can be received but there is not rain drain credit in the program.

Chair Thomas noticed in the removal of the word “EDU”, the number 2,877 square feet does not seem to have a reference point; it seems arbitrary. Ms. Johnson replied the reason it was taken out was so the public would not think it was one EDU as opposed to the square footage. She asked if the committee would like to make the number 3,000 square feet or have a footnote. Chair Thomas would be fine with a footnote.

Jadene Stensland believes it should be left as 2,877 square feet. It should not be rounded to another number which will then be arbitrary and leave the public wondering why it was chosen. At least staff will be able to explain why the specific number was used.

While Ms. Johnson stepped out to make updated copies of the ordinance for the Stormwater Management Code, Chair Thomas referred to Section 7 of the Committee Handbook entitled City of Newberg Design Standards; the drainage system design capacity and the potential for low impact development. He noted that other cities had stormwater design manuals instead of city design standards. The cities that Ms. Johnson referenced in the written material go much more in depth with the actual design. Chair Thomas believes that the current City design standards for culverts, bridges, alignment and cover, right-of-way locations, etc. has been functioning and in place for a long period of time and is unsure if any change would be recommended. He would like to see the addition of low impact development in order to have other options available.

Don Clements stated that bridges have to be designed to meet the hundred-year flood and asked staff how to address pedestrian bridges. Alan Lee stated he does not know the answer to that.

Jadene Stensland is unsure if Newberg has an inventory of bridges including pedestrian bridges because she believes most of them are ODOT. Alan Lee has not been involved in engineering and cannot speak to that. Ms. Stensland stated from the Clean Water Services point of view, they usually say 36 inches and above is considered a bridge, even if it is a box culvert, so it can be defined on size.

V. PUBLIC COMMENT: None.

VI. APPROVAL OF PROPOSED STORMWATER MANAGEMENT CODE

Ms. Johnson returned with the copies and passed them out to the committee. Mr. Rydell asked why “EDU” was removed. Ms. Johnson replied it was confusing due to whether to refer to the square footage or the EDU and the intent was just to use the square footage. A footnote can be included regarding the square footage and where it came from. Mr. Rydell asked if the EDU is used in the billing for the stormwater fee and where in the City code would it be defined. Ms. Johnson replied it is defined in the utility code right now in the stormwater section.

Chair Thomas asked for clarification regarding variances and the reason for the 150% before the start date. Ms. Johnson explained the intent behind Subsection D is that you should be able to apply for a variance but it should not be a way out of building a facility. The City will still have to take care of the stormwater in the end whether a variance is provided.

Chair Thomas asked about the design flow calculations required for projects disturbing less than one acre of land but creating net impervious area greater than one EDU; he would prefer that design flow calculations not be required for projects less than one area. Alan Lee stated that if you know the net impervious area and the design storm then the amount of runoff is easy to calculate. Chair Thomas stated a typical homeowner is not going to know what the design storm should be. Mr. Lee stated that staff can provide it for them. Ms. Johnson stated that some of design standard manuals have forms for smaller projects that calculate the amount of runoff. The design flow calculations would not need to be done by an engineer.

Leonard Rydell stated that the design flow calculation could be eliminated because it is less than one typical house between 500 and 2,877 square feet. Ms. Johnson stated that someone will need to do the calculation to determine whether a stormwater facility is required; whether it is a developer that fills in a simple form or staff that calculates the amount. Mr. Rydell asked the purpose in having the number and what will it be used for. Ms. Johnson replied the public works director will use the number to determine whether to require a stormwater facility for projects less than 2,877 square feet. If the design flow calculations are removed then staff will need to calculate it. Mr. Rydell still does not understand the need for it. Ms. Johnson stated that the code also affects retrofit projects that may only create 2,877 feet of new impervious area but may ultimately require a new or upgraded stormwater facility because of the total amount of stormwater created by the site. Chair Thomas also does not understand how it will help the director in making a determination. Jadene Stensland stated that having a simple worksheet for the calculations is a good thing and the calculations need to come from the property owner. Staff should not be providing the calculations. Leonard Rydell asked what difference it makes as long as an impervious area is provided and felt that design flow calculations on small projects were useless. Jadene Stensland asked if staff should be spending time calculated runoff for the public when people who want to do development need to be prepared with the information. Leonard Rydell stated there is no formula because it changes per situation. Alan Lee stated that runoff can be calculated easily if you know the amount of impervious area but you may not know what the downstream conditions are. For instance, there could be an undersized pipe being drained into. The calculations are needed before determining a stormwater facility. Sonja Johnson stated that the language could be changed from “design flow” to “basic flow” calculations if it is the language that has the committee concerned in the lower category. The basic flow calculation worksheet could be included in the design standards manual; the more complicated projects would still do an engineered design flow calculation. Chair Thomas is concerned with the simplicity of the worksheet and asked if staff can bring one back to the committee to review. Jadene Stensland stated the City has to have documentation to track the system and capacity but staff cannot do it until they have the flow calculations.

MOTION #2: Rydell/Clements moved to eliminate the wording, “design flow calculations” in Section 4. (4 Yes/ 1 No [Jadene Stensland] / 2 Absent [Craig, Kavale]) Motion carried.

MOTION #3: Rydell/Blodgett to approve the Stormwater Management Code as amended. (5 Yes/ 0 No / 2 Absent [Craig, Kavale]) Motion carried.

VII. DISCUSSION OF STORMWATER REQUIREMENTS IN THE DESIGN STANDARD DETAILS AND SPECIFICATIONS MANUAL

Chair Thomas asked the committee to turn to Section 7 of the Committee Handbook and Section 7’s Table of Contents that was given to the Committee for this meeting. Sonja Johnson stated staff would like to hear from the committee regarding what areas need more information to implement the stormwater code. The committee can refer to what the other cities offer and choose sections they would like to see added to improve the design standards manual. Chair Thomas sees two sections that need to be improved: operation and maintenance agreements and low impact development.

Jadene Stensland will forward her many suggestions to staff but stated peak or duration flows need to be addressed. She would also like to sections on vegetative corridors, low impact development, and sump catch basins. She also recommended looking over those definitions.

Chair Thomas liked Lake Oswego’s Design Manual and how it was visually presented.

Jadene Stensland requested there be a definition of a vegetative buffer or a vegetative corridor, depending on what term the City would like to use and would also like to see definition for the term “design storm” and a section on low impact development. Ms. Stensland would like to see staff go through the code and make sure it is in the manual so that the public will know what is expected for descriptions and dimensions. She referred to section 1.3(e)(1) of the current design standards and suggested FEMA be included and perhaps the Oregon Water Resource Department. Under section 1.3(e)(2) which concerns an inspection of the project area, she asked what happens after the inspection. Under section 1.3(e)(3), she asked if the City has a No-Rise Certificate regarding downstream properties. Under Mitigation Options there is an option for a conservation easement and Ms. Stensland asked if there is a process to that and how do you determine how much is required for mitigation, and how large do the buffers need to be. Also extending the public conveyance system and who pays for that extension and the calculation.

Leonard Rydell stated the standards are only for public works projects or a private project with public improvements. Sonja Johnson stated that the reason behind the design standard manual is to implement the code. She suggested amending the Authority and Purpose to implement the new Stormwater Code. Ms. Johnson referred to Keizer’s design standards and read the objectives. She will change Newberg’s Authority and Purpose section so that public and private stormwater facilities are covered by the design standard manual because both types of facilities affect the public system.

Jadene Stensland asked if there are design standards for privately maintained facilities in Newberg. Ms. Johnson replied that the building code is currently used for private facilities and that public improvements use the design standards. Jadene stated she has seen where private facilities have to meet approved best management practices.

VIII. OTHER BUSINESS:

Sonja Johnson discussed scheduling for meetings after the school year begins. Al Blodgett would not mind attending evening meetings.

Don Clements does not believe all that is discussed needs to be recorded; only motions, thus the Minutes Recorder does not need to attend. Ms. Johnson stated that the audio recording is a standard procedure for meetings and the minutes are transcribed from the audio recording. The audio recording provides insight as to why the committee made a decision. Discussion continued regarding available days and times. Staff will send out an email to obtain further information.

**IX. NEXT MEETING AUGUST 18, 2011
7:00 A.M. TO 9:00 A.M.
PUBLIC SAFETY BUILDING, 401 EAST THIRD ST.**

X. ADJOURNMENT:

Chair Thomas adjourned the meeting at 9:00 a.m.

**CITY OF NEWBERG
STORMWATER AD-HOC COMMITTEE**

August 18, 2011

7:00 a.m.

Newberg Public Safety Building - 401 East Third Street

I. CALL MEETING TO ORDER

Chair Clyde Thomas opened the meeting at 7:06 a.m.

II. ROLL CALL

Present: Chair Clyde Thomas Al Blodgett Joe Kavale
Leonard Rydell Jadene Stensland

Absent: David Craig Don Clements

Staff

Present: Alan Lee, Environmental Supervisor
Sonja Johnson, Environmental Specialist

III. APPROVAL OF AUGUST 4, 2011 MINUTES

MOTION#1: Rydell/Kavale moved to approve the August 4, 2011 minutes as amended. (5Yes/ 0 No/ 2 Absent [Craig, Clements]) Motion carried.

IV. STAFF REPORT

During the staff report, Sonja Johnson addressed issues and questions raised at the last meeting. Newberg has standards for transportation bridges but no specific requirements for pedestrian bridges. Size, location, and whether they provide emergency egress affects design requirements for pedestrian bridges; it is best to contact Jason Wuertz for project-specific information.

Project engineers inspect project areas and use the information to write the narrative required by the Design Standards Manual on how the project will affect downstream facilities. There is no current procedure in place for conservation easements as part of a mitigation option for stormwater facilities however staff will create a procedure as they revise the Design Standards Manual.

The Design Standards Manual was revised according to committee requests and place holders were added for sections on low-impact development design standards and requirements for operating and maintaining stormwater facilities. The introductory section of the manual was changed to require that both public and private stormwater facilities adhere to the requirements. In addition, new definitions from the stormwater code were added to the design standards manual and the section addressing potential sources of information was changed

to also include the Federal Emergency Management Agency (FEMA), the US Army Corp of Engineers, and the Oregon Water Resources Department.

The City does not currently reference vegetated corridors in the Stormwater Code or in the Design Standards but they are referenced in the illicit discharge code. Jadene Stensland made a recommendation that a section on vegetated corridors be added to the design standards.

Leonard Rydell would like to see a general policy that all new impervious areas flow through vegetation prior to discharging to the stormwater system. Jadene Stensland supports Leonard regarding water quality and treatment for runoff but would rather that best management practices be stressed for water quality. Chair Thomas asked if there will be a conflict in requiring it of all facilities. Leonard Rydell believes the wording should state that “it shall be” the policy of Newberg to encourage all new impervious area to flow through a vegetated facility prior to disposal into streams. Chair Thomas asked if the recommendation should be added as a policy statement or as a list of best management practices. Mr. Rydell believes it could be added as a general statement. Joe Kavale agreed with Mr. Rydell; in Section 1 of the Design Standards Manual, there are three paragraphs that could include the suggestions that have been made. Ms. Johnson stated staff can include the following: “The City of Newberg encourages techniques to maintain or improve water quality of our streams.” The committee agreed with the wording.

Staff is reluctant to require sump catch basins because of vector control and flooding concerns. Jadene Stensland stated sump catch basins are a best management practice that is used in other communities to provide water quality treatment. While requiring additional maintenance, it collects sediment, oils, and grease if a hood or snout is attached to the sump basin. Clean Water Services is retro-fitting their catch basins to include a sump and they require them on all new public catch basins.

A definition for project summary was added to the proposed Stormwater Code and staff added an exemption for projects on single lots that are zoned as Single Family Residential. If the committee has no objections to the changes, staff will present it to the Planning Commission. The committee had no objections to the changes.

V. PUBLIC COMMENT: None.

VI. DISCUSSION: DESIGN STANDARDS AND SPECIFICATIONS MANUAL

Alan Lee created a matrix handout which correlated the requirements of the code with the design standard manual. Chair Thomas referred to the blue handout and asked for discussion.

Jadene Stensland recommended restrictions on projects in the floodplain or stream corridor. Chair Thomas stated that a pavilion, recently completed at George Fox University, is used for public research and student study. All runoff and water quality requirements were met but there are currently pervious pathways through the area that the college would like to make ADA-compliant at some point which would require making them impervious. If no projects were allowed in the floodplain, it would affect the ability for the wheelchair community to enjoy the pavilion.

Leonard Rydell referred to additional requirements for “severe erosion” and asked how it will be determined what “severe erosion” is. Ms. Johnson explained that the code currently states if there are facilities downstream that have severe erosion or if a project has soils that are capable of severe erosion, the City has the option of asking an applicant to incorporate more stringent requirements. The City will use project-specific information and the NRCS Soil Survey maps to determine what constitutes severe erosion.

Sonja Johnson referred to a handout that listed maintenance procedures for stormwater facilities from comparable cities. The City of Milwaukee has basic operations and maintenance requirements whereas Lake Oswego has one of the most detailed and user-friendly list of requirements. There were other cities included in the handout as well for the committee to look at.

Al Blodgett believes user-friendly requirements will be more successful. Chair Thomas stated that the charts used at Clean Water Services were easy to follow and he liked their checklist. He also thinks the Lake Oswego manual is user-friendly. Al Blodgett agreed and feels no need to re-invent what another city has already put together. Leonard Rydell likes Lake Oswego's as well. Joe Kavale also agreed and stated that the checklist can be used to help homeowners maintain their facilities. Al Blodgett believes that a detailed handbook will result in fewer problems in the future for inspectors. Jadene Stensland believed Lake Oswego is the best choice. The committee agreed that the City should follow a format similar to Lake Oswego when creating the maintenance requirements for stormwater facilities.

Chair Thomas referred to the Stormwater Inspection and Maintenance Report handout. Ms Johnson stated staff is looking at what to require for the City's annual report. Portland has a log that stormwater facility owners can use which makes the annual report much easier to fill out at the end of the year. Maintenance organizations would not have to turn in the monitoring log to the City but instead use it to make it easier to fill out the annual report. Al Blodgett stated there should be an area on the annual report for an email address.

The committee was satisfied with the Stormwater Code and proposed revisions to the Design Standards Manual to implement the new code. They were ready to start the Illicit Discharge Detection and Elimination discussion. Chair Thomas referred to the Illicit Discharge section in the committee's handbook and asked for a discussion.

The committee asked what "de minimus" meant. Ms. Johnson stated that it means an amount small enough to have minimal effects. The committee asked that the conditionally exempt section of the code use the definition of "de minimus" instead of the word "de minimus".

Joe Kavale would like to see a clarification between man-made and natural debris. Leonard Rydell believes that natural debris and vegetation is good for a watershed and that the City should adopt vegetation and natural debris as a normal process. Al Blodgett agrees that natural changes are good. Ms. Johnson stated that there are instances where the debris can float downstream, clog pipes, and cause localized flooding or other damage. Chair Thomas thought natural debris is a good thing and has been in talks with the City on ways to protect Hess Creek from erosion and build up the stream bottom.

The committee agreed that staff should change the following: (1) provide alternate language for "de minimis"; (2) change the section on debris to address only man-made debris; and (3) require that streams have native vegetation on streambanks.

Jadene Stensland asked what happens if there are continuous violations of the code. Ms. Johnson explained that the handbook was originally set up with the definitions and penalties in separate sections and that the penalties would be the same as the stormwater code. Ms. Johnson stated that she will incorporate the changes that the committee has identified into the illicit discharge code and will have the full code at the next meeting.

Chair Thomas asked staff to provide clarification on who is required to have a spill prevention plan and what spill volumes would need to be reported. Staff will more narrowly define the spill prevention section of the code.

VII. OTHER BUSINESS:

The committee discussed new meeting times. The committee decided to meet from 7:30 a.m. – 9:00 a.m. on Thursday mornings every other week beginning on September 14, 2011.

**VIII. NEXT MEETING SEPTEMBER 1, 2011
7:00 A.M. TO 9:00 A.M.
PUBLIC SAFETY BUILDING, 401 EAST THIRD ST.**

IX. ADJOURNMENT:

Chair Thomas adjourned the meeting at 8:55 a.m.

**CITY OF NEWBERG
STORMWATER AD-HOC COMMITTEE**

September 1, 2011

7:00 a.m.

Newberg Public Safety Building - 401 East Third Street

I. CALL MEETING TO ORDER

Chair Clyde Thomas opened the meeting at 7:13 a.m.

II. ROLL CALL

Present: Chair Clyde Thomas Al Blodgett Jadene Stensland
David Craig

Absent: Leonard Rydell Don Clements Joe Kavale

Staff

Present: Alan Lee, Environmental Supervisor
Sonja Johnson, Environmental Specialist

III. APPROVAL OF AUGUST 18, 2011 MINUTES

MOTION#1: Stensland/Thomas moved to approve the August 18, 2011 minutes as amended. (4 Yes/ 0 No/ 3 Absent [Rydell, Clements, Kavale]) Motion carried.

The committee strongly recommends that the City consider requiring sumped catch basins with all new construction.

IV. STAFF REPORT:

During the staff report, Sonja Johnson addressed the No-Rise Certificates and explained that the City is an administrator for the National Flood Insurance Program and issues the No-Rise Certificates. Due to the restrictions on floodplain management, they have never issued a certificate. Ms. Stensland stated that No-Rise Certificates also refer to improvements that are done and the property owner needs to look downstream to make sure there is no impact to the floodplain or to the property owner downstream.

Ms. Johnson referred to the committee memo regarding Reportable Quantities and stated that the City will follow the State of Oregon guidelines and requirements for reporting an accidental spill.

Based on the committee's comments, the following changes were made to the Illicit Discharge Code Detection and Elimination Proposed Code: In Section 13.30.04, staff deleted the definition for "*de minimus*" and replaced references to it with the following language: "Discharges from irrigation, lawns, and gardens that do not violate water-quality regulations"; and "Non-foaming discharges from individual residential car washing."

The TMDL requires that the City address street wash water and the code had not addressed it yet. After conversations with staff, it was determined that the street wash water be conditionally exempt (Section 13.30.05) which means that, unless the City considers it to be a source of pollution, it will be allowed to flow down the storm drain.

In Section 13.30.08, Riparian Destabilization, staff replaced “enough streambank vegetation” with “native streambank vegetation”. Based on the committee’s request, the code now specifies that “man-made debris and trash” should be kept from streambanks which exempts any natural debris. Staff asked the committee to consider the safety aspects of allowing “natural” debris and trash to create a temporary dam which could break and cause a safety hazard to citizens downstream.

In Section 13.30.11, Spill Prevention, the code has been changed to reference the reportable quantities listed by OAR Chapter 340 Division 142. Staff provided a memo listing the reportable quantities with the exception of Table 302.4 from 40CFR which was 77 pages long. The table lists hazardous and toxic substances and Ms. Johnson will email a link to 40 CFR 302.4 for any committee member that wants to see the quantities and names of the substances.

In Section 13.30.12, Spill Notification, staff changed the language to reference the State’s requirements for reporting spills.

V. PUBLIC COMMENT: None.

VI. DISCUSSION:

ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE) CODE

Jadene Stensland asked if yard debris could be added to the Riparian Destabilization section of the code. Clyde Thomas noted that yard debris was covered under Section 13.30.07, Illegal Dumping. David Craig suggested adding it under both sections.

Ms. Johnson stated if the committee is satisfied with the changes made in the IDDE code, staff will send a clean copy (without highlights) by email to the committee members and start the process for providing it to the Planning Commission for their review. Chair Thomas asked the committee members if they were ready to approve the proposed IDDE code. The committee members in attendance agreed that they were satisfied with the code as amended and approved it.

EROSION CONTROL CODE

Chair Thomas asked staff for a summary of the TMDL requirements. Staff referred to a committee memo showing the TMDL requirements and the requirements of the City’s proposed code. The City is required to have code language that requires sediment and erosion controls regardless of a project’s size. The code requires any project larger than an acre to follow the DEQ’s 1200-C permit program and to submit a copy of the 1200-C documents to the City for their records. Developers with permitted projects disturbing more than 500 square feet but less than one acre will submit an Erosion and Sediment Control (ESC) Plan for the City to review and approve. Projects disturbing more than 500 square feet and less than one acre but which do not require a permit will follow basic requirements such as protecting catch basins.

The TMDL requires the City to control or prevent construction-related waste. In the code, projects greater than one acre will follow their 1200-C permit requirements. The code requires projects which require a permit and disturb between 500 square feet and one acre to provide the location of debris piles and methods of construction waste disposal in the Erosion and Sediment Control Plan. Projects not requiring a permit and disturbing between 500 square feet and one acre will follow basic requirements such as methods for disposal.

The TMDL requires enforcement mechanisms and sanctions. The City will enforce the code using notices of violation, stop work orders, and summary abatements. Staff has categorized the sanctions by whether they are nuisance violations or non-nuisance violations. Nuisance violations carry Class 4 to Class 2 fines. Non-nuisance violations such as State or Federal violations have penalties of \$500 to \$1,000 dollars. Al Blodgett asked if the fees listed under the penalty section are set by the State. Ms. Johnson replied that the code refers to infraction classes whose amounts are set by the City in the Civil Infraction Code. Jadene Stensland asked if the violation fees are per day per violation. Ms. Johnson replied that they are set up that way.

The TMDL required the City to consider management of the 1200-C Permit Program. The City has chosen not to administer the program due to the lack of staff, time, and budget.

The TMDL requires the City to review and approve the sediment and erosion controls for a project. The City will review and approve proposed sediment and erosion controls for projects less than 1 acre during the application process.

The TMDL requires inspection of the sediment and erosion controls during construction; the code requires inspections by the City and a designated person from the project. David Craig noted that, while he does not want the City to take over the 1200-C program, erosion and sediment controls are really important on larger projects. One of the disadvantages of having the DEQ administer the 1200-C program is that they do not inspect projects on a regular basis. He has never seen a DEQ erosion control inspector on one of his job sites once the plans are approved and it may be prudent for the City to take a more active role to ensure that erosion controls are following the 1200-C permit. Ms. Johnson replied that staff understands that DEQ may not come out to a project unless there is a complaint but that the City does not have the staff or budget to administer the 1200-C permit program especially since they were not considering implementing a new fee with the code. She will bring it back to staff for further discussion. David Craig asked if the City has a plan on who will be performing the inspections. Ms. Johnson replied that Public Works staff inspects erosion controls for public infrastructure and Building staff inspects erosion controls for private infrastructure.

Jadene Stensland suggested that the City require trained and certified inspectors so they understand the rules and regulations and can recognize problems. David Craig also wanted the inspectors trained. Chair Thomas clarified that the committee would like certification of City inspectors but does not want the City to take over the 1200-C permit program. City inspectors should be trained so that they can report obvious infractions to a contractor and, if need be, to DEQ if they see a violation. Ms. Johnson asked about project personnel and whether they should be certified as well as the City's inspectors. The consensus was no. Al Blodgett noted that the City should have trained staff for credibility; if City inspectors are making decisions out in the field, they should be properly trained or certified. Ms. Johnson noted that the TMDL requires trained inspectors but not certification. David Craig asked if the City could find out the cost and the time commitment required for certification and bring it back to the committee.

David Craig referred to Section 13.25.08, Basic Erosion and Sediment Controls, and asked for clarification of the requirement for covering and securing stockpiles. Ms. Johnson replied that the code requires that stockpiles be covered or secured to keep sediment from entering catch basins or streams. Securing a stockpile can mean

that the contractor covers the stockpile or that they place a sediment fence around it. Mr. Craig feels that “securing or covering” stockpiles is redundant and suggested that the language be changed to state, “on-site and off-site stockpiles shall be covered during rain events.”

David Craig referred to the section on inspections and thought that weekly, rather than daily, inspections for smaller projects would be sufficient. Jadene Stensland asked what the 1200-C permit requires and Ms. Johnson noted that DEQ requires daily inspections. Ms. Johnson stated that the City can change the requirement to weekly during the dry season for projects less than 1 acre. Project inspectors would still have to inspect the controls during rain events to ensure they were still working. Mr. Craig asked if the City could supply an inspection sheet to the contractor, especially for really small projects, so they would not have to create their own. Clyde Thomas noted that it could be used as an educational tool if provided by the City. Ms. Johnson replied that the City could provide an inspection sheet as well as a handbook on how to complete an inspection as part of the Erosion Control Manual.

Jadene Stensland would like to see the code reorganized so that basic requirements are covered first and then progress to the more stringent requirements since everyone has to meet the basic requirements. Staff will incorporate the committee’s comments, re-organize the code, and provide the revised code to the committee.

VII. OTHER BUSINESS: None.

**VIII. NEXT MEETING SEPTEMBER 15, 2011
7:30 A.M. TO 9:00 A.M.
PUBLIC SAFETY BUILDING, 401 EAST THIRD ST.**

IX. ADJOURNMENT:

Chair Thomas adjourned the meeting at 8:33 a.m.

**CITY OF NEWBERG
STORMWATER AD-HOC COMMITTEE**

September 15, 2011

7:30 a.m.

Newberg Public Safety Building - 401 East Third Street

I. CALL MEETING TO ORDER

Chair Clyde Thomas opened the meeting at 7:43 a.m.

II. ROLL CALL

Present: Chair Clyde Thomas Al Blodgett Joe Kavale
Leonard Rydell Jadene Stensland

Absent: David Craig Don Clements

Staff

Present: Sonja Johnson, Environmental Specialist

III. APPROVAL OF SEPTEMBER 1, 2011 MINUTES

MOTION#1: Blodgett/Stensland moved to approve the September 1, 2011 minutes as amended. (4Yes/ 0 No/ 2 Absent [Craig, Clements], 1 Abstain [Rydell]) Motion carried.

Leonard Rydell stated he was not present at the last meeting and would like to make some suggestions regarding the 1200-C Permit. DEQ really does not do any inspections and the fees have increased to apply for one. Why not have the City offer the 1200-C permit and have local inspection since it is reviewing the sediment and erosion control plans? Mr. Rydell does not like the idea of additional fees but it would be a consideration if the fees remained less than the DEQ's 1200-C permit fees.

Ms. Johnson stated the erosion control plans will not be reviewed by the City on projects requiring 1200-C permits. The City is only requiring a copy of the 1200-C documents. Also, the City will not be inspecting erosion controls on projects requiring 1200-C permits because it is the DEQ's jurisdiction. Unless new fees are instituted, the City does not have the staff or budget to take over the 1200-C program.

Clyde Thomas asked if other cities have taken over management of the 1200-C permit program. Jadene Stensland stated that other cities have taken over the 1200-C permit program and the TMDL Plan asks the City to consider taking over the program. Ms. Johnson stated that, because of staff time and budgets, it would be difficult for the City to take over the 1200-C program without instituting new fees.

IV. STAFF REPORT:

Sonja Johnson reported on certified vs. non-certified training for erosion control inspections. There is a certified erosion control inspector training available through the Oregon Department of Transportation in partnership with DEQ which goes beyond highway projects and encompasses all projects. A class schedule is released every year on October 1st which fills quickly. To be certified by ODOT, staff would need to take a one-day class in Erosion Control Fundamentals; a three-day class in General Construction Inspections; and a three-day class in Erosion Control Inspections. Total time commitment is seven days with a class cost of \$730.00. Drive time would need to be added and depending on the location of the training, hotels and meals may need to be added in as well. Class materials would also need to be purchased. The certification last five years and inspectors need to be re-certified but they can challenge the classes at no cost unless they want the current manuals and materials which would cost \$55.00. There is also a test that needs to be taken, especially for the challenge, which will take staff time, as well. The Building Association of Washington has a 2-day certified class through the Department of Ecology with a cost of \$325.00 which would enable staff to be trained but not certified. The Building Association of Oregon is working with DEQ on an online course but they were unsure as to the cost at this time. Because the TMDL does not require certification, staff is recommending the City require training in the code and then as budgets become less tight, certification can be a goal. Requiring certification in the code eliminates flexibility in regard to the budget. The American Public Works Association (APWA) is also looking at implementing an erosion control training module which may be cost-effective.

Al Blodgett asked if the committee would be better to sit back and let this take its course rather than put something in place that may become a financial burden on the City. Ms. Johnson replied the proposed code requires training which is also what the TMDL requires. The committee can strongly recommend that the City pay for certification when it is feasible.

Jadene Stensland believes certification provides the best professionals and shows a commitment to protecting watersheds. Ms. Johnson stated the current inspector in the Public Works Department has never had formal training but he has several years of experience and sometimes experience can be more important than training. Certification would be nice if the City could afford it however, because the TMDL does not require it, Ms. Johnson suggests the committee not require certification in the code but strongly recommend to the City that staff be certified when possible.

MOTION #2: Stensland/Rydell moved to require training for erosion control inspectors and to recommend that staff be certified when it is feasible. (5Yes/ 0 No/ 2 Absent [Craig, Clements]. Motion carried.

Ms. Johnson addressed the request by the committee that the City provide erosion control inspection logs, check lists, and handbooks for smaller contractors that may not be familiar with erosion control. Within the Erosion Control Handbook, is a sample inspection log which is basic but covers everything and is most likely what the City will use. She also referred to a handout showing a sediment fence with design criteria and maintenance requirements. Ms. Johnson then referred to an example checklist that the City could provide and which could be attached to the erosion inspection log. The City would need to have a caveat that it is not liable for any fines resulting from following the checklist. Al Blodgett asked if the liability information should be on the front of the form and Ms. Johnson replied that the form could be created to have a signature line below a liability waiver on the front of the form. Leonard Rydell liked the front of the form but suggested a more detailed checklist on the back showing the erosion control features that can be checked off as inspected.

V. PUBLIC COMMENT: None.

VI. DISCUSSION - EROSION CONTROL CODE:

Leonard Rydell stated that the proposed code is easy to read and well done. He referred to the definition for Erosion Control Plans and proposed using the words “prevent erosion control” rather than “deter erosion control” in regard to the purpose of the Erosion Control Plan.

Joe Kavale stated that the Beaufort scale is only used once under Erosion Controls and he believes that instead of using the Beaufort scale, it would be clearer if the code stated that “protect onsite or offsite soil during rain events... or when dust is raised by gusts”. Leonard Rydell agreed and stated that the real issue is whether soil is blown offsite.

Joe Kavale had one other comment under the Enforcement and Penalties section. He would like to see the phrase “depending of the severity of the violation” changed to “depending on the severity of the violation.”

MOTION #3: Blodgett/Rydell for approval of the code with the incorporation of the three comments. (5Yes/ 0 No/ 2 Absent [Craig, Clements]). Motion carried.

EROSION CONTROL MANUAL:

Ms. Johnson stated that most cities that are comparable to Newberg and which have a TMDL have adopted the erosion control manual from Clean Water Services/Water Environment Services. Clean Water Services, Water Environment Services, and some other cities in the southern metro area worked together to create the manual and staff feels it is well done. The City would want its own erosion control details inserted into the manual but that would be the only major change. People can see and choose the controls in the manual that they need for their project. Ms. Johnson asked for comments from the committee regarding the manual that staff is proposing.

Leonard Rydell thought that the ability to use one manual across several jurisdictions would be cost-effective for developers and engineers. Joe Kavale asked if Newberg would have to pay Clean Water Services to use their manual and Jadene Stensland replied that there would not be a charge. Mr. Kavale asked if the manual could be available online to reduce printing costs for the city. Ms. Johnson replied that the manual will be available online but that the City would still print some copies for people who like to have the material printed.

MOTION #4: Kavale/Blodgett to adopt the current version of the Clean Water Services Erosion Control Manual as the City’s Erosion Control Manual. (5Yes/ 0 No/ 2 Absent [Craig, Clements]). Motion carried.

Ms. Johnson has been asked that the committee formally adopt the entire code at their last meeting. The committee determined that the last meeting would be October 6, 2011 rather than September 29, 2011 due to time conflicts.

VII. OTHER BUSINESS: None.

VIII. NEXT MEETING OCTOBER 6, 2011
7:30 A.M. TO 9:00 A.M.
CITY HALL, PERMIT CENTER CONFERENCE RM, 414 E FIRST ST.

IX. ADJOURNMENT:

Chair Thomas adjourned the meeting at 8:35 a.m.

**CITY OF NEWBERG
STORMWATER AD-HOC COMMITTEE**

October 6, 2011

7:30 a.m.

Newberg Permit Center Conference Room - 414 East First Street

I. CALL MEETING TO ORDER

Chair Clyde Thomas opened the meeting at 7:52 a.m.

II. ROLL CALL

Present: Chair Clyde Thomas Al Blodgett Joe Kavale
David Craig Jadene Stensland

Absent: Leonard Rydell Don Clements

Staff

Present: Alan Lee, Environmental Services Supervisor
Sonja Johnson, Environmental Specialist

III. APPROVAL OF SEPTEMBER 15, 2011 MINUTES

MOTION#1: Blodgett/Kavale moved to approve the September 15, 2011 minutes. (5Yes/ 0 No/ 2 Absent [Rydell, Clements]) Motion carried.

IV. STAFF REPORT:

Sonja Johnson reported that the integrated code will be presented to the Planning Commission at the October 13th workshop where no decision will be made regarding the code but the commission will be able to ask questions. On November 10th, the Planning Commission will hold a public hearing and provide a recommendation regarding the code. The City Council date has not been set, however when the Planning Commission is ready to provide a recommendation to the City Council, staff will present it to the City Council for adoption.

Al Blodgett asked if committee members should be at the Planning Commission and City Council meetings. Ms Johnson stated that, while staff will be presenting the code, it would help the Planning Commission if committee members provide public comment regarding the code or are present to show support for the code.

Ms. Johnson thanked the Committee for their dedication, teamwork, and support in developing the code. Al Blodgett stated that the process was made easier because of the way staff presented it to the committee. Jadene Stensland stated that staff was very responsive to the committee's questions by providing answers in a timely manner. David Craig replied that he felt staff responded to the committee's concerns and that it was a collaborative effort between the committee and staff.

V. PUBLIC COMMENT: None.**VI. DISCUSSION - INTEGRATED STORMWATER MANAGEMENT, EROSION CONTROL, AND ILLICIT DISCHARGE DETECTION and ELIMINATION CODE:**

Sonja Johnson stated that each section of the code had been sent to the Department of Environmental Quality (DEQ) after committee approval. DEQ had sent back the final comments on September 30th so staff incorporated the comments for the committee's approval. The DEQ's comments for the Erosion Control code were to add "proper storage of construction materials and staging and proper storage of debris on-site" to the Purpose section under 13.25.01 and Erosion and Sediment Control (Section 13.25.04). DEQ also wanted the Erosion and Sediment Control Plans to have an "inspection section, checklist, or summary of inspection procedures". Staff added a new requirement for the Erosion and Sediment Control Plan called "Inspection procedures and tentative schedule". DEQ wanted projects with permits from DSL (Department of State Lands) and USACE (US Army Corps of Engineers) or DEQ 401 Water-Quality Certificates as approved activities as long as they comply with their permits and certificates. Staff added the exemptions under the erosion control exemptions (Section 13.25.03). DEQ questioned how "provide other stabilization measures" under Riparian Destabilization (Section 13.30.08) would affect downstream property owners. Staff added a caveat to the section stating that a property owner could provide other stabilization measures to protect the watercourse from erosion or degradation "while, at the same time, not adversely affecting downstream properties or stormwater facilities". DEQ asked for a definition of "sediment-laden stormwater" under Illegal Dumping (Section 13.30.07) and staff responded by changing it to "visible and measureable erosion" which was already defined under the current version of the code.

The DEQ asked the City to define "stream" in Stormwater Treatment and Facility Design (Sections 13.35.03 and 13.35.04) and how it related to stormwater systems and watercourse definitions. Staff responded by replacing the word "stream" with "watercourse" where appropriate since there were no instances in the code where the word "stream" was being used as a narrower subset of watercourse. DEQ suggested changing the threshold in Facility Design (Section 13.35.04) to " $\geq 2,877$ " and staff incorporated their suggestion. The final DEQ comment asked that, "drainage system" be defined as to how it relates to stormwater management in the Purpose and Intent (Section 13.35.01). Staff changed the term "drainage system" to "topography" because the intent was to encourage the use of natural landscape contours.

Al Blodgett asked David Craig how the DEQ comments and the changes staff had made would affect day-to-day activities on a construction site. David Craig stated that the committee and staff had addressed the primary concerns and that the DEQ comments did not change that.

MOTION #2: Craig/Blodgett moved to approve the integrated Erosion Control, Illicit Discharge, and Stormwater Management code as amended. (5Yes/ 0 No/ 2 Absent [Rydell, Clements]). Motion carried.

VII. OTHER BUSINESS: None.**VIII. ADJOURNMENT:**

Chair Thomas adjourned the meeting at 8:14 a.m.

Appendix 2C

Public Involvement

Planning Commission

PLANNING COMMISSION RESOLUTION NO. 2011-296

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG RECOMMENDING THAT THE CITY COUNCIL ADOPT THE PROPOSED EROSION CONTROL, ILLICIT DISCHARGE, AND STORMWATER MANAGEMENT MUNICIPAL CODE.

1. The Oregon Department of Environmental Quality (DEQ) ordered the City on October 17, 2006 to create a Willamette River Total Maximum Daily Loading (TMDL) Implementation Plan.
2. The Willamette River TMDL Implementation Plan was approved by DEQ on October 17, 2008 and adopted by the City Council on December 1, 2008.
3. The Willamette River TMDL Implementation Plan requires the City to enact municipal code which controls construction site runoff, illicit discharges, and post-construction runoff.
4. On September 7, 2010, the City Council referred the proposed municipal code to the Planning Commission for their recommendation.
5. On October 14, 2010, a hearing was held by the Newberg Planning Commission and the item was deferred to the November 10, 2010 hearing.
6. On November 10, 2010, the Planning Commission asked staff to provide a workshop to explain the Willamette River TMDL Implementation Plan and requested more public involvement on the proposed municipal code.
7. On May 16, 2011, the City Council convened the Stormwater Ad-Hoc Committee and, on May 26, 2011, the Stormwater Ad-Hoc Committee began to review and refine proposed Erosion Control, Illicit Discharge, and Stormwater Management Municipal Code.
8. On October 6, 2011, the Stormwater Ad-Hoc Committee gave final approval of the proposed Erosion Control, Illicit Discharge, and Stormwater Management Municipal Code.
9. On October 13, 2011, the Planning Commission held a workshop to learn about the requirements of the Willamette River TMDL Implementation Plan and review the proposed Erosion Control, Illicit Discharge, and Stormwater Management Municipal Code.
10. On October 21, 2011, notice of this hearing was sent to the Newberg Graphic to publish in the October 26th, 2011 issue.
11. Notice was published in the Newberg Graphic newspaper on October 26, 2011.

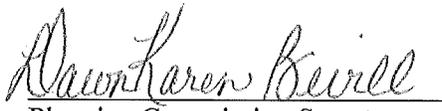
12. On November 10, 2011, a hearing was held by the Newberg Planning Commission.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of The City of Newberg that it recommends to the City Council adoption of the proposed Erosion Control, Illicit Discharge, and Stormwater Management Municipal Code as shown in Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated. This recommendation is based on the staff report and testimony.

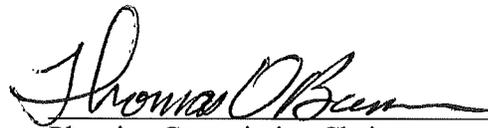
ADOPTED by the Planning Commission of the City of Newberg, Oregon, this 10th day of November, 2011.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

ATTEST:



Planning Commission Secretary



Planning Commission Chair

Exhibits:

A: Proposed Erosion Control, Illicit Discharge, and Stormwater Management Municipal Code

PLANNING COMMISSION MINUTES

January 12, 2012

7:00 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

TO BE APPROVED AT THE FEBRUARY 9, 2012 PLANNING COMMISSION MEETING

I. CALL MEETING TO ORDER:

Vice Chair Thomas Barnes opened the meeting at 7:00 p.m.

II. OATH OF OFFICE FOR NEW COMMISSIONERS:

Mayor Bob Andrews read the Affirmation of Office and swore in Commissioners Cathy Stuhr and Philip Smith; to serve on the Planning Commission from January 12, 2012 – December 31, 2014.

III. ROLL CALL:

Present:	Thomas Barnes	Philip Smith
	Art Smith	Lon Wall
	Allyn Edwards	Gary Bliss
	Cathy Stuhr	Mayor Bob Andrews, Ex-Officio
	Kale Rogers, Student PC	

Staff Present: Barton Brierley, Building & Planning Director
Steve Olson, Associate Planner
Jessica Nunley, Assistant Planner
Sonja Johnson, Environmental Specialist
DawnKaren Bevill, Minutes Recorder

IV. CONSENT CALENDAR:

1. Election of Chair and Vice Chair for one year.

MOTION #1: Philip Smith/Art Smith moved to elect Thomas Barnes as Chair and Cathy Stuhr as Vice Chair. Motion carried (7 Yes/ 0 No/ 0 Absent).

2. Approval of the December 8, 2011 Planning Commission Meeting Minutes

Chair Barnes entertained a motion to accept the minutes of the December 8, 2011 meeting.

MOTION #2: Edwards/Stuhr approve the minutes from the Planning Commission Meeting of December 8, 2011 as amended. Motion carried (7 Yes/ 0 No/ 0 Absent).

V. COMMUNICATIONS FROM THE FLOOR:

No items were brought forward.

VI. LEGISLATIVE PUBLIC HEARING:**APPLICANT:** City of Newberg

REQUEST: Proposed Stormwater and Erosion Control codes to implement the Willamette River EMDL Plan. The Willamette River TMDL (Total Maximum Daily Load) Implementation Plan is an agreement between DEQ and the City to protect the Willamette River from illicit discharges and adverse effects from stormwater runoff. The proposed stormwater and erosion control codes are intended to implement the plan and control the adverse effects of stormwater and erosion.

RESOLUTION NO.: 2012-296

Opening of the Hearing: Chair Barnes opened the hearing, which is continued from the Planning Commission Meeting of December 8, 2011, at the point of deliberation and asked staff for comments.

Sonja Johnson stated all information was included in the meeting packet.

Public Testimony:

Mr. Mike Gougler apologized first of all for not being in attendance at previous meetings regarding the stormwater issue. As a member of the Citizen Rate Review Committee (CRRC), it must be determined, based on information provided by the consultant, whether or not the current rates meet the capital improvement expenditures as well as operating expenses for the various utilities. In the last two CRRC meetings, they discussed stormwater and what rates to establish to meet the obligations of the City of Newberg and what the citizens will be charged. In reviewing the proposed stormwater and erosion control code, he is left with the impression that what is being considered is something slightly more difficult to manage than an unfunded mandate. Normally with an unfunded mandate such as No Child Left Behind, private and public actuaries get together and estimate, due to desired outcomes by the mandate, how much it will cost to accomplish those goals. Mr. Gougler believes the desired outcomes for this proposal are not specified. According to the Planning Commission Meeting Minutes of October 13, 2011, the Department of Environmental Quality (DEQ) stated the Total Maximum Daily Load (TMDL) parameters the City of Newberg needed to be concerned with were stream temperature, mercury, and bacteria. A large percentage of the body of the work staff did is related to erosion control, solids in streams, and effluent run-off. The difficulty is determining what we are measuring it against. How do we know we meet a sediment control goal if we do not know how much sediment flows during several months of the year in the Willamette River? The answer is uncertain, yet the City of Newberg is being asked to control it. This is also the case with stream temperature. DEQ should have been asked to supply a chart of benchmark stream temperatures in the Willamette River. DEQ does not know how much heat is carried into the Willamette River from the various sources. Mr. Gougler asked how to budget for the correction of a perceived problem when there is no benchmark to measure against. There are a number of questions that relate and if not properly answered will cost the City and the citizens a lot of money. For instance, requiring a Stormwater Retention Plan in a small development. The Director determines what type of stormwater management is needed and then the obligation to maintain that facility will be the owner's responsibility, although "owner" has not been defined. Is the owner the developer? If so, the developer will be gone at some point which leaves it in the hands of the homeowner. If there is a homeowner's association, which this does not require, then the association's obligation will be to maintain the facility. When a homeowner's association is made up of numerous individual families who have an undivided obligation to maintain the facility, which will collect it? If the Director determines there has been a violation, who will be fined? Mr. Gougler stated due to undefined, unspecific methods, eventually the citizens of Newberg will all have to pay because it will become a budget item. As a developer, he sends the 1200-C permit off to DEQ, which has specifics. In this proposal, the first obligation is given to the City of Newberg which he is not in favor of due to the cost. It makes better sense for this entire body of rules to be vetted at the state level where it can be staffed and judged the same as large projects. How will the City pay for the Director's time it takes him to work on it? He is concerned with what this will cost the City in the future.

Discussion:

Commissioner Wall shares the same concerns as Mr. Gougler, although staff has stated they are not doing more than is being required by DEQ. He asked Mr. Gougler to tell him why this proposal should be put off. Mr. Gougler is not advocating pushing this proposal off but suggested the report include how to determine whether the City has or has not been successful regarding compliance as well as whether the City will be required to pass on 1200-C permits to the state or will that be the responsibility of the developer.

Commissioner Stuhr stated she recently asked a friend who is a stormwater expert to help her in sorting out the stormwater issues, and the sense she received from her friend is exactly what Mr. Gougler has stated. However, her friend made it clear there are no specific measures given by the state, which only looks forward and does not address the past. Commissioner Stuhr agrees defining who the owner is and who is responsible is important. Mr. Gougler stated DEQ is requiring the City of Newberg to implement measures to address these problems; giving the City the authority to do so. DEQ is satisfied with that, but the City of Newberg can also establish for its own purposes the measures in meeting its goals.

Commissioner Edwards agreed there is no way to gauge if the City is successful or not. He sees the anger of citizens with the increase in rates and now the question is who will be going out to be sure compliance is achieved. Sonja Johnson stated DEQ sampled and/or polled data from other agencies and did their own sampling at various spots, one near Newberg, so there is some data in regard to what is out there. The DEQ Willamette TMDL Report states that basin-wide for the Willamette bacteria needs to be decreased by 80% to meet water quality standards. Mercury needs to be decreased by 27% and the soil needs to be kept in place. The report also provides ways they believe are best management practices to attain these goals and they are primarily to reduce stormwater volume, reduce stormwater velocity, increase shading near streams to keep the streams cooler, and to keep the stream vegetation in place. In regard to knowing what the benchmark is, when the regulations are implemented, the City will do the measures DEQ has asked as well as starting a monitoring program where samples are taken above and below the city limits to see what the City of Newberg is putting into the Willamette River. Mr. Gougler stated a basin study should be developed and paid for by the state.

Commissioner Philip Smith understands Mr. Gougler's concerns regarding standards and compliance. He believes this proposal should be adopted but it would be money well spent now in protecting the City long term to test the sediment and temperature of the Newberg watershed so a standard can be established.

Commissioner Art Smith stated the requirement needs to be met but is concerned about approving it without a particular standard. He is not optimistic of receiving the standard from the state.

Commissioner Bliss is concerned with how this is approached. If the City is given a mandate to meet a certain percentage and then create a baseline, the state could later argue that the City is not doing enough.

Chair Barnes closed the public testimony at 7:58 p.m. and asked for comments from staff.

Staff Comments:

Sonja Johnson stated the City of Newberg is behind schedule regarding the TMDL. When the code is passed, staff will need time to implement the code and there are costs associated with that down the road and it will affect the stormwater fee. Mr. Gougler is correct in saying it is an unfunded mandate.

Deliberation:

Commissioner Stuhr stated the discussion of sampling and developing a baseline is exactly why the regulations are written the way they are. It takes time to establish and implement the practices. However, she would like to be convinced the City is doing only the minimal required. Can 500 square feet be larger? What about

ownership? She wants those questions to be answered before it is passed on to City Council. Also, consider if the City can do an estimate of costs for the future.

Kale Rogers stated there is no information in the packet regarding success. It says just to implement and he does not see adding to rates now if it is not needed in the future. Doing the least amount possible is most cost effective at this time.

Commissioner Edwards asked whether the state obtained the measurements. Sonja Johnson replied the state sampled and gathered historical data for the Willamette River and they used that to determine if the Willamette was achieving the water quality standards and sampled where there was no data found.

Chair Barnes asked Ms. Johnson if data was obtained from Newberg creeks. Ms. Johnson stated the data was used from creeks that had defensible data, but not from the three creeks located in Newberg.

Commissioner Bliss still has a problem with the 150% costs falling on the developer. Sonja Johnson stated she had asked legal counsel regarding that percentage and Mr. Mahr was of the opinion the City does need a deterrent and 150% is acceptable. There have been instances where people either cannot or will not do what is asked by the City which then causes a cost to the City to clean up. The City needs a deterrent to keep that from happening in the future. Commissioner Bliss understands the percentage is for penalty purposes.

Ms. Johnson stated in regard to ownership, many other cities in the area have allowed private stormwater facilities as has Newberg, and some are not being maintained, just as Mr. Gougler had stated. The City of Newberg is proposing to require that a maintenance agreement go along with the deed. When a developer brings a subdivision in to be platted, the City will require an Operations and Maintenance Plan for the stormwater facility. That is included in the proposal in Section 13.35.06 (b).

MOTION #3: P. Smith/Art Smith moved to amend the motion by removing the last 4 words of the sentence on page 26; Section 13.30.16. Motion carried (7 Yes/ 0 No/ 0 Absent).

MOTION #4: Wall/P. Smith moved to adopt Resolution 2011-296. Motion carried (7 Yes/ 0 No/ 0 Absent).

Commissioner Philip Smith asked that a recommendation be made to the City Council regarding exploring the idea of quantitative research. Perhaps a grant would be available for the research

Chair Barnes recessed for 6 minutes at 8:36 p.m.

VII. QUASI-JUDICIAL PUBLIC HEARING

APPLICANT: Mart Storm

REQUEST: Approval of the Thorne Park Subdivision (four lots)

LOCATION: Adjacent to 1800 E. Mountainview Drive

TAX LOT: 3217BA-00300

FILE NO.: SUB3-08-009

ORDER NO.: 2012-01

CRITERIA: 15.235.060

Opening of the Hearing:

Chair Barnes read ORS §197.763 and opened the hearing. He asked the Commissioners for any abstentions, conflicts of interests, or objections to jurisdiction. Commissioner Bliss visited the site yesterday and today and but had no contact with the owner. Commissioner Philip Smith goes by the site but has had no contact with the

owner. Commissioner Stuhr stated if there is a feeling or impression it should be brought up at this point to give the applicant the time to respond to it.

Commissioner Bliss expressed in visiting the site on two occasions and reviewing the maps, he found the maps inadequate which did not meet the code and showed no existing trees, hedge, or retaining wall; the contours do not conform to what is on the site.

Commissioner Edwards and Chair Barnes both pass the property daily but they have no bias.

Jessica Nunley presented the staff report (see official meeting packet for details), and used a PowerPoint presentation. The applicant recently has done a lot line adjustment. Improvements will be substantially complete, and the developer will make a payment-in-lieu for remainder of required improvements. Each lot meets the required area and width standard.

Staff Recommendation: Ms. Nunley stated staff asks the Planning Commission to adopt Order 2012-01 which approves the requested subdivision tentative plat with the finding shown in Exhibit "A" and the condition of approval shown in Exhibit "B".

Chair Barnes opened public testimony.

Public Testimony:

Proponents: Matt Storm made himself available to answer concerns or questions posed by the Commissioners.

Chair Barnes asked about the drainage depth for the sanitary sewer on lot #4. Mr. Storm replied the sanitary storm on Thorne Street is at 15 feet.

Commissioner Philip Smith asked about the 1% slope on a sewer drain. Commissioner Bliss stated ½ of 1% is acceptable.

Chair Barnes asked in regard to drainage into Hess Creek; who maintains that? Mr. Storm replied there will be individual lines for each lot and they will not share the same pipe. Each property owner will be responsible for their own line. One of the conditions is to design and construct an approved facility there but he is not sure about whether it will have a water quality feature in it; will only be hooked to roof and low-point drains. He is unsure as to the requirements. Chair Barnes stated the concern is to not disturb the sediment in Hess Creek. Ms. Nunley stated each homeowner will maintain it and there are different ways it can be mitigated.

Chair Barnes closed the public testimony at 8:57 p.m. and asked for comments from staff.

Discussion:

Commissioner Bliss asked staff how the stream corridor map was established. Barton Brierley replied the stream corridor was developed in the mid 1990's and the stream corridor was mapped by engineers based on elevations. They took site visits and used aerial photographs. Most of it was based on a vegetation line. Commissioner Bliss stated there is a 21-foot difference in elevation from the east side to the west side. He asked what frequency it was based on. Mr. Brierley stated it was based on the 100 year flood plain and a 1% chance per year that it will flood. Commissioner Bliss disagreed as there is a 25-foot elevation difference. Why was the flood plain boundary not required as in the code? Mr. Brierley replied it is a condition. Mr. Storm was on the stream corridor committee and explained that it was established 50 feet from the low water level and then a consultant was hired to draw a line based on that. In most cases they exceeded 50 feet. He believes it has been shown on the plat and will see to the correction.

Staff Comments:

Staff recommends adoption with the change to the grading condition noted.

MOTION #5: Wall/Stuhr moved to approve Planning Commission Order No. 2012-01 with conditions and requirements stated by staff.

Discussion:

Commissioner Bliss cannot support the motion due to the topography which does not reflect what is in the field. Fences, trees, and a retaining wall are not shown on the map, which is required in the code. The preparer, surveyor, and owner are not shown on the map. Chair Barnes understands the flooding concern, but Exhibit "B" shows a retaining wall which is on the neighbors property.

Commissioner Wall asked who supplied the map. He does not want to punish the applicant if the applicant is not at fault. Ms. Nunley stated the property owner/developer supplied the map and she stated staff's contours match up with the property owner. This application requires no site grading, which is why there is no grading plan, and the lots are relatively level in that area.

Commissioner Bliss agrees he does not want to penalize the applicant, but asked where the Planning Commission should draw the line. The code needs to be met.

Commissioner Stuhr stated those items can be added to the conditions before it moves forward. Commissioner Bliss would rather see it resubmitted.

Commissioner Edwards agrees with setting a precedent and staff needs to be more aware of the paperwork as the code calls for, but the applicant should not be penalized.

Commissioner Philip Smith stated he will vote in favor of the application with the proper preliminary plat as a condition.

VOTE ON MOTION #5: Motion carried (5 Yes/ 2 No [Bliss, Wall]/ 0 Absent).

VIII. OLD BUSINESS:**REVIEW OF PLANNING COMMISSION GUIDELINES:**

MOTION #6: Art Smith/Wall moved to pass Resolution 2012-297. Motion carried (7 Yes/ 0 No/ 0 Absent).

IX. ITEMS FROM STAFF:

Update on Council items:

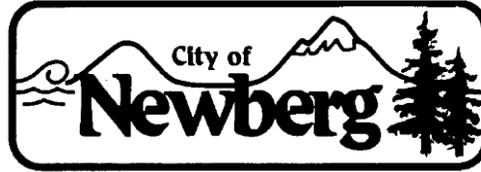
Barton Brierley stated the McClure property was appealed to the Court of Appeals and the McClure's have now asked to withdraw the subdivision and annexation application.

The next Planning Commission Meeting is scheduled for Thursday, February 9, 2012.

X. ITEMS FROM COMMISSIONERS:

Commissioner Philip Smith stated he has concerns about the issue Mr. Gougler brought up in testimony regarding best management practices by DEQ. It is disturbing that the City is asked to make improvements but is unaware of what the targets are. The Stormwater proposal has been passed but he would still like to have it

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Public Works Department
Operations Division
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PUBLIC WORKS DEPARTMENT

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Proposal: Review the proposed Erosion Control, Illicit Discharge, and Stormwater Management Municipal Code and provide a recommendation to the City Council.

Summary: Staff is proposing new municipal code to address the requirements of the Willamette River TMDL Implementation Plan

Planning Commission Hearing Date: January 12, 2012

A. Process: In 2000, under the authority of Section 303(d) of the Clean Water Act, the USEPA ordered the Oregon Department of Environmental Quality (DEQ) to identify rivers and streams for which point source controls were not stringent enough to protect water quality. The DEQ was also required to establish the total maximum daily loads (TMDLs) that could be discharged into the 303(d)-listed watercourses and still maintain water quality standards.

In 2006, the USEPA approved the TMDLs proposed by the DEQ for the Willamette River basin. On October 17, 2006, the City of Newberg received a letter from DEQ stating that the City needed to determine procedures and methods to control stream temperatures of Hess Creek, Springbrook Creek, and Chehalem Creek and to limit bacteria and mercury discharges into the Willamette River.

The Willamette River TMDL Implementation Plan was approved by DEQ on October 17, 2008 and adopted by the City Council on December 1, 2008. The plan requires additional municipal code to meet methods for controlling construction site runoff, illicit discharges, and post-construction runoff. On September 7, 2010, staff presented municipal code to comply with the Willamette River TMDL Implementation Plan and on November 10, 2010 staff was asked to provide a workshop on the requirements of the Plan and to garner more public involvement. On May 16, 2011, the City Council convened the Stormwater Ad-Hoc Committee to review and refine municipal code developed by staff. The Stormwater Ad-Hoc Committee was composed of 7 members from 5 districts. The committee held meetings every 2 weeks from May 26 to October 6 that the public, through notices in the newspaper and the city's website, was encouraged to attend and provide comment to the committee. Using the requirements of the Willamette River TMDL Implementation Plan as a guide, the proposed municipal code were reviewed, refined, and approved by the Stormwater Ad-Hoc Committee. A Planning Commission workshop was held on October 13, 2011, to discuss the background and requirements of the Willamette River TMDL Implementation Plan. The

Planning Commission held a public hearing on November 10, 2011 to refine and revise the proposed municipal code.

B. Hearings and Public Meetings Schedule: The hearings and public meetings scheduled for acceptance of the proposed municipal code are as follows:

- ◆ On September 7, 2010, the City Council referred the proposed municipal code to the Planning Commission for their recommendation.
- ◆ On October 14, 2010, a hearing was held by the Newberg Planning Commission and the item was deferred to the November 10, 2010 hearing.
- ◆ On November 10, 2010, the Planning Commission asked staff to provide a workshop to explain the Willamette River TMDL Implementation Plan and requested more public involvement on the proposed municipal code.
- ◆ May 16, 2011 – City Council convened the Stormwater Ad-Hoc Committee to review and refine the proposed Erosion Control, Illicit Discharge and Stormwater Management Municipal Code.
- ◆ May 26, 2011 to September 15, 2011 – Stormwater Ad-Hoc Committee held public meetings to review and refine the proposed municipal code.
- ◆ October 6, 2011 – Stormwater Ad-Hoc Committee finished their review of the proposed municipal code.
- ◆ October 13, 2011 – Planning Commission held a workshop to learn the technical requirements of the Willamette River TMDL Implementation Plan and provide comments on the proposed municipal code.
- ◆ November 10, 2011 – Planning Commission held a public hearing to review and provide comments on the proposed Erosion Control, Illicit Discharge, and Stormwater Management Municipal Code.
- ◆ January 12, 2012 – Planning Commission hearing to consider and provide a recommendation to the City Council for adoption of the proposed Erosion Control, Illicit Discharge, and Stormwater Management Municipal Code.
- ◆ City Council hearing date for adoption of the proposed municipal code is yet to be determined.

B. The Requirements of the Willamette River TMDL Implementation Plan and the Proposed Municipal Code

1. Illicit Discharge Detection and Elimination

According to the Willamette River TMDL Implementation Plan, the city must develop, implement and enforce a program to detect and eliminate illicit discharges into the stormwater system. Specifically, the city must:

a. Prohibit non-stormwater discharges into the stormwater system.

The illicit discharge section of the proposed municipal code explicitly states that non-stormwater discharges into the stormwater system are prohibited.

b. Implement appropriate enforcement procedures and actions.

The enforcement and penalties section of the proposed municipal code provides for enforcement through a notice of violation, summary abatement, and an appeal procedure. Penalties are dependent on the severity of the action.

c. Address specific categories of non-stormwater discharges and determine if they are exempt or conditionally exempt.

There are exempt and conditionally-exempt sections in the illicit discharge section of the proposed municipal code categorizing the non-stormwater discharges specified in the Willamette River TMDL Implementation Plan.

d. Develop a list of other similar occasional incidental non-stormwater discharges that will not be addressed as illicit discharges including any local controls or conditions placed on the discharges.

The illicit discharge section of the proposed municipal code exempts residential vehicle washing by city residents and by non-profit organizations using the activity to raise funds. Hot tub and spa water discharges are exempt when de-chlorinated, ph-adjusted, and controlled so they do not pose a threat of erosion to receiving watercourse.

e. Prohibit individual non-stormwater discharges that are determined to be contributing substantial amounts of pollutants to the stormwater system.

The spill prevention plans and spill response requirements of the state are referenced in the proposed municipal code. Commercial and industrial discharges that are not covered under a NPDES permit are prohibited from directly discharging to the stormwater system or watercourses in the city unless exempt or conditionally exempt. Illicit connections are prohibited under the proposed municipal code.

2. Construction Site Runoff

According to the Willamette River TMDL Implementation Guidelines, the city must develop implement, and enforce a program to reduce pollutants in any stormwater from a construction site that drains to the stormwater system or directly to surface waters via overland flow. Specifically, the city is required adopt municipal code that requires:

a. Erosion and sediment controls

Erosion and sediment controls must be installed before the start of construction.

b. Erosion and sediment control best management practices

Projects not exempt from the municipal code must implement best management practices such as providing construction site entrances, removing debris and soil from public right-of-ways, protecting stormwater inlets, minimization of dust, soil stabilization in disturbed areas, and protection of soil stockpiles.

c. The prevention and control of construction waste that may cause adverse impacts to water quality.

Appropriate storage and disposal of construction materials and waste is required by the proposed municipal code.

d. Site plan reviews

Projects requiring a city, state, or federal permit must submit an erosion and sediment control plan for review and approval by the city. Projects on existing residential and duplex lots must submit small project erosion and sediment control plans.

e. Construction site inspections

The proposed municipal code requires applicants to ensure that erosion and sediment controls are inspected after rain events and weekly during dry weather

at active construction sites; inspections must be conducted every 2 weeks at inactive construction sites. City staff is required to inspect construction sites.

f. Enforcement mechanisms to ensure compliance.

Notices of violation, stop work orders, and summary abatement are used by the proposed code to enforce the erosion and sediment control requirements.

3. Post-Construction Runoff

The Willamette River TMDL Implementation Plan requires the city to adopt municipal code to ensure reduction of pollutants in stormwater to the extent practicable from new development and redevelopment projects that disturb one acre or more, or less than one acre if they are part of a larger common plan of development or sale, and if they discharge into the city's stormwater system. The Plan requires the following:

a. Prevent or minimize adverse water quality impacts of stormwater.

The proposed code requires that stormwater discharges do not create or increase existing water quality problems downstream. Tiered stormwater requirements are based on the additional amount of impervious area created by the project.

b. Conduct site plan reviews

Site plans are submitted to the city for review under the proposed municipal code. The site plan requirements are dependent on the amount of additional impervious area created by a project. The site plan is used to determine whether stormwater facilities are required and the degree of complexity.

c. Require adequate long-term operation and maintenance of stormwater facilities

The owner of a stormwater facility must maintain the facility according to the operations and maintenance plan negotiated by the applicant and the city. An annual report to the city by the owner documents the completed maintenance.

d. Conduct stormwater facility inspections

The proposed municipal code requires the owner of a stormwater facility to inspect the facilities as prescribed by the operations and maintenance plan.

e. Provide enforcement of the municipal code.

The proposed municipal code uses stop work orders, notices of violation, and summary abatement to enforce the municipal code.

4. Temperature

The Willamette River TMDL Implementation Plan requires the city to enact language that minimizes stream temperature increases from urbanized activities. Because the DEQ has found that the largest contributor to increased temperatures is from disturbances to streambank vegetation, the Plan requires the city to protect existing streambank vegetation and to increase the amount of streambanks that are shaded. The illicit discharge section of the municipal code requires that streambank vegetation be maintained in a manner that protects the stream from erosion and pollution. The stormwater management section of the municipal code protects streambank vegetation by controlling the amount of stormwater contributing to erosive flows in the streams.

C. Staff Recommendation

Staff recommends adoption of Planning Commission Resolution 2012-296 which recommends that City Council adopt the proposed Erosion Control, Illicit Discharge, and Stormwater Management Municipal Code.

ATTACHMENTS:

1. Planning Commission Resolution 2012-296 with
Exhibit A: Proposed Erosion Control, Illicit Discharge, and Stormwater Management
Municipal Code
2. Oregon Drainage Law
3. Newberg Stream Corridor Overlay
4. Willamette River TMDL Implementation Plan

GENERAL PROVISIONS AND DEFINITIONS

13.20.01 INTERPRETATION, CONFLICT, AND SEVERABILITY.

A. Interpretation and Application.

The provisions of this code shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

B. Conflict with Public and Private Provisions.

1. **Public Provisions.** The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of this code imposes restriction different from those imposed by any other provision of this code or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

2. **Private Provision.** This code is not intended to abrogate any easement, covenant, or any other private agreement or restriction provided that, where the provisions of this code are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this code shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or of a higher standard than this code, and such private provisions are not inconsistent with this code or determinations thereunder, then such private provisions shall be operative and supplemental to this code and determinations made thereunder.

13.20.02 DEFINITION OF TERMS.

“Applicant” means the owner or authorized agent acting on behalf of the owner.

“Channel Morphology” means the stream channel type and the physical characteristics of the streambed.

“City” means the city of Newberg, Oregon.

“Common Development Plan” means all lands included within the boundary of a certified survey map or subdivision plat created for the purpose of development or sale of property where integrated, multiple, separate and distinct land developing activity may take place at different times by future owners.

“Demolition” means any act or process of wrecking or destroying a building or structure.

“DEQ” means the Oregon Department of Environmental Quality.

“Design Standards Manual” means the current version of the city of Newberg design standards manual and specifications.

“Design Storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

“Development” means residential, commercial, industrial, or institutional construction, alteration, or other improvement which alters the hydrologic characteristics of a property or properties.

“Director” means the city of Newberg’s director of public works or their authorized representative.

“Easement” means areas located outside of dedicated right-of-way and which are granted to the city for special uses. Easements may also be granted to non-city entities such as franchise utility companies for their uses.

“Erosion” means the weathering of a surface as a result of the movement of wind, water, ice, snow, or land disturbance activities.

“Erosion and Sediment Control” means a structural or non-structural device that is implemented to prevent erosion and sedimentation.

“Erosion and Sediment Control (ESC) Plan” means a plan submitted to the city with scaled drawings, and the methods and types of devices to be implemented during the project to prevent erosion and sedimentation.

“Excavation” means an act by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated.

“Fill” means a deposit of soil or other earth material placed by artificial means.

“Grading” means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled, or any combination thereof.

“Ground-Disturbing Project” means a project that includes activities that have the potential to create soil erosion from wind, precipitation, or ice creating sediment deposits in watercourses or land within the city including, but not limited to, demolition, clearing and grubbing, grading, excavating, transporting, and filling of land.

“Hazardous Materials” means any material or combination of materials which due to its quantity, concentration, or physical, chemical, or infectious characteristics may cause or contribute to a substantial hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

“Illicit Discharge” means any direct or indirect non-stormwater discharge to the stormwater system except discharges regulated under a NPDES permit or exempted by this chapter.

“Illicit Connections” means any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the stormwater system.

“Immediate Threat” means a situation that the director determines would cause harm to the public, environment, or downstream stormwater facilities before the situation can be alleviated or repaired.

“Impervious” means the hard surface area that either prevents or greatly retards infiltration and causes water to run off the surface in greater quantities or at an increased rate of flow from that present in undeveloped conditions. Surfaces which would ordinarily be considered pervious are considered impervious if they do not allow natural infiltration of stormwater.

“Infiltration” means the passage or movement of water into the soil subsurface.

“Maintenance Agreement” means an agreement between the city and a maintenance organization for private stormwater facilities detailing the operation and maintenance requirements of the facilities.

“Maintenance Organization” means the person(s), company, or nonprofit organization(s) responsible for long-term operation and maintenance of stormwater facilities recorded in the maintenance agreement.

“National Pollutant Discharge Elimination System (NPDES)” means the general, group, and individual storm water discharge permits which regulate facilities defined in federal NPDES regulations and regulated through the Oregon Department of Environmental Quality.

“Net Impervious Area” means the increase in impervious area on a property after a project is completed.

“Non-Stormwater Discharge” means any discharge to the stormwater system that is not composed entirely of stormwater.

“Pollution” means a contamination or other degradation of the physical, chemical, or biological properties of a watercourse; or a discharge into a watercourse that could create a public nuisance or contaminate a watercourse such that its beneficial use, aquatic habitat, public health or public safety is at risk.

“Project” means an activity that creates impervious areas.

“Project Start” means the first ground-disturbing activity associated with a project including, but not limited to, preparatory activities such as clearing, grubbing, grading, excavating, and filling.

“Project Summary” means a narrative that includes the project description, location, emergency contacts, and other information determined by the public works director such that the project can be located and a determination made regarding methods of stormwater management.

“Responsible Party” means a person or entity holding fee title to a property, tenant, lessee, or a person or entity who is acting as an owner’s representative including any person, company,

nonprofit organization or other entity performing services that are contracted, subcontracted, or obligated by other agreement to meet the requirements of this code.

“Sediment” means soil or other surface material held in suspension in surface water or stormwater.

“Sedimentation” means the process or action of sediment being deposited as a result of decreased water volume or velocity.

“Sensitive Resources” means any area that, due to the natural resources or lack of filtering capacity present, is significantly more susceptible to the negative impacts of sedimentation, erosion and stormwater. Examples include direct hydrologic connections to lakes, streams, wetlands, springs, seeps, or other water resources; conservation areas; highly erodible soils and steep slopes; riparian buffers; high water tables; minimal depth to bedrock; infiltration areas, significant natural areas and environmental corridors; areas of historical importance; or areas inhabited by endangered species.

“Site” means any property or combination of properties where a project is being proposed or completed.

“Slope” means the increase in elevation of a ground surface expressed as a ratio of horizontal distance to vertical distance.

“Soil” means natural deposits overlying bedrock.

“Stabilize” means when vegetation or surfacing material is in place and well-established providing an area with maximum erosion protection.

“Stabilization” means the use of vegetative or structural techniques to prevent soil movement.

“Stockpile” means storage of any soil, sand, gravel, clay, mud, debris, refuse, or any other material, organic or inorganic, in a concentrated area.

“Stop Work Order” means an order issued by the director which requires all project activity, except those specifically stated in the stop work order, to cease on the site.

“Stormwater” means water that originates as precipitation on a particular site, basin, or watershed and flows over land or impervious surfaces without percolating into the ground .

“Stormwater Facility” means a location where stormwater collects to filter, retain, or detain stormwater for the purposes of water quality or quantity management. The facility may be structural or non-structural, has been designed and constructed according to city design standards, and has been required by the city.

“Stormwater Facility Operations and Maintenance Plan” means the required steps to be undertaken by an owner or maintenance organization to ensure proper functioning of a stormwater facility.

“Stormwater Management” means techniques or structures intentionally used to temporarily or permanently reduce or minimize the adverse effects of stormwater velocities, volumes, and water quality on receiving watercourses. A series of techniques or structures constitute a stormwater system or treatment train.

“Stormwater System” means the combination of both artificial and natural systems of drains, ditches, canals, culverts, detention ponds, retention ponds, dams, and other water control facilities used for collecting and transporting stormwater.

“Street Wash Water” means water used to wash streets after emergency personnel actions or when the organization or person has received prior city approval to discharge as long as the area is previously cleaned using dry methods such as a sweeper or broom and the discharge to the stormwater system does not exceed federal or state water quality standards

“Structure” means anything constructed or built, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

“TMDL” means Total Maximum Daily Load.

“Visible And Measurable Erosion” means the deposition of soil, sand, dirt, dust, mud, rock, gravel, refuse, or any other organic or inorganic material exceeding a volume of one-half cubic foot into a public right-of-way or public property, or any component of the city’s stormwater system either by direct deposit, dropping, discharge, or as a result of erosion; a flow of turbid or sediment-laden water beyond the property of origin or into the city’s stormwater system; or earth slides, mud flows, land slumping, slope failure, or other earth movement that leaves, or is likely to leave, the property of origin.

“Watercourse” means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, gully, ravine, swale, or wetlands in which water flows either continuously or intermittently. The width of the watercourse includes any adjacent area that is subject to inundation from overflow or floodwaters from the design storm.

“Wetlands” means transitional lands where the water table is usually at or near the land surface or the land is covered by shallow water. Wetlands:

1. Support, at least periodically, plants that thrive in saturated conditions;
2. Contain predominately undrained hydric soil; or
3. Are saturated or covered with shallow water at some time during the growing season of each year.

EROSION CONTROL

13.25.01 PURPOSE AND INTENT.

- A. The purpose of these regulations is to protect, maintain, and enhance public health, public safety, and public welfare by establishing minimum requirements and procedures to control sources of windborne and waterborne erosion and the effects associated with sediment that results from erosion. The application of this code and provisions expressed herein are minimum requirements.
- B. The intent is to:
 - 1. Minimize soil erosion;
 - 2. Minimize flooding, sedimentation, and erosion of local watercourses;
 - 3. Ensure proper maintenance and inspection of erosion and sediment controls;
 - 4. Ensure proper storage of construction materials and staging and proper storage of debris on-site; and
 - 5. Minimize effects of projects on downstream stormwater facilities and watercourses.

13.25.02 SCOPE.

- A. No person shall undertake a ground-disturbing project without having provided erosion and sediment controls that address erosion caused by wind or rain unless exempted by **NMC 13.25.03**. In addition to complying with the requirements of this code, each site shall comply with the Newberg comprehensive plan, the Newberg development code, and any other applicable city of Newberg codes or plans.
- B. These requirements apply to:
 - 1. The person undertaking a ground-disturbing project, the implementer of the project, and the person's successors in interest;
 - 2. Projects which require a permit; and
 - 3. Projects or activities not requiring a permit but which have the potential to generate discharges that are in violation of water quality standards.
- C. Projects which do not require a permit and which are not exempt from the requirements of these regulations shall:
 - 1. Notify the city when the project starts;
 - 2. Comply with the basic erosion and sediment requirements listed in **NMC 13.25.04**; and be
 - 3. Subject to the enforcement actions and penalties of these regulations.
- D. Projects which do not require a permit but which violate basic erosion and sediment control requirements shall be subject to the penalties section of this code.

13.25.03 EXEMPTIONS.

- A. Agricultural activities that do not create a discharge of visible and measureable erosion to the stormwater system are exempt from these regulations unless identified by the city as having the potential to cause water-quality violations.
- B. Activities that comply with the requirements of their DEQ 401 Water Quality Certificate are exempted from these regulations unless they are identified by the city as requiring special considerations as defined by the erosion and sediment control manual.
- C. Activities that comply with the requirements of permits issued by the Department of State Lands or the Army Corps of Engineers are exempted from these

regulations unless they are identified by the city as requiring special considerations as defined by the erosion and sediment control manual.

- D. Emergency actions to alleviate an immediate threat to public health and safety or to public or private property are exempt from these regulations.
- E. Activities that do not disturb more than 500 square feet of land are exempt from these regulations provided that they:
 1. Are not located in either a floodplain or the Newberg stream corridor overlay sub-district; or
 2. Do not discharge stormwater offsite that exceeds the water-quality limits imposed by the city of Newberg's Willamette River TMDL Implementation Plan, DEQ, or US Environmental Protection Agency.

13.25.04 EROSION AND SEDIMENT CONTROLS.

- A. Approval of erosion and sediment controls for a project does not, by itself, transfer responsibility from the responsible party to the city.
- B. The city shall be notified when the project starts as defined by this code.
- C. Types of erosion controls that are approved for projects within city limits are described in the erosion and sediment control manual.
- D. Prior to ground disturbance, the responsible party shall ensure that basic erosion and sediment controls are properly installed and functioning to:
 1. Minimize sediment transport from the site through the use of construction entrances and exits;
 2. Protect stormwater system inlets that are immediately downstream of the site;
 3. Minimize dust and other windborne erosion;
 4. Stabilize soil in disturbed areas; and
 5. Protect onsite and offsite soil stockpiles during rain events or when dust is raised by gusting winds;
- E. The responsible party shall ensure that the following basic procedures are followed:
 1. Use of dry methods, such as a shovel or broom, to remove soil or construction debris left or tracked into the public right-of-way by the end of the working day; and
 2. Inspect erosion and sediment controls weekly and after rain events.
 3. Provide proper storage and disposal of construction materials and waste
- F. Additional erosion and sediment controls may be required by the city if the site:
 1. Has slopes of 10% or more;
 2. Disturbs property within 100 feet of sensitive resources, watercourses, or the Newberg stream corridor overlay sub-district;
 3. Disturbs 10,000 square feet or more of land at any one time;
 4. Is identified by the city as having easily erodible soil, current severe erosion, or could affect adjacent properties or watercourses due to stormwater quality, flooding, erosion, or sedimentation;
 5. Is identified by the city to potentially generate stormwater that would create a violation of DEQ water quality standards; or
 6. Is active between October 1 and April 30; or
 7. Has any other condition specified in the ESC manual or design standards manual as warranting special consideration;

13.25.05 EROSION AND SEDIMENT CONTROL (ESC) PLANS.

- A. For projects requiring a city, state, or federal permit:
 - 1. The approved ESC plan shall be available onsite during active construction; and
 - 2. Erosion and sediment controls shall be installed in accordance with the approved ESC plan or 1200-C permit prior to ground disturbance.
- B. Applicants submitting permit applications or contract submittals shall, at the same time, submit either an ESC plan for review and approval by the city or a copy of the documents submitted to DEQ for their 1200-C permit program.
 - 1. No permits shall be issued until the ESC plan is approved by the city or the applicant has provided a copy of the 1200-C permit issued by the DEQ to the city.
 - 2. The ESC plan shall contain sufficient information to evaluate the proposed project's effect on adjacent and downstream public and private properties and on public health and safety.
 - 3. Projects not subject to NMC 13.25.05.C shall provide an ESC plan developed by an erosion control professional that fulfills the requirements of the erosion and sediment control manual and the design standard manual.
- C. Projects disturbing more than 500 square feet on existing single family or duplex residential lots shall provide a basic ESC Plan to the city for review and approval that includes:
 - 1. Scaled drawing of site with north arrow, legend, project location, onsite structures, and watercourses or other sensitive resources within 100 feet of the site;
 - 2. Location and types of erosion controls;
 - 3. Location of construction entrances, and exits and concrete washouts, and soil stockpiles;
 - 4. Location of all trees with an 8-inch or larger DBH (diameter measured at breast height) within or adjacent to the site.
 - 5. Grading plan and permit if required by the city;
 - 6. Stormwater points of discharge;
 - 7. Methods for re-vegetating the site after construction;
 - 8. Storage locations and disposal methods for construction debris and toxic or hazardous materials used during the project;
 - 9. Dust control methods;
 - 10. Spill prevention and response procedures;
 - 11. Inspection schedule ;Name and 24-hour emergency contact information for the person responsible for maintaining and inspecting erosion and sediment controls; and
 - 12. Any other provisions required by the erosion and sediment control manual for small sites and projects.

13.25.06 EROSION AND SEDIMENT CONTROL PLAN REVISIONS

- A. The city may require a revision to the ESC plan due to a change in the site conditions and the ability of erosion and sediment measures to adequately control:

1. Stormwater volume and velocity;
 2. Stormwater quality to receiving watercourses; or
 3. Additional loading that compromises the integrity of downstream stormwater facilities.
- B. The following situations, while not exhaustive, can trigger revisions to ESC plans:
1. Improper functioning of approved erosion and sediment controls;
 2. A change in project schedules such that the project will be active more than 3 months later than originally scheduled;
 3. Changes in the assumptions used for the soil type, topography, hydrologic, or hydraulic conditions based on actual conditions discovered during inspections or construction that will affect the proper functioning of previously-approved erosion and sediment controls;
 4. Changes in location, excavation and fill volumes, or square footage of disturbed land that will affect the proper functioning of erosion and sediment controls onsite; or
 5. Changes in construction or maintenance materials or chemicals that affect the proper functioning of erosion and sediment controls.
- C. The person responsible for erosion and sediment controls on the project shall immediately install functioning interim erosion controls and submit a revised ESC plan within three (3) working days of receiving a notice of violation.
- D. Revisions.
1. Revised plans shall provide an attached narrative with detailed specifications of any changes or additions to the current or proposed erosion and sediment controls.
 2. The narrative accompanying the revised plan shall discuss the triggering situation, corrective action required, and a proposed solution that conforms to the requirements of the ESC manual.
- E. The revised plan and erosion and sediment controls shall be immediately implemented upon the city's approval of the plan.
- F. The applicant shall be responsible for any additional costs resulting from a revision to the original ESC plan.

13.25.07 INSPECTIONS.

- A. City Inspections
1. The city shall inspect the site for compliance with these regulations.
 2. The responsible party shall provide copies of all inspection records for a project within twenty-four (24) hours of a request by the city.
 3. During an emergency, the responsible party shall immediately provide the city with copies of all inspection records for a project.
 4. The responsible party shall contact the city within 24 hours of placement of erosion and sediment controls.
- B. Responsible Party Inspections.
1. The responsible party shall keep a maintenance and inspection log documenting the time and date of the inspection and any repairs, adjustments, maintenance, or replacements completed on the erosion and sediment controls.

2. During construction, inspections of erosion and sediment controls shall be conducted after a rain event or at least weekly during dry weather.
3. If a site will be inactive for more than 14 days, inspections shall be conducted every 2 weeks.

ILLICIT DISCHARGE DETECTION AND ELIMINATION

13.30.01. PURPOSE AND INTENT.

- A. The purpose of these regulations is to:
 1. Ensure public health and safety;
 2. Enhance the water quality of watercourses; and
 3. Maintain and protect the stormwater system.
- B. The intent of these regulations is to:
 1. Reduce pollution in stormwater discharges;
 2. Prohibit illicit and illegal discharges into the stormwater system including ditches and culverts;
 3. Prohibit illicit connections to the stormwater system; and
 4. Establish legal authority to inspect, monitor, and enforce compliance with these regulations.

13.30.02. SCOPE.

- A. These regulations apply to all discharges to the stormwater system or watercourses within the city limits that are not composed entirely of stormwater.
- B. These standards are minimum standards and the city neither intends nor implies that compliance by any person with these requirements will ensure no contamination or pollution of watercourses.

13.30.03. GENERAL.

- A. No person shall throw, drain, or otherwise discharge, cause or allow others under its control to throw, drain, or discharge any material other than stormwater into the city's stormwater system, watercourses, or groundwater.
- B. No person shall improperly store, handle, or apply any material that will cause or create, through its exposure to rainfall or stormwater, a discharge in violation of water-quality standards in the receiving watercourse.

13.30.04. EXEMPT DISCHARGES.

- A. The following discharges are allowed under this code unless the director determines that they are, were, or will be a significant source of pollution:
 1. Diverted stream flows,
 2. Rising groundwater;
 3. Uncontaminated groundwater infiltration as defined by 40 CFR 35.2005(20);
 4. Uncontaminated pumped groundwater;
 5. Foundation or footing drains;
 6. Air conditioning condensate;
 7. Springs;
 8. Water from crawl space pumps;

9. Flows from riparian habitats and wetlands;
10. Discharges from fire-fighting activities.
11. Discharges from irrigation, lawns, and gardens that do not violate water-quality regulations; and
12. Non-foaming discharges from residential vehicle washing by city residents or by non-profit organizations for fund-raising purposes.

13.30.05. CONDITIONALLY EXEMPT DISCHARGES.

- A. The following discharges are allowed if they meet their respective restrictions and are not identified by the director as a significant pollution source:
 1. De-chlorinated, pH-adjusted, and controlled discharges from hyper-chlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic testing that do not pose a threat of erosion to the receiving watercourse;
 2. De-chlorinated, pH-adjusted, and controlled discharges from swimming pools, hot tubs, and spas that do not pose a threat of erosion to the receiving watercourse. This exemption does not include filter backwash;
 3. Non-stormwater discharges regulated by a NPDES permit so long as the discharge complies with the permit limits and written approval has been granted by the director; and
 4. Street wash water.

13.30.06. ILLICIT CONNECTIONS.

- A. The existence of illicit connections to the stormwater system is prohibited and a violation of this code.
- B. Illicit connections shall be disconnected from the stormwater system upon receipt of a written notice of violation.

13.30.07. ILLEGAL DUMPING.

- A. No person may cause or contribute to pollution of watercourses or the stormwater system.
- B. No person may cause or contribute to stormwater system or watercourse blockages.
- C. Materials deposited in proper waste receptacles for the purposes of collection are exempt from these requirements.

13.30.08. RIPARIAN DESTABILIZATION.

- A. Any person owning property with either a watercourse running through or bounding the property lines shall keep and maintain that part of the watercourse within the property reasonably free of man-made trash, debris, and other obstacles that would pollute, contaminate, or impede the flow of the watercourse.
- B. Any person with a watercourse bounding or running through their property shall maintain native streambank vegetation or provide other stabilization measures to protect the watercourse from erosion or degradation while, at the same time, not adversely affecting downstream properties or stormwater facilities.

13.30.09. DISCHARGES IN VIOLATION OF NPDES PERMIT.

- A. Any discharge that would result in or contribute to a violation of a NPDES permit either separately or in combination with other discharges is prohibited from discharge into the stormwater system or watercourses lying within the city limits.

13.30.10. COMMERCIAL AND INDUSTRIAL DISCHARGES.

- A. Commercial or industrial operations or businesses not covered by a NPDES permit shall follow proper disposal and spill prevention practices.
- B. Direct discharges or sheetflow to the stormwater system or watercourses within city limits is expressly prohibited unless listed as exempt or conditionally exempt in these requirements.

13.30.11. SPILL PREVENTION PLANS.

- A. Facilities that handle, store, or use hazardous or toxic substances in quantities that equal or exceed quantities listed in OAR Chapter 340-142-0050 or that are otherwise required by state or federal law to have a spill prevention plan shall provide a copy of the plan to the director.

13.30.12. SPILL NOTIFICATION.

- A. In the event of the release or the imminent threat of a release of a hazardous or toxic material, the person owning or having control over the material shall immediately implement the applicable spill plan or other contingency plan document prepared in compliance with these regulations.
- B. If a spill plan or contingency plan is not implemented for any reason, the person owning or having control over the material shall immediately take the following actions in the order listed:
 1. Activate alarms or otherwise warn persons in the immediate area;
 2. Undertake every reasonable method to stop the spill and contain the oil or hazardous material;
 3. Call 911 if there is a medical emergency or public safety hazard; and
 4. Arrange for properly trained and equipped personnel or contractor to stop any continuing release and manage the specific material spilled.
 - a. Immediately hire a qualified contractor to respond and manage the spill if the necessary actions are beyond the ability of the responsible person's representatives on-site or the responsible person's own response services will be delayed in arriving at the spill site.
 - b. If the person owning or having control over oil or hazardous material does not, or cannot, immediately arrange a response acceptable to the city, the city may dispatch a contractor and seek recovery of all costs incurred by the city resulting from this action.
- C. Immediately report the spill or release as required by OAR 340-142-0040.

13.30.13. INSPECTION AUTHORITY.

- A. Whenever the city has a reason to believe that there exists or potentially exists, in or upon any premises, any condition which constitutes a violation of this chapter, the city shall be permitted access to the property or facility to determine

compliance. If the premises are unoccupied, the city may enter the property without permission if immediate abatement is required.

- B. The city reserves the right to set up devices to conduct monitoring and sampling of discharges from the property or facility.

13.30.14. SUSPENSION OF DISCHARGE ACCESS.

- A. The city may suspend the ability to discharge into the stormwater system or watercourses when it is necessary to stop:
 1. An actual or threatened discharge that presents or threatens to present a violation of water quality standards;
 2. Repeated violations by a facility or person; or
 3. A facility or person from continuing illicit discharges after they have been notified to cease and desist.
- B. Resumption of a suspended discharge access without the prior approval of the director constitutes a separate and distinct violation of this code.

13.30.15. REMEDIATION.

- A. If the director determines that an illicit or illegal discharge or accidental spill has resulted in degradation or harm of the stormwater system or watercourses within the city limits, it reserves the right to require remediation of the degraded area, including watercourses, by the owner of the property or facility within a specified timeframe.

13.30.16. COMPENSATORY ACTION.

- A. In lieu of an enforcement proceeding authorized by these regulations, the director may require alternative compensatory action(s) in response to minimal and isolated occurrences of non-compliance by any person found to be in violation of these requirements. Such action may include, but is not limited to, participation in pollution prevention public education efforts or participating in stream restoration projects by qualified non-profit groups.

STORMWATER MANAGEMENT

13.35.01 PURPOSE AND INTENT.

- A. The purpose of these regulations is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the effects associated with increased stormwater from impervious areas in the city limits by requiring affected projects to control the volume and velocity of stormwater discharged from the site.
- B. The intent of these regulations is to:
 1. Encourage the preservation and use of the natural topography for receiving and conveying stormwater from a site;
 2. Minimize local flooding, sedimentation, and stream channel erosion;
 3. Maintain optimum temperatures for native fish and riparian habitat;
 4. Protect stormwater facilities already existing downstream; and
 5. Ensure that stormwater facilities are properly maintained with accurate records.

13.35.02 SCOPE.

A. These requirements apply to:

1. Projects or activities that ordinarily would be exempt but are part of a larger common development plan that meets the criteria. This is true even if the activities appear to be separate and distinct and take place at different times and on different schedules;
2. Projects or activities that are exempt but have the potential to discharge stormwater to watercourses which will degrade their beneficial use or cause a violation of water quality standards set by the city's Willamette River TMDL Implementation Plan; DEQ, or the US Environmental Protection Agency.
3. Projects that create a net impervious area of 500 square feet or more; or
4. Projects or activities that change the pre-project land contours such that 500 square feet or more of new drainage discharges into the stormwater system or watercourses within the city limits.

B. These requirements do not apply to:

1. Single family and duplex residential projects on existing single lots; or
2. Emergency measures taken to alleviate an immediate threat to the public, environment, or downstream stormwater facilities.

13.35.03 STORMWATER TREATMENT.

- A. Projects shall use techniques or create stormwater facilities that maintain the water quality and beneficial uses of the receiving watercourse.
- B. The discharge rate and stormwater volume leaving a site shall conform with the requirements of the design standards manual and:
 1. Not create or increase existing erosion or flooding problems of adjacent properties or areas downstream of the site; and
 2. Maintain historic drainage properties of adjacent properties and watercourses.
- C. Stormwater facilities that discharge to the city's wastewater system shall be considered an illegal discharge.

13.35.04 FACILITY DESIGN.

- A. Prior to an applicant receiving a permit for a project not exempted by this code, the director shall determine the stormwater requirements of the project.
 1. All projects which create 500 square feet or more of net impervious area that directly discharge to a watercourse or occur on properties with existing severe erosion problems may be required to provide engineered stormwater facilities that meet the requirements of this code and the design standards manual.
 2. Projects disturbing 1 acre or more of land shall have stormwater facilities that are designed by a professional civil engineer and meet all of the requirements of this code and the design standards manual.
 3. Projects disturbing less than 1 acre of land but creating 2,877 square feet or more of net impervious area shall provide a summary of the project, design flow calculations, and proposed methods for treating stormwater to the director for review and approval in accordance with requirements specified in the design standards manual.

- a. The submitted material shall be used by the director to determine whether the proposed stormwater facilities are subject to **NMC 13.35.04.A.2**.
- 4. Projects creating 500 square feet or more of net impervious area but less than 2,877 square feet of net impervious area shall provide a project summary and a scaled drawing showing the general stormwater flow direction to the director for review and approval in accordance with the requirements specified in the design standards manual.
 - a. The material shall be used by the director to determine whether stormwater facilities are required for the project and subject to **NMC 13.35.04.A.3**.
- 5. Projects on properties lying partially or completely within the 100-year floodplain or the Newberg stream corridor overlay sub-district are subject to additional requirements as specified in the design standards manual.
- B. All stormwater facilities, structural and non-structural, shall have an emergency overflow or bypass that is designed to passively function and route excess floodwaters to an appropriate location that minimizes the effect of the overflow to adjacent properties.

13.35.05 FACILITY RESPONSIBILITY.

- A. The city shall operate and maintain public stormwater facilities.
- B. Privately-owned stormwater facilities shall be operated and maintained by the owner or maintenance organization.
 - 1. The city does not accept responsibility for the design, installation, operation, or maintenance of any stormwater facility unless an agreement specifying such responsibility is executed between the city and the owner or maintenance organization.
 - 2. Approval of stormwater facilities, a project, or a maintenance agreement does not, by itself, transfer responsibility from the owner or maintenance organization to the city.
 - 3. Failure to properly operate or maintain private stormwater facilities shall constitute a violation of this code.

13.35.06 MAINTENANCE.

- A. The applicant or maintenance organization shall enter into a maintenance agreement with the city that shall be binding on the applicant or maintenance organization and all subsequent owners of the properties served by the stormwater facilities.
- B. The maintenance agreement shall be recorded in the deed records of Yamhill County, Oregon.
- C. A facility operations and maintenance plan previously approved by the city shall be provided by the applicant to the maintenance organization, if different from the applicant, at project completion.
- D. Privately-owned stormwater facilities shall be inspected and maintained in accordance with the facility operations and maintenance plan.
- E. Annual reports shall be submitted to the city by the maintenance organization attesting to the proper functioning, maintenance, and safety of the stormwater facilities.

- F. Annual reports shall include current 24-hour emergency contact information. When emergency contact information changes midyear, the director shall be notified by letter within fifteen (15) business days.
- G. Stormwater facilities shall remain functionally unaltered unless prior approval has been obtained from the director.
- H. The director may authorize the immediate repair of any stormwater facility that poses an immediate threat to public health and safety; public or private property adjacent to or downstream of the stormwater facility; or the water quality, riparian habitat, or channel morphology of the receiving watercourse.

13.35.07 INSPECTIONS.

- A. Authorized city representatives may inspect stormwater facilities to determine compliance with the requirements of this code.
- B. The maintenance organization shall allow authorized city representatives access to the stormwater facility for the purpose of inspection, sampling, records examination, or in the performance of any duty required to ensure compliance with this code.
- C. The maintenance organization shall provide copies of records, reports, or other maintenance or operating documents requested by an authorized city representative during their inspection.
- D. Entry shall be made during normal operating or business hours unless an emergency situation exists as determined by the director.
- E. Authorized city representatives shall present appropriate credentials at the time of entry. If the property or facility is unoccupied, the authorized city representative shall make a reasonable effort to locate the owner or emergency contact on the maintenance agreement.

13.35.08 VARIANCES.

- A. The director may grant a variance from any requirement of this chapter if there are exceptional circumstances such that strict adherence will not fulfill the intent of this code. A written request for a variance shall be provided to the director which states the specific variance sought and reasons for granting the request.
- B. In a variance request, the applicant shall include design flow calculations showing the effects, if any, that the variance will have on the:
 1. Adjacent property drainage patterns;
 2. Local flooding, sedimentation, and stream channel erosion;
 3. Beneficial uses or water quality of the receiving watercourse; and
 4. Proper functioning of downstream stormwater facilities, culverts, bridges, dams, and other structures.
- C. A public comment period of 30 days, requested through standard public noticing procedures, shall follow a variance request by an applicant.
- D. No variance granted by the director shall be construed as providing precedence for future projects or facilities by any applicant.
- E. When the director grants a variance, the applicant shall satisfy the requirements of this code through one or more of the following options as determined by the city

and which are commensurate with the volume and velocity of stormwater expected by the project:

1. Upgrading improperly functioning stormwater facilities downstream of the project;
2. Providing new stormwater facilities downstream of the project;
3. Providing the city with a conservation easement within the watershed of the receiving watercourse; and

ENFORCEMENT AND PENALTIES

13.40.01 GENERAL.

- A. The city may, for enforcement purposes, use any one of the following actions, a combination of them, or any other legal action depending on the severity of the violation:
 1. Notice of violation;
 2. Stop work order;
 3. Summary abatement;
 4. Refuse to issue a certificate of occupancy;
 5. Modify, suspend, revoke, or withhold final approval of a city permit; or
 6. Refer the issue to legal action.
- B. Communication to one responsible party shall be regarded as communication to each responsible party for the purposes of this code.
- C. In addition to any other sanctions, civil action or criminal prosecution may be brought against any person, company, or organization in violation of this code.

13.40.02. CONCEALMENT.

- A. Causing, permitting, aiding, abetting, or concealing a violation of any provision of these requirements shall constitute a violation of these regulations.

13.40.03. NOTICE OF VIOLATION.

- A. The city may issue a notice of violation if a responsible party has violated or failed to meet a requirement of this chapter.
- B. Failure to comply with a notice of violation is a separate violation of this chapter.
- C. Failure to complete the actions required in the notice of violation within the deadline may result in a summary abatement action by the city.

13.40.04 STOP WORK ORDER.

- A. The city may issue a stop work order to allow proper remedial action or to deflect an immediate threat to public health or safety or the water quality of receiving watercourses.
- B. The stop work order shall list the conditions under which work may resume. The responsible party shall contact the city for an inspection when the conditions for resuming work have been fulfilled.
- C. It is a violation of these regulations for any person to remove, obscure, mutilate or otherwise damage a stop work order or prevent the city from posting one.

13.40.05. SUMMARY ABATEMENT.

- A. If the responsible party fails to fulfill the steps required in an enforcement action within the deadline prescribed by the city, the actions will be completed by the city and the owner shall be responsible for reimbursing the city for 150% of the cost of the investigation, repair, and remediation of the situation including labor, material, administrative, and legal expenses.
- B. If the owner does not remit payment within 45 days of notification, the debt shall be declared as a special assessment against the property and shall constitute a lien by the city against the subject property.
- C. Any relief obtained under this section shall not prevent the city from seeking other relief as allowed by law.

13.40.06. APPEAL PROCEDURE.

- A. Any person aggrieved by a decision or action of the director under this chapter may file a written request with the city manager for reconsideration within ten (10) calendar days of notification of the decision or action. The request for reconsideration shall clearly describe the:
 - 1. Decision or action being appealed including the date of the decision or action;
 - 2. Property location;
 - 3. Facts and arguments supporting the request for reconsideration; and the
 - 4. Specific grounds on which the appeal is filed.
- B. The city manager may establish such procedures as may be deemed necessary or proper to conduct the reconsideration process and shall make a determination regarding the appeal within ten (10) business days of the receipt of the request for reconsideration. The filing of a request for reconsideration by the city manager shall be a condition precedent to the right to appeal to the city council. The filing of an appeal shall not stay enforcement of an action by the director in emergency situations as previously defined in this chapter.
- C. Any person aggrieved by the city manager's determination under this chapter may appeal to the city council within ten (10) days of notification of the city manager's decision. Written notification of the appeal shall be filed with the city council and the city manager along with a payment of fifty dollars (\$50.00). The filing of a request for reconsideration by the city council shall set forth in reasonable detail the decision or action being appealed and the facts and arguments supporting the request for reversal or modification.
- D. The city council shall conduct a hearing on the appeal according to established council procedures. The hearing shall be conducted at the earliest possible regularly scheduled city council meeting with final city council action being taken on the appeal within sixty (60) days after its initial filing.

13.40.07 PENALTIES.

- A. General.
 - 1. Tampering with or knowingly rendering nonfunctional any sediment or erosion control, monitoring device, or stormwater facility required under these regulations constitutes a separate and distinct violation of this code.
 - 2. The following shall constitute a separate and distinct violation of this code:

- a. Disregarding or interfering with a stop work order;
 - b. Failure to remediate or abate;
 - c. Failure or refusal to reimburse the city for expenses incurred as a result of summary abatement; and
 - d. Each day of continued violation.
3. Any relief obtained under this section shall not prevent the city from seeking other relief as allowed by law.
- B. Falsifying Information.
- 1. Any person making false statements, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this code shall be in violation of this code.
 - 2. In addition, the responsible party or their agent shall be subject to the provisions of 18 U.S.C. 1001 relating to fraud and false statements; and the provisions of Section 309(c) of the Clean Water Act, as amended, governing false statements, representation, or certification and responsible corporate officers.
- C. Any person, firm, or corporation or any agent or employee of these entities violating the provisions of this code that pertain to federal or state law shall have committed a class 1 civil infraction.
- D. Any person, firm, or corporation or any agent or employee of these entities violating the provisions of this code that pertain to municipal law and whose violations are not deemed a nuisance shall have committed a class 2 or class 1 civil infraction.
- E. Any person, firm, or corporation or any agent or employee of these entities violating the provisions of this code that pertain to municipal law and whose violations are deemed a nuisance shall be punishable as a civil infraction ranging from a class 4 to a class 2.
- F. Any violation of this code shall be processed in accordance with the procedures set forth in NMC 2.30.

PLANNING COMMISSION MINUTES

November 10, 2011

7 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

TO BE APPROVED AT THE DECEMBER 8, 2011 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present:	Philip Smith, Chair	Thomas Barnes, Vice Chair
	Art Smith	Gary Bliss
	Cathy Stuhr	Allyn Edwards
	Lon Wall	Mayor Bob Andrews

Absent: Kale Rogers, Student PC

Staff Present: DawnKaren Bevill, Minutes Recorder
Steve Olson, Associate Planner
Sonja Johnson, Environmental Specialist
Alan Lee, Environmental Services Specialist

II. OPEN MEETING:

Chair Smith opened the meeting at 7:00 p.m. and asked for roll call.

III. CONSENT CALENDAR:

Vice Chair Smith entertained a motion to accept the minutes of the October 11, 2011 meeting.

MOTION#1: Stuhr/Edwards approve the minutes from the Planning Commission Meeting of October 11, 2011 as written. Motion carried (7 Yes/ 0 No/ 0 Absent).

IV. COMMUNICATIONS FROM THE FLOOR:

No items were brought forward.

V. LEGISLATIVE PUBLIC HEARING:

APPLICANT: City of Newberg

REQUEST: Proposed Stormwater and Erosion Control codes to implement the Willamette River TMDL Plan. The Willamette River TMDL (Total Maximum Daily Load) Implementation Plan is an agreement between DEQ and the City to protect the Willamette River from illicit discharges and adverse effects from construction site stormwater and post-construction stormwater. The proposed stormwater and erosion control codes are intended to implement the plan and control the adverse effects of stormwater and erosion.

RESOLUTION NO.: 2011-296

Opening of the Hearing:

Opening of the Hearing:

Chair Smith opened the hearing and asked the Commissioners for any abstentions, conflicts of interests, or objections to jurisdiction. None were brought forward.

Sonja Johnson gave the staff report and reviewed the following changes that have been made since the workshop that was held on October 11, 2011 (see the official meeting packet): The Illicit Connections definition now matches the Illicit Discharge section; the word “convey” was removed from the Stormwater Facility definition; and Street Wash Water has now been included in the definitions section. Clarification was given to the Pollution, Responsible Party, and Stormwater definitions, as well. Under the Erosion Control, Section 13.25.04 (H-3), a limit was defined in regard to erosion and sediment controls; charity fundraising events were exempted under the Conditional Exemption, Section 13.30.05; Illicit Connections, Section 13.30.06, were redefined and the Illegal Dumping definition, Section 13.30.07 has been clarified. Staff removed reference to removing excessive vegetation and removal of invasive species from Riparian Destabilization, Section 13.30.08. Suspension of Discharge Access, Section 13.30.14 was clarified and re-worded; Stormwater Management, Section 13.35.01 (B) was narrowed to include only homeowner projects; Maintenance, Section 13.35.06 (G) was changed to say, “*functionally unaltered*”; and clarification to options was given to the Mitigation Options, Section 13.35.08 (D). Ms. Johnson stated the change to the municipal code is necessary due to DEQ requiring the City have enforcement mechanisms in place. Public education has been helpful but cannot be counted on alone.

Chair Smith referred to the written comments staff received from David Craig, who served as a member of the Stormwater Ad-Hoc Committee. Ms. Johnson explained that when the Ad-Hoc Committee went through the code they did not want it to apply to small homeowner projects. She does not recall wanting to change it in order for developers to create a brand new home but instead for additions, decks, etc. Chair Smith referred to 13.35.02 (B-1) and stated Daniel Craig believes projects should be extended to others besides homeowners. Ms. Johnson believes he is referring to the case where someone buys a plot of land and it takes time for the owner to be able to afford to build a home on it. By the time the house is built, the homeowner may not be exempt from the code. But, it would still be a homeowner project in that respect because it is not a developer who is building it.

Commissioner Stuhr stated Section 13.35.02 (B-1) says it is only exempt for projects on a single lot containing an existing single family residence, and so Mr. Craig’s issue is referring to unbuilt existing lots. Chair Smith believes this raises an issue to be discussed, and that the code language needs to be clear on how we address existing vacant lots. Mr. Olson stated Mr. Craig questioned whether the code should treat two additions differently, based on whether the owner lived in the house or not. Mr. Craig’s second point was what should be done in regard to vacant lots in subdivisions that have not been built out yet in the City. There are some subdivisions that are platted but are largely or partly unbuilt at this time.

Commissioner Bliss asked Mr. Olson if this code should be retroactive. Mr. Olson replied he was not recommending that, but the language needs to be clear regarding what will apply when there is an existing platted lot with no stormwater pond in the subdivision. Commissioner Bliss stated when it is a platted subdivision with no houses built on the lot, you cannot plat until the improvements are bonded and a bond is only good for so long. If the improvements are in place and it is an established use, he is unsure if it can be changed retroactively. He agrees with Mr. Craig’s objection.

Chair Smith stated clarification is needed so the exemption applies to new single family residences that are completed by the homeowner. He then asked staff if the grandfather exception will not be in compliance with DEQ. Ms. Johnson is unsure in regard to DEQ, however she pointed out that staff has tiered the stormwater requirements so that if someone builds a house on a single lot that is currently unbuilt and they create less than 2,877 square feet, they will have to provide a project summary and the general stormwater flow direction but

may not need any stormwater facilities; or if they create more than 2,877 square feet, they have to propose methods for stormwater facilities and it can be something as simple as an infiltration rain garden that will take care of the stormwater on their lot. The City will not require anything on the smaller projects.

Commissioner Bliss referred to the last sentence, item 13.35.01 (A) which discusses volume and asked what the intent is. Ms. Johnson replied research has shown that people have tried to control the amount of sediment that is entering the rivers and streams and if volume can be controlled, velocity of the streams can be controlled as well which limits the amount of erosion and sediment that enters the streams. Commissioner Bliss asked staff how the volume is controlled. Ms. Johnson replied restricting volume by retaining, detaining, or infiltrating it. There are many cities that are requiring pre-built stormwater volumes and velocities, although Newberg is not. Depending on the size of the project, you may or may not have to put in a detention pond according to the design standards manual. Detention ponds are not always appropriate for small projects.

Commissioner Stuhr referred to the discussion at the workshop regarding the Conditional Exemptions, Section 13.30.05, and car washing, RV's, gutters, etc. and asked where that issue went. Ms. Johnson had considered adding boats, but the only thing the TMDL requires the City to address is residential car washing.

Commissioner Bliss referred to Stormwater Treatment; Section 13.35.03 (B-1) and stated downstream facilities needs to be quantitative; you need to know how far downstream you need to analyze. Ms. Johnson explained staff thought seriously about it but if you are over inundating stormwater facilities downstream due to the amount of water being sent down, it should not be the problem of those others downstream. She referred to 13.35.03 (B-2) and stated if there is no increase to existing erosion or flooding problems that the project should be fine. Commissioner Bliss asked how to determine that if it is not reported and flooding occurs downstream. Ms. Johnson replied if there is currently no flooding at that facility, then the project should not be creating a flooding problem. If there is currently a flooding problem at that facility, it cannot be made worse by the project.

Commissioner Bliss referred to Section 13.35.01 and stated (3-B) & (4-B) seem repetitive since the square footage has already been defined for a single family lot. Under Section 13.35.02 (B) they are exempted. Ms. Johnson stated that was a confusion that the Stormwater Ad-Hoc Committee had as well. The intent when the code was written was to not have an arbitrary number, so they chose one equivalent dwelling unit which is what the stormwater fees are based upon; an average impervious area for an average residential lot.

Commissioner Bliss asked if 150% is a legal surcharge under the Penalties, Section 13.40.07. Ms. Johnson replied she has a meeting with legal counsel next week regarding that issue as well as another section regarding public comment before granting a variance. She will check with Legal and advise. Commissioner Bliss then referred to Section 13.40.07 (2d); in regard to the failure or refusal to reimburse the City for expenses incurred as a result of summary abatement he sees no consistency in regard to the percentage. Ms. Johnson replied the expenses the City would incur for the summary abatement would be included in the surcharge. She will ask legal counsel about the correct language.

Public Testimony:

Undecided:

Larry Anderson stated he believes this is a much better document than the original and appreciates the work staff has done in removing overly harsh requirements. He is still concerned because the MS-4 permit does not require the City to regulate small developments. It clearly states the City is to implement and enforce stormwater run-off from land disturbance greater than or equal to one acre as well as in one acre post-construction run-off control. It can be very expensive to build stormwater facilities and the smaller the area is, the more (relatively) expensive it is to treat water. When a City begins regulating small development areas they

tend to regulate far beyond what DEQ requires. Mr. Anderson likes the emphasis on design and protection of the stream corridors and watersheds but he would like to see it not imposed in ways that are expensive to enforce. An estimate has never been calculated in regard to the cost of the requirements. What is the cost for a stormwater treatment system for a single family home? It is overreaching to require properties owned by one person to develop a stormwater facility when others do not. It would be easier on undeveloped lots than on non-single family and commercial properties. He asked for the work that has been done in the stormwater code to not be included in the MS-4 permit with DEQ if it is unnecessary. Much of the code is borrowed from Washington County, Clackamas County, and Portland, which are larger agencies and have expensive requirements. He is unsure if staff understands that the MS-4 permit can be met very simply. There are provisions in the code such as design review to help regulate it already.

Commissioner Wall asked staff if this document is an attempt to make the EPA or DEQ happy and if there are requirements in this document which deals with anything other than being in compliance with the regulations. Ms. Johnson stated the EPA tasked DEQ so in essence, the City is pleasing DEQ and DEQ is trying to please the EPA. The committee and staff tried to follow comments received last fall and follow the TMDL requirements and not do more than what they require. Also, the committee was very concerned with how it would affect small homeowners and the costs and that is why the tiered requirements came into play. Commissioner Wall asked if this is the minimum code language to satisfy the requirements. Ms. Johnson said that the city does not want to institute more fees. Staff looked at comparable cities in the area and what is required by the TMDL implementation plan and tried to create a non-burdened code. Mr. Anderson read what the EPA rule is for runoff control. He believes the City does not need to require stormwater detention on less than one acre.

Chair Smith asked Mr. Anderson what he specifically wants changed and asked for clarification in regard to the MS-4 permit. Ms. Johnson explained it is for the stormwater system and is the EPA's permit for stormwater. She explained to Mr. Anderson that the City is not permitted as a Phase II but has been asked to comply with the TMDL which states the City needs to develop a municipal code or enforcement mechanism for stormwater management for new and redevelopment projects that disturb one acre as well as addressing impacts from projects that are smaller than one acre. She also pointed out it is on net-impervious area and not project size. She believes Mr. Anderson is referring to requirements by DEQ for Phase II.

Chair Smith recessed for a five-minute break to return at 8:40 p.m.

Chair Smith closed the public testimony and asked for comments from staff. Ms. Johnson stated the Stormwater AD-Hoc Committee was very concerned about costs for developers and not to overburden people when they drafted the proposed code. They did not want a blanket requirement for all projects and that is why the projects were tiered. The City is required to do this by DEQ; they have seen the code and largely agreed to it. Their comments have been incorporated into the code.

MOTION #2: Stuhr/Art Smith in light of the issues brought forward, recommends tabling Planning Commission Resolution 2011-296 to the next meeting. Motion carried. (7 Yes/ 0 No/ 0 Absent).

Mayor Andrews asked staff when they are referring to grandfathering in platted land, to take into account that the City has some activity going on outside the City of Newberg that may become annexed where lots are not developed, but may have been platted. If grandfathering, will that include the lots which exists at this time within the City or is that looking at other prospective areas? Staff will meet with the City Attorney regarding grandfathering in current plats inside and outside the City.

Commissioner Bliss would like for Section 13.35.03 (B-1) to specifically state how far down stream. Commissioner Edwards suggested striking (B-1) and follow with (B-2). Commissioner Bliss agreed.

Commissioner Edwards stated there should be a clause addressing the Mayor's question. It should be defined. Ms. Johnson will send it to DEQ for further advice if there is a change.

VI. ITEMS FROM STAFF:

Update on Council items:

Steve Olson stated the County considered the population projection and decided not to adopt it at this time. The likely outcome is that the County will hire a demographic research center to do a new study for the entire county. The study would affect Newberg's population projection, which would require revisions to land projections, employment projections, and the UGB expansion.

Kale Rogers was reappointed as student Planning Commissioner, and Commissioners Phil Smith and Cathy Stuhr have been put forward to be reappointed to the Planning Commission. Staff recommended they attend the City Council meeting on Nov. 21, 2011.

The Planning Commission was interested in meeting for a holiday celebration before the next Planning Commission meeting, which is scheduled for Thursday, December 8, 2011.

VII. ITEMS FROM COMMISSIONERS:

Commissioner Bliss inquired as to the outcome of Ballot Measure 36-149. Mayor Andrews stated the initial, unofficial results showed the measure failed on a 65% to 34% margin last Tuesday, November 8, 2011. On November 21, 2011, the City Council will be doing a debriefing on this issue during the Work Session due to the many voters who voted for a change. The City Council wants to be representative of all of the citizens and more receptive. The City Council has adopted an affirmation of the City logo which has been slightly modified with guidelines on its use. The City Council has also directed staff to examine branding as it applies to the City of Newberg and in partnership with other organizations inside the City. The City Council adopted a strategic plan for the Library and a supplemental budget #1. On Tuesday at the McMinnville City Club Meeting, the Chairman of the Tribal Council for the Confederated Tribes of the Grand Ronde pledged four million dollars from the tribes towards the local government match for the Newberg-Dundee bypass.

VIII. ADJOURN:

Chair Smith adjourned the meeting at 9:25 p.m.

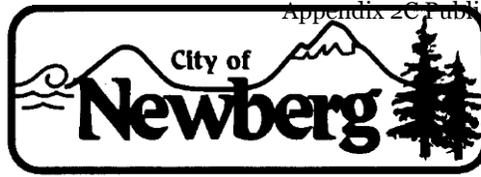
Approved by the Planning Commission on this 8th day of December, 2011.

AYES: 6 NO: 2 ABSENT: 1 (Bliss) ABSTAIN: 2


 Dawn Karen Beville
 Planning Recording Secretary


 Philip Smith
 Planning Commission Chair

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PUBLIC WORKS DEPARTMENT

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Proposal: Review the proposed Erosion Control, Illicit Discharge, and Stormwater Management Municipal Code and provide a recommendation to the City Council.

Summary: Staff is proposing new municipal code to address the requirements of the Willamette River TMDL Implementation Plan

Planning Commission Hearing Date: November 10, 2011

A. Process: In 2000, under the authority of Section 303(d) of the Clean Water Act, the USEPA ordered the Oregon Department of Environmental Quality (DEQ) to identify rivers and streams for which point source controls were not stringent enough to protect water quality. The DEQ was also required to establish the total maximum daily loads (TMDLs) that could be discharged into the 303(d)-listed watercourses and still maintain water quality standards.

In 2006, the USEPA approved the TMDLs proposed by the DEQ for the Willamette River basin. On October 17, 2006, the City of Newberg received a letter from DEQ stating that the City needed to determine procedures and methods to control stream temperatures of Hess Creek, Springbrook Creek, and Chehalem Creek and to limit bacteria and mercury discharges into the Willamette River.

The Willamette River TMDL Implementation Plan was approved by DEQ on October 17, 2008 and adopted by the City Council on December 1, 2008. The plan requires additional municipal code to meet methods for controlling construction site runoff, illicit discharges, and post-construction runoff. On September 7, 2010, staff presented municipal code to comply with the Willamette River TMDL Implementation Plan and on November 10, 2010 staff was asked to provide a workshop on the requirements of the Plan and to garner more public involvement. On May 16, 2011, the City Council convened the Stormwater Ad-Hoc Committee to review and refine municipal code developed by staff. The Stormwater Ad-Hoc Committee was composed of 7 members from 5 districts. The committee held meetings every 2 weeks from May 26 to October 6 that the public, through notices in the newspaper and the city's website, was encouraged to attend and provide comment to the committee. Using the requirements of the Willamette River TMDL Implementation Plan as a guide, the proposed municipal code were reviewed, refined, and approved by the Stormwater Ad-Hoc Committee. During the Planning Commission workshop held on October 13, 2011, the code was further reviewed and refined for the Planning Commission's November 10, 2011 public hearing.

B. Hearings and Public Meetings Schedule: The hearings and public meetings scheduled for acceptance of the proposed municipal code are as follows:

- ◆ On September 7, 2010, the City Council referred the proposed municipal code to the Planning Commission for their recommendation.

- ◆ On October 14, 2010, a hearing was held by the Newberg Planning Commission and the item was deferred to the November 10, 2010 hearing.
- ◆ On November 10, 2010, the Planning Commission asked staff to provide a workshop to explain the Willamette River TMDL Implementation Plan and requested more public involvement on the proposed municipal code.
- ◆ May 16, 2011 – City Council convened the Stormwater Ad-Hoc Committee to review and refine the proposed Erosion Control, Illicit Discharge and Stormwater Management Municipal Code.
- ◆ May 26, 2011 to September 15, 2011 – Stormwater Ad-Hoc Committee held public meetings to review and refine the proposed municipal code.
- ◆ October 6, 2011 – Stormwater Ad-Hoc Committee finished their review of the proposed municipal code.
- ◆ October 13, 2011 – Planning Commission held a workshop to learn the technical requirements of the Willamette River TMDL Implementation Plan and provide comments on the proposed municipal code.
- ◆ November 10, 2011 – Planning Commission hearing to consider and provide a recommendation to the City Council for adoption of the proposed Erosion Control, Illicit Discharge, and Stormwater Management Municipal Code.
- ◆ City Council hearing date for adoption of the proposed municipal code is yet to be determined.

B. Background:

1. Summary of Proposed Municipal Code

a. Construction Site Runoff

The Willamette River TMDL Implementation Plan requires the City to review construction site plans; require erosion and sediment controls regardless of the construction site's size; prevent or control construction-related waste; inspect construction sites; and consider managing DEQ's 1200-C permit program.

The proposed municipal code requires basic erosion and sediment controls that protect public property, catch basins, and inlets from stormwater and soil coming from a project site. Basic erosion and sediment controls must be inspected weekly and after rain events to ensure that they are functioning properly. Projects are required to properly store and dispose of construction debris and minimize wind-blown soil from the site. Exemptions to this section of the proposed municipal code include agricultural or emergency activities, projects which are subject to Federal or State in-stream permits, and projects which disturb less than 500 square feet. Activities that discharge stormwater violating water-quality standards are not exempt from the code.

Projects requiring a city, state, or federal permit are required to submit an erosion control plan to the City. Sites required to have a DEQ 1200-C permit must submit a copy of the 1200-C permit documents to the City. The City is not managing DEQ's permit program.

Because every project and site are unique, the City reserves the right to require more stringent sediment and erosion controls based on how stormwater from the site will affect neighboring property and nearby streams.

b. Illicit Discharge Detection and Elimination (IDDE)

The Willamette River TMDL Implementation Plan requires the City to regulate non-stormwater discharges to the stormwater system and exempt firefighting activities or discharges that are complying with a NPDES permit. The Willamette River TMDL Implementation Plan requires the City to address specific discharges as either exempt or conditionally exempt. Discharges from hyper-chlorinated water flushing, fire hydrant flushing, pipeline hydrostatic testing, street wash water, swimming pool discharges, and spa discharges are exempt from the requirements of the proposed municipal code as long as the discharge has been de-chlorinated, pH-adjusted, and does not cause erosion. Discharges complying with NPDES permits are also conditionally exempt from the proposed municipal code.

Illicit connections and illegal dumping are prohibited as well as illicit discharges that are not covered by NPDES permits and which discharge directly to the stormwater system or watercourses in the city. Streamside debris and trash are prohibited when they cause pollution or blockages in watercourses or the stormwater system.

Facilities required by state or federal statute to develop a spill prevention plan must provide a copy of their plan to the City. Procedures for an accidental spill follow Oregon statute and are listed in the proposed municipal code for easier access.

c. Post-Construction Runoff

The Willamette River TMDL Implementation Plan requires the City to institute stormwater management practices and facilities that maximize water quality. It also requires the City to regulate the long-term operation and maintenance of stormwater facilities in order to ensure the proper functioning of the facilities and maximize the water quality of Hess Creek, Chehalem Creek, and Springbrook Creek.

The proposed municipal code provides tiered requirements (see Table 1) based on the amount of net impervious area created by a project. The proposed code applies to new construction and re-development however emergency measures and homeowner projects are exempt from the requirements as well as projects that create less than 500 square feet of additional impervious area.

Table 1. Net Impervious Area and Stormwater Management Requirements

	500 sq ft up to 2,877 sq ft of net impervious area	2,877 sq ft or more of net impervious area to 1 acre of disturbed area	1 acre and greater of disturbed area
Plan Submittal	Project Summary with general stormwater flow direction	Project summary, stormwater calculations, and proposed stormwater management technique	Project summary, stormwater calculations and other requirements of the Design Standards Manual
Stormwater Facility Requirements	May Not Require Facilities	Facilities are required but may not be complex	Facilities must conform to City's Design Standards Manual

Net Impervious Area, sq ft = Post-construction impervious area minus pre-construction impervious area

To ensure long-term operation and maintenance of stormwater facilities, the owner or maintenance organization for a stormwater facility is required to maintain it and submit an annual report to the City.

d. Enforcement and Penalties

The Willamette River TMDL Implementation Plan requires the City to enforce the proposed municipal code. Enforcement can occur through public education, stop work orders, notices of violation, summary abatement, refusal to issue a certificate of occupancy, or by modifying, suspending, or revoking a city permit.

The proposed code allows for flexibility in penalties due to the wide range of covered activities. Penalties range from public education to monetary deterrents depending on the type of violation, the frequency with which the violation occurs, and whether it violates local, state, or federal laws. Acts that do not violate state or federal laws and which are categorized as a nuisance may incur penalties as low as public education or as high as \$500. Acts that violate municipal law and which are not categorized as nuisances may incur penalties ranging from \$500 to \$1,000. Acts that violate state or federal law incur a \$1,000 penalty.

2. Willamette River TMDL Implementation Plan Parameters and the Proposed Municipal Code

Bacteria and mercury primarily adhere to solid matter such as sediment. When sediment enters a stream, it can cause long-term changes in channel depth resulting in higher stream temperatures. By controlling sediment from construction sites, stream temperatures can be moderated and local streams will have reduced bacteria and mercury. The proposed municipal code for construction site runoff addresses the amount of sediment in stormwater discharging from construction projects in addition to requiring proper storage and disposal of construction waste.

The proposed municipal code also manages bacteria and mercury volumes by prohibiting illegal dumping and illicit connections. Spill prevention plans and procedures decrease the chance of an accident and require cleanup of accidental spills. Stream temperatures are moderated by requiring adequate streamside vegetation and prohibiting stream and stormwater system blockages.

The post-construction runoff code controls mercury and bacteria volumes by controlling the amount of sediment in stormwater. Because stormwater volume, velocity, and soil particle size determines how much sediment is discharged to local streams, the code's requirements are based on the amount of additional impervious area created by the project. Stream temperatures are moderated by reducing stormwater volume and streambank erosion.

The Willamette River TMDL Implementation Plan requires the City to address mercury and bacteria concentrations and temperatures in the streams under its jurisdiction. By controlling illicit discharges, stormwater volume, and erosion, the City will fulfill the requirements of the Willamette River TMDL Implementation Plan.

C. Staff Recommendation

Staff recommends adoption of Planning Commission Resolution 2011-296 which recommends that City Council adopt the proposed Erosion Control, Illicit Discharge, and Stormwater Management Municipal Code.

ATTACHMENTS:

1. Planning Commission Resolution 2011-296 with
Exhibit A: Proposed Erosion Control, Illicit Discharge, and Stormwater Management
Municipal Code
2. Local and Comparable City Programs
3. Oregon Drainage Law
4. Newberg Stream Corridor Overlay
5. Willamette River TMDL Implementation Plan

LOCAL AND COMPARABLE CITY PROGRAMS

Research was completed on cities in the area with populations similar to Newberg. Whether a city had municipal codes in place for construction site runoff, illicit discharges, and post-construction runoff depended on whether the city was being required to adopt regulations through NPDES permits and TMDL Implementation Plans.

EROSION CONTROL

Local Program

Currently, the City does not have erosion control regulations in place. Inspectors and code enforcement officers use public education on projects less than 1 acre to address erosion and sediment controls. Contractors submit erosion control sheets with other construction plan submittals to the Building and Public Works-Engineering Divisions. The Building Division does not comment on erosion control sheets for private projects however projects that disturb 1 acre or more are required to submit their 1200-C permit documents. Public Works-Engineering Division comments on erosion control sheets that affect existing public facilities or are proposed to be used on projects with public facilities such as streets and curbs. Neither Building nor the Public Works-Engineering Division conduct official erosion control inspections.

Comparable City Programs

Most cities with municipal code in place for construction site runoff use the same erosion and sediment control (ESC) manual. The manual, finished in 2008, was a collaborative effort between Gladstone, Happy Valley, Lake Oswego, Milwaukie, Oregon City, West Linn, Wilsonville, Oak Lodge Sanitary District, Water Environment Services and Clean Water Services.

Regulatory triggers in municipal code in the area include the area that a project will disturb, site slope, amount of excavation or fill, and vegetated buffers to protect waterways and other sensitive areas. The median triggers are 500 square feet of disturbed area, site slopes of 10 to 12%, and 20 cubic yards of fill or excavation. The median buffer was 100 feet.

Basic practices such as inlet protection, minimizing dust, stabilizing soil, protecting stockpiles, disposing of construction waste properly, and construction entrances were common requirements in the area. Tualatin stipulates that no agricultural runoff enter the Tualatin River and Sherwood prohibits erosion into “waters of the state” while West Linn and Oregon City allow a maximum increase of 10% in turbidity downstream from a construction site.

Daily inspections during the wet weather season and active construction are explicitly required in Lake Oswego, Keizer, and Canby. In Milwaukie, all projects must have an ESC plan however homeowners are not required to produce engineered drawings. Many cities require immediate installation of interim controls with ESC plan revisions within 1 to 3 business days of receiving a notice of violation.

Almost all of the comparable cities require fees to pay for plan review and site inspections. While fees vary from city to city, they tend to be lower for certified plans or smaller project sites. A performance bond or other suitable surety is required for projects in Oregon City, Milwaukie,

and Sherwood. Amounts vary from the cost of installing erosion and sediment controls to a percentage of the project's cost.

Four cities used stop work orders to ensure compliance with municipal code for construction site runoff. Penalties range from \$300 to \$1,000 however most codes cite the type of infraction such as a public nuisance or civil infraction rather than stating a specific amount.

State Program: 1200-C Permits

DEQ 1200-C permits are required when projects disturb more than 1 acre of land, are part of a larger common plan of development that will ultimately disturb more than 1 acre, or are less than 1 acre but have the potential to significantly affect water quality. An ESC plan and land use compatibility statement showing how the proposed project is compatible with a city's comprehensive plan is required by the 1200-C permit. Site inspections must be completed by a designated inspector with contact information available on the ESC plan. Inspection reports must be kept onsite during active construction.

ILLICIT DISCHARGE DETECTION AND ELIMINATION

Local Program

The City does not have municipal code that prohibits illicit discharges and connections to the stormwater system. Citizens are instructed to call Code Enforcement or the Public Works Maintenance Division if they see anyone dumping illicit or illegal material into the stormwater system. Citizens can use [SeeClickFix](#) to report a problem from the city website or a smartphone.

Comparable City Programs

Municipal code in comparable cities tends to follow the requirements of their NPDES permit and TMDL Implementation Plan and exempt specific types of discharges. The codes tend to cover illicit connections, illicit discharges, and illegal dumping. Keizer's municipal code allows the city to recoup any costs from actions to contain spills or discharges that impact water quality in emergency or nonperformance situations. Penalties range from \$1,000 to \$5,000.

STORMWATER MANAGEMENT

Local Program

The City discusses whether stormwater detention and treatment is required for a project at the pre-application conference. Plan review is focused on the system's configuration and conformance with the design standards. Long-term maintenance is addressed through required maintenance provisions in homeowner's association covenants or maintenance agreements between property owners served by the facilities. There is no enforcement mechanism for these provisions.

The city allows a reduction of a property owner's stormwater fee if the property owner submits an annual application to Public Works-Engineering Division that documents specific stormwater management methods.

Comparable City Programs

Privately-owned stormwater facilities are allowed in all of the comparable cities with stormwater regulations. Milwaukie requires private facilities to be designed, installed, and maintained to

their public works standards. Lake Oswego requires infiltration techniques and stormwater velocities that do not increase beyond undeveloped rates. Oregon City exempts stormwater facilities which do not discharge to the public stormwater system however the discharges cannot increase streambank erosion, stream temperatures, exceed 50% of the predevelopment peak runoff rate, or overload existing downstream facilities and conveyance systems. Stormwater discharges in Tualatin must not decrease the water quality of the receiving stream for ¼ mile downstream and/or to the point at which the stormwater volume is less than 10% of the stream volume. In addition, facilities in Tualatin must not increase stormwater velocities and volumes from pre-development rates without a permit.

Many cities require maintenance agreements and annual maintenance reports to ensure properly functioning private stormwater facilities. Canby conducts summary abatement for non-functioning facilities and bills the owner for the expenses. Sherwood and West Linn send out annual notification letters asking owners to confirm proper functioning of their stormwater facilities. Forest Grove requires owners to keep a logbook of inspections and repairs. West Linn requires notification whenever changes are made to a previously approved system and requires certified cleaning of private parking lots and streets. In addition to maintenance agreements and annual reports, many cities have an inspection program to ensure that facilities are properly maintained and functioning.

Maintenance and performance bonds are required by many cities for the construction of stormwater facilities. Performance bonds range from 100% to 150% of the cost to construct the stormwater facilities. Tualatin requires a minimum bond of \$25,000. Maintenance bonds are generally held for 2 years to allow vegetation to become established at a stormwater facility. In Oregon City, developers post a 2-year maintenance bond and also pay the city 15% of the 2-year maintenance cost for a facility. West Linn requires an 18-month bond of 125% of the cost to build the facilities. Sherwood and Tualatin require a maintenance bond of 100%.

SUMMARY

Research was completed on cities in the area with populations similar to Newberg. Most cities use the same erosion and sediment control manual for projects within their jurisdiction. Basic requirements such as inlet protection, dust control, soil stabilization, protection of stockpiles, disposal of construction waste, and construction entrances were common in the region. Most cities require performance bonds and permit fees to pay for plan review and site inspections.

Municipal code for illicit discharges tends to prohibit illicit connections, illicit discharges, and illegal dumping while exempting specific discharges. Keizer includes a summary abatement clause that allows the city to recoup any costs from actions to contain spills or discharges that impact water quality in emergency or nonperformance situations.

Most cities regulate stormwater volume or velocity in order to address erosion. Maintenance agreements, annual reports, and city inspections are used to ensure that private stormwater facilities are functioning properly. Performance and maintenance bonds ensure that stormwater facilities are properly constructed and have established vegetation.

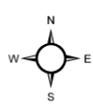
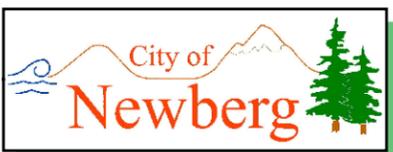
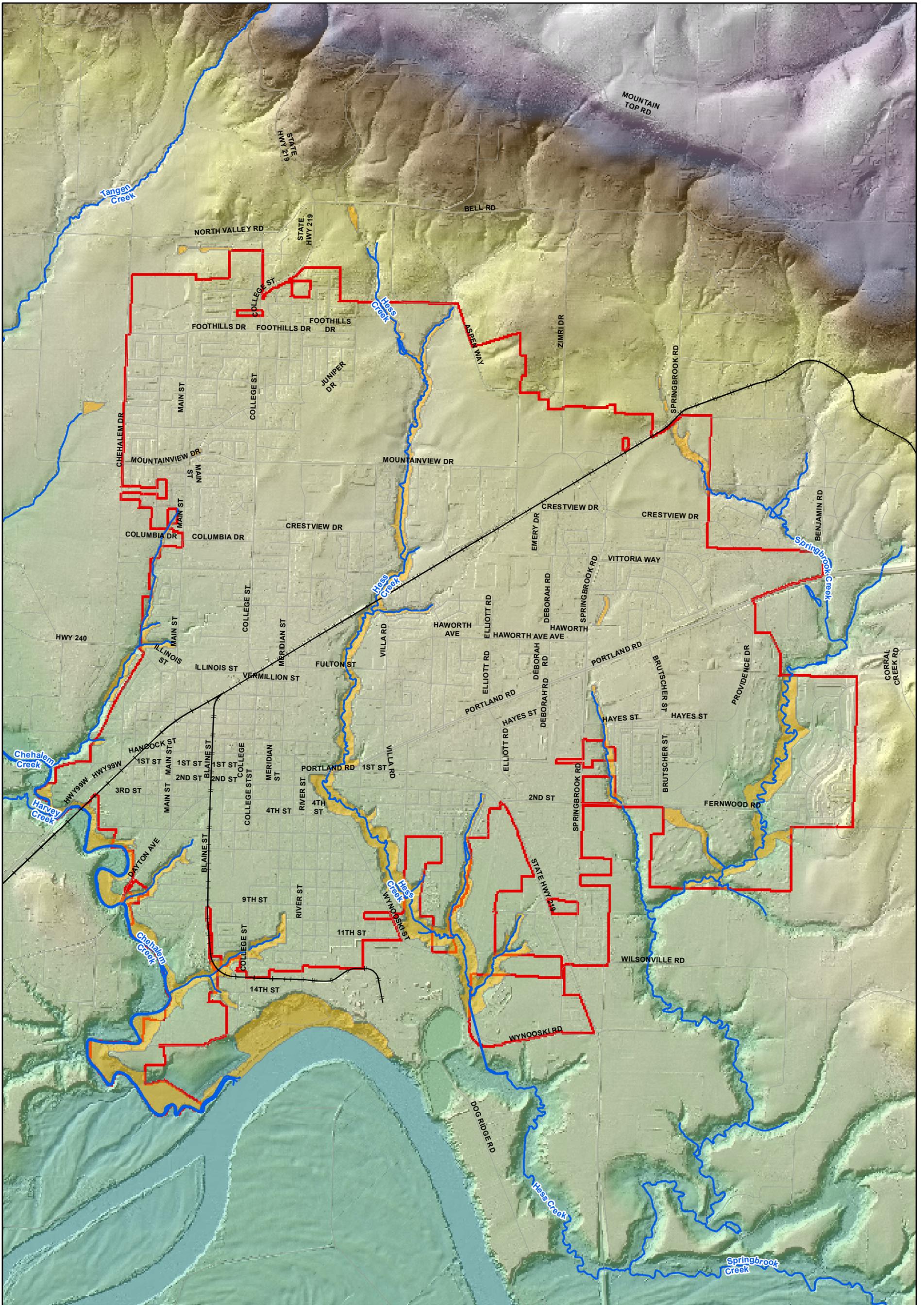
Oregon Drainage Law

Oregon has adopted the civil law doctrine of drainage. Under this doctrine, adjoining landowners are entitled to have the normal course of natural drainage maintained. The lower owner must accept water which naturally comes to his land from above, but he is entitled not to have the normal drainage changed or substantially increased. The lower landowner may not obstruct the run-off from the upper land, if the upper landowner is properly discharging the water.

For a landowner to drain water onto lands of another in the State of Oregon, two conditions must be satisfied initially: 1) the lands must contain a natural drainage course; and 2) the landowner must have acquired the right of drainage supported by consideration. In addition, because Oregon has adopted the civil law doctrine of drainage, three basic elements must be followed:

1. A landowner may not divert water onto adjoining land that would not otherwise have flowed there. It includes but is not necessarily limited to:
 - a. Water diverted from one drainage area to another; and
 - b. Water collected and discharged which normally would infiltrate into the ground, pond, and/or evaporate.
2. The upper landowner may not change the place where the water flows onto the lower owner's land (Most of the diversions not in compliance with this element result from grading and paving work and/or improvements to water collection systems).
3. The upper landowner may not accumulate large quantities of water and then release it, greatly accelerating the flow onto the lower owner's land. This does not mean that the upper landowner cannot accelerate the flow of water at all; experience has found drainage to be improper only when acceleration and concentration of the water were substantially increased.

Source: www.odot.state.or.us



Legend

- Newberg City Limits
- Stream Corridor
- Streams
- Railroad

Stream Corridor Overlay

Date Saved: 10/25/2011 9:45:14 AM
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Implementation Plan. The goal of the TMDL implementation Plan is to improve water quality of streams within Newberg in order to protect the water quality of the Willamette River.

In 1972, Congress passed the Clean Water Act which regulates water pollution and within the Clean Water Act is Title III which is standards and enforcement. This is where it was determined as unlawful to discharge any pollutant into rivers and streams. That section of the Clean Water Act primarily has to do with point sources which are end-of-pipe discharges from wastewater treatment plants, industrial plants, and manufacturing plants. It was determined that there were still some rivers and streams that were not up to the water quality standards and were coming from non-point sources which are difficult to regulate. Section 303(d) of Title III says that each state shall establish the total maximum daily load (TMDL) at a level necessary to implement the water quality standards within the rivers and streams. The US EPA, under the authority of the Clean Water Act, stated that the states had to determine which rivers and streams were not meeting water quality standards with point-source regulations alone. In the year 2000, the EPA created an agreement with the Department of Environmental Quality (DEQ) to determine which Oregon rivers and streams were water quality impaired and fell under section 303(d). In 2006 the DEQ sent what they considered the parameters that the Willamette River Basin was not meeting regarding water quality: temperature, bacteria, mercury, DDT, dissolved oxygen, dieldrin, and turbidity. DEQ then sent out a letter to the City of Newberg and all the cities affected by the Willamette River Basin. Newberg is considered to be in the Chehalem Mountain Basin which begins at Rex Hill and ends at Dundee. In 2006, the City of Newberg was directed to begin an implementation plan and in 2008, DEQ approved the City of Newberg TMDL plan. The parameters that were needed to be controlled were temperature, mercury, and bacteria.

The TMDL includes six measures that every implementation plan is required to do: public education, public participation, illicit discharge detection and elimination, construction site runoff, post construction runoff, and pollution prevention practices. Staff developed a code with participants from the following departments: Public Works Engineering, Maintenance, Building and Planning. Mayor Bob Andrews convened the Stormwater Ad-Hoc Committee in May, 2011 to review and refine the code which was done through public meetings which met every two weeks in the Public Safety Building. The committee was made up of seven members from five out of six districts and represented parks, university, developers, engineers, and citizens. The committee looked at illicit discharge, construction site runoff, and post construction runoff. Within those, the code affects the review of construction plans and inspection of construction sites, as well as review of construction plans for stormwater management, stormwater facilities, and the inspection of those facilities. The TMDL parameters that the City of Newberg needed to control were stream temperature, mercury and bacteria.

Illicit discharge (IDDE) is a discharge to a stormwater system that is not composed entirely of stormwater. Some examples include connecting a wastewater pipe to the stormwater system, leaking wastewater pipes infiltrating to stormwater system, and dumping wastes into catch basins or stormwater manholes. The TMDL requires the regulation of specific discharges, regulate other non-stormwater discharges, and exempt fire fighting discharges and discharges that are already complying with NPDES point-source permits. A conditional exemption has been done for the following specific discharges: water line flushing, discharges from potable water sources, dechlorinated swimming pool discharges, and street wash water. The other stormwater discharges that are covered in the code are illegal connections, streambanks, illegal dumping, spill response, and non-permitted commercial or industrial discharges.

Construction site runoff is discharging from a construction site. Pollution sources include oil, grease, chemicals, construction debris, litter, sanitary waste, and sediment.

Exemptions within the code include agricultural activities not creating a visible and measurable discharge to stormwater system activities complying with DEQ 401 Water Quality Certification, DSL permits, or USACE, emergency actions, and activities disturbing less than 500 square feet that are not located in a floodplain or the Newberg Stream Corridor Sub-District or discharging stormwater offsite that exceeds water-quality standards.

The TMDL plan requires the review of construction site plans, erosion and sediment controls regardless of the size of the construction site, to prevent or control construction-related waste, inspect construction sites, and consider managing the DEQ's 1200-C permit program (although the City has decided not to manage that due to City workloads). The City will review construction site plans for projects disturbing between 500 square feet and 1 acre of land and DEQ will review projects disturbing > 1 acre. The City will inspect construction sites disturbing 500 square feet and 1 acre of land and DEQ will inspect projects disturbing > 1 acre. Other requirements include proper storage and disposal of construction waste.

Post-construction runoff is from impervious areas such as driveways, streets and sidewalks, rooftops, and parking lots. The methods used to control these are through stormwater facilities; where stormwater congregates.

The TMDL plan asks the City of Newberg to require practices or facilities that maximize water quality and to require adequate long-term operations and maintenance of stormwater facilities. The way in which to maximize water quality is to decrease volume by decreasing impervious area and encouraging infiltration, and to decrease velocity by decreasing volume. The requirements were tiered in accordance to net-impervious area. If a project is 500 – 2,877 square feet of net impervious area, a project summary will be required with a scaled drawing and general stormwater flow direction. If a project is 2,877 square feet or more of net impervious area and < 1 acre of disturbed area, a project summary, design flow calculations, and proposed stormwater facilities will be required. If greater than 1 acre or more of land is disturbed, a project summary, design flow calculations, and stormwater facilities will be required.

Long term operations and maintenance requirements for stormwater facilities are as follows: require maintenance agreement to inform citizens of stormwater facility locations, require maintenance agreement to teach citizens how to maintain stormwater facilities, and require annual reports so the City knows the facilities are properly functioning.

The end results of the code and implementation plan concerning illicit discharge include proper disposal of hazardous and toxic material, timely spill cleanup, and decreased sediment and bacteria in streams. In regard to erosion control there will be decreased erosion and sediment in streams. Stormwater management will decrease erosion and sediment in streams, stream temperatures, emergency staff time, and will improve proper functioning of stormwater facilities.

The code has been sent to DEQ. They came back with very few comments, which have been incorporated into the code.

Comments & Questions:

Commissioner Edwards asked if any consideration was given regarding culverts or ditches with standing water under driveways and such. Sonja Johnson replied in the future people will be required to maintain facilities and will need to keep it clear. Commissioner Edwards asked if that should be included in the code. Ms. Johnson stated she will ask staff.

Commissioner Stuhr asked if the regulation will not apply to existing culverts or only to new or re-developed. Ms. Johnson replied if it is an existing culvert then no, but if a new culvert is put in it would need to be regulated.

Commissioner Edwards asked if there was any consideration regarding the traffic on construction sites and the mud on the streets. Ms. Johnson replied the code requires construction entrances be rocked or paved. Large sites have a requirement for wheel washes. One erosion control requirement is to clean up the dirt on the roadways at the end of the work day.

Commissioner Bliss asked if she is referring to private drainage facilities in regard to culverts. Ms. Johnson replied yes, private facilities would have an agreement. If a developer created a private facility then that would fall under the maintenance agreement. Commissioner Bliss asked how does staff plan on decreasing volume. Ms. Johnson replied by encouraging infiltration facilities.

Commissioner Stuhr referred to page 18 under Section 13.25.02 and asked if a permit is not required how the City will be aware of violations. Ms. Johnson stated that section will help the City to educate first and if they do not listen, this section will allow the Code Enforcement Officer to take enforcement action if needed. Agricultural activities are exempt from erosion controls unless the City determines there are water quality damages and impacts downstream. Commissioner Stuhr referred to page 23, Section 13.30.04 and asked about washing items other than a car. Ms. Johnson stated the TMDL specifically states car washing but the City can add more specifics. Commissioner Stuhr referred to street wash water which she believes should be more specifically defined. Also, charity carwashes were not covered in the proposed code as an exemption.

Commissioner Stuhr referred to pg 10, the first paragraph regarding construction site runoff and asked staff to review whether the word “all” is correct. Ms. Johnson believes the code says, “regardless of size.” Commissioner Stuhr asked for the language to be changed to the same. On page 11 under Post-Construction Runoff, she believes it needs to be emphasized that this is new and re-development.

Commissioner Bliss referred to page 20, Section 13.25.04 and stated parameters need to be defined regarding how far downstream. He also asked for clarification regarding Section 13.25.05 (B5). Barton Brierley explained the stream corridors are defined areas at the top of the streambanks that have specific limits on development. The stream corridors are intended to be kept natural and are actually mapped. Commissioner Bliss then referred to page 23, Section 13.30.06 (A) and stated that seems rather onerous. Ms. Johnson replied that language is also within the wastewater code. Commissioner Bliss stated this needs to be looked at in context. Ms. Johnson understands the concern but if there is something occurring that is in violation of water quality standards and it is allowed to continue, DEQ will not understand.

Commissioner Bliss asked what is the recourse on page 24, Section 13.30.06 (C). Ms. Johnson explained if you put in a pipe or connect the pipe from the sewer system which is not in the plans and affects the stormwater system; it will need to be corrected.

Commissioner Stuhr believes Section 13.30.07; Illegal Dumping has conflicts and needs to be rewritten in order for it to be enforceable. Chair Smith stated there are a number of ways to be in conflict.

Commissioner Edwards stated there are always exceptions. Commissioner Art Smith stated this section is far too long and inclusive. Chair Smith suggested Section 13.30.07 (A) could be re-written and shortened to speak to items that contribute to stormwater pollution. Commissioner Stuhr is concerned with language in regard to vegetation, which is difficult for someone to understand who does not know what excessive vegetation means or how to control it. Perhaps it will be good to express it to the public

in a way they can understand through education. She then referred to page 25 section 13.30.14 (A) and stated the language needs to be more specific regarding “discharge access to any facility or person...”

Commissioner Bliss referred to page 27, Sections 13.35.02 (B), 13.35.04 and 13.35.04 through (4B) and stated it is in conflict, especially 13.35.02 (B) which states projects on single lots that are zoned as single family residential are exempt and 13.35.04 (A3). Ms. Johnson explained the 2,877 square feet is the average impervious area of an average residential lot. If you have a single family residential lot, that exemption speaks to homeowner projects. Chair Smith stated it does not clarify that and a developer will read that believing a new single family home is exempt. Ms. Johnson asked how that should be worded. The purpose was to exempt homeowners from having to comply if they only want to do a simple project. Chair Smith suggested, “Projects on single lots that are zoned as single family residential and are adding less than “X “amount of impervious surface.” Commissioner Bliss believes the entire page needs to be reviewed due to conflict. Steve Olson stated one other potential confusion in the language is the “single family residential zone” which the City does not have; it would be clearer to refer to single family development and not use the word “zone.”

Commissioner Bliss referred to page 29 Section 13.35.08 (B 24) and stated how far down stream needs to be defined. Also (D) and how far down stream of the project and to what end and why 150% of the mitigation fee? Ms. Johnson explained the mitigation is one or more of the options. The intent was that if there is a variance when providing stormwater facilities due to site constraints, the City or neighbors will not have to deal with the stormwater produced by the project. Staff will change the language to, “one or more.” She would like to leave that up to the developer and the City in order to negotiate with the developer depending on the area affected and the size of the project. The 150% should be some kind of deterrent in asking for a variance. Commissioner Bliss suggested talking to the City Attorney on that percentage. Chair Smith stated this could become a legal case. He asked staff the procedure about a variance being granted. Barton Brierley explained this is not set up in the same way as a zoning variance would be. There would be no hearing or notice; the requirements are just to ask for the variance. There is a procedure about an appeal that does allow someone who does not like the decision to appeal that and that appeal would first go to the City Manager and then to City Council.

Chair Smith recessed for a six-minute break at 8:35 p.m.

Commissioner Barnes referred to page 28, Section 13.35.05 (B) and asked if private property catch basins will be inspected. Ms. Johnson replied if it is a private facility they are not maintained by the city. The current code is from the time of adoption on and does not pertain to existing facilities. Chair Smith stated if existing facilities never have to come up to code they can continue to contribute to stormwater pollution. Should this implementation of this reform try to fix problems that already exist? Ms. Johnson stated if the City can minimize what further development will do that is a positive thing. It would be nice to not have to grandfather in older stormwater facilities. Many cities are asking previously approved stormwater facilities to sign maintenance agreements but are not requiring them.

Commissioner Stuhr stated there are inconsistencies on capitalization throughout the code. Barton Brierley replied there is not much capitalization in the new municipal code.

VI. ITEMS FROM STAFF:

Update on Council items:

Barton Brierley stated the Lumberman’s site has been approved for a Goodwill store (just under 20,000 sq. ft.) on Portland Road and a new Jack in the Box Restaurant has been approved on

Springbrook Road and 99W. Also, the animal shelter construction will begin as soon as the contract is signed. It will develop over time as money becomes available.

The County Commissioners will be hearing population projections for the county on October 27, 2011 at 10:00 a.m. Mr. Brierley invited the Planning Commissioners to attend. That same morning, the sixth graders at Mountainview Middle School will be making a presentation on design projects on two Newberg sites. He asked for some of the Commissioners to attend from 8:00 – 9:45 a.m. and/or the second session is 11:30 a.m. – 1:15 p.m. Mayor Andrews will also be attending.

The City Council approved the City doing a bicycle route through Newberg from behind Safeway to the skate park. It is not a bike lane but arrows in the roadway telling drivers to watch for bicycles, and bicycles to go with the direction of traffic. They will be installed in the spring. A map of the bicycle routes in Newberg is available. The Cultural Center parking lot was approved and decided on impervious pavers as opposed to asphalt.

The next Planning Commission Meeting is scheduled on Thursday, November 10, 2011.

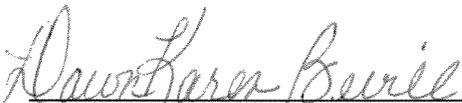
VII. ITEMS FROM COMMISSIONERS: None.

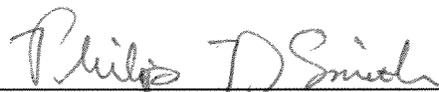
VIII. ADJOURN:

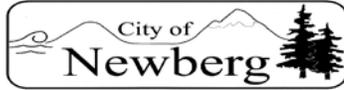
Chair Smith adjourned the meeting at 9:15 p.m.

Approved by the Planning Commission on this 10th day of November, 2011.

AYES: 7 **NO:** 0 **ABSENT:** 0 **ABSTAIN:** 0


 Dawn Karen Berville
 Planning Recording Secretary


 Philip D Smith
 Planning Commission Chair



MEMORANDUM
PUBLIC WORKS DEPARTMENT
Operations Division

TO: Newberg Planning Commission
FROM: Sonja Johnson, Public Works Operations
CC:
SUBJECT: October 13, 2011 Workshop on Willamette TMDL Implementation Plan
DATE: October 6, 2011

At your October 13, 2011 meeting is a workshop on the Willamette TMDL Implementation Plan and the additions to municipal code that are required by the Plan. The purpose of the workshop is to discuss and review the municipal code that the Stormwater Ad-Hoc Committee developed in conjunction with staff from Building, Planning, and Public Works. This workshop is in preparation for a hearing to be held on November 10, 2011 regarding the proposed additions to the municipal code.

Background

In 2000, under the authority of Section 303(d) of the Clean Water Act, the USEPA ordered the Oregon Department of Environmental Quality (DEQ) to identify rivers and streams for which point source controls were not stringent enough to protect water quality. The DEQ was also required to establish the total maximum daily loads (TMDL) that could be discharged into the 303(d)-listed watercourses and still maintain water quality standards. In 2006, the USEPA approved the TMDLs set by the DEQ for the Willamette River basin. The water-quality parameters that were impaired in the Willamette River basin were stream temperature, bacteria, mercury, DDT, dissolved oxygen, dieldrin, and turbidity.

In 2006, the City of Newberg received a letter from DEQ stating that the City needed to determine procedures and methods to control stream temperatures of Hess Creek, Springbrook Creek and Chehalem Creek and limit bacteria and mercury discharges into the Willamette River. The other 303(d)-listed parameters for the Willamette River basin were not included by the DEQ for the City's Willamette River TMDL Implementation Plan (otherwise known as the "TMDL Plan").

In 2008, the Public Works Department submitted a proposed TMDL Plan and received DEQ approval. The TMDL Plan requires procedures and methods for controlling stream temperature and discharges of mercury and bacteria in the following six categories:

1. Public Education
2. Construction Site Runoff
3. Illicit Discharge Detection and Elimination (IDDE)
4. Post-Construction Runoff
5. Pollution Prevention in Municipal Operations

Additions to municipal code were needed to meet the requirements for construction site runoff, IDDE, and post-construction runoff. In May 2011, the City Council convened the

Stormwater Ad-Hoc Committee to review and refine municipal code developed by City staff from Public Works, Building, and Planning. The Stormwater Ad-Hoc Committee was composed of 7 members from 5 districts who represented CPRD, George Fox University, industry, engineers, and citizens. The committee held public meetings every 2 weeks from May 26 to October 6.

Using the requirements of the TMDL Implementation Plan as a guide, the additions to the municipal code were reviewed, refined, and approved by the Stormwater Ad-Hoc Committee. This committee-approved code is the basis for the October workshop and November hearing.

Summary of Additions

A. Construction Site Runoff

The primary method for minimizing construction site runoff is through the use of erosion and sediment controls during construction to decrease the amount of stormwater leaving a site and increase its water quality before it enters the City's stormwater system or streams.

The TMDL requires the City to:

1. Review construction site plans;
2. Require erosion and sediment controls regardless of the construction site's size;
3. Prevent or control construction-related waste;
4. Inspect construction sites; and
5. Consider managing the DEQ's 1200-C permit program.

The proposed additional municipal code requires all projects to have basic erosion and sediment controls that protect public property, catch basins, and inlets from sediment or soil from the project site. The erosion and sediment controls must be inspected weekly or after rain events to ensure that they are functioning properly. Projects are also required to minimize wind-blown soil and ensure proper storage and disposal of construction debris.

Projects requiring a city, state, or federal permit are required to submit an erosion control plan to the City for review and approval prior to starting construction. Sites required to procure a 1200-C permit from DEQ are required to submit a copy of the documents to the City after DEQ has issued their 1200-C permit.

Because every project and site are unique, the City reserves the right to require more stringent sediment and erosion controls depending on the ability of stormwater from the site to adversely affect neighboring property, downstream stormwater facilities, or nearby streams.

B. Illicit Discharge Detection and Elimination

An illicit discharge is any discharge to a stormwater system that is not composed entirely of stormwater. Examples of illicit discharges include connecting sanitary pipe to the stormwater system, directly discharging wastes to a stream, leaking wastewater pipes infiltrating to the stormwater system or stream, or dumping waste into catchbasins or stormwater manholes.

The TMDL Implementation Plan requires the City to regulate discharges to the stormwater system; exempt firefighting activities or discharges that are complying with the limitations imposed by a NPDES permit; and provide opportunities to citizens for proper disposal of their household hazardous waste on a semi-annual basis.

There are discharges that the TMDL Implementation Plan specifically requires the City to address as either exempt or conditionally exempt. Conditionally exempt discharges are those discharges that are ordinarily exempt unless the City determines that they have become a pollution source. All but 4 of the discharge types that the City was specifically required to address are exempted in the proposed addition to the municipal code.

Illicit connections and illegal dumping are prohibited by the proposed addition to the municipal code. Streamside debris, trash, and excessive vegetation are prohibited if they cause erosion or water pollution.

Facilities that are required by state or federal statute to develop a spill prevention plan are required to provide a copy of their plan to the City. Procedures for reporting and cleaning up an accidental spill follow Oregon statute and are listed in the proposed municipal code for easier access.

C. Post-Construction Runoff

Post-construction runoff refers to the management of stormwater from impervious areas created by urbanization. Impervious areas include driveways, streets, sidewalks, parking lots, roofs, and other areas that do not allow infiltration. In general, stormwater is collected from impervious areas and conveyed to streams or stormwater facilities that either provide infiltration, detention, or retention.

The TMDL Implementation Plan requires the City to institute stormwater management practices and facilities that maximize water quality. It also requires the City to regulate the long-term operation and maintenance of stormwater facilities in order to ensure the proper functioning of the facilities and maximize the water quality of discharges to Hess Creek, Chehalem Creek, and Springbrook Creek.

The proposed municipal code provides tiered requirements based on the amount of impervious area created by a project because stormwater volume is directly correlated to impervious area. Projects on single lots that are zoned as single family residential are exempt from the stormwater management requirements. Projects that disturb more than 1 acre of land are required to provide stormwater facilities that are designed by a professional engineer and adhere to the City's Engineering Design Standards Manual.

Based on the City's review of a project summary and general post-construction stormwater flow direction, projects creating at least 500 square feet but less than 2,877 feet of impervious area may or may not be required to provide stormwater facilities. Projects creating at least 2,877 feet of impervious area but disturbing less than an acre of land are required to provide a project summary, stormwater calculations, and proposed methods for managing stormwater facilities for review and approval by the City.

To ensure long-term operation and maintenance of stormwater facilities, the owner of a stormwater facility is required to inspect and provide maintenance for their facility.

The owner is required to submit an annual report to the City attesting to the proper functioning, maintenance, and safety of the stormwater facility.

Compliance with the TMDL Implementation Plan Requirements

Mercury and bacteria adsorb to solid particles and are transported by wind and water into streams and rivers. At warm stream temperatures, bacteria multiply and cause disease; and mercury dissolves into the water where it can accumulate in fish tissue. Minimizing erosion and reducing the volume of stormwater keeps soil onsite and out of the streams. Shading streams and keeping streambanks vegetated allows cooler stream temperatures in the summer and decreases the amount of bacteria and mercury movement. By controlling stormwater volumes and encouraging infiltration, higher stream baseflows are created resulting in lower stream temperatures because the typical channel depth of a stream is maximized.

The TMDL requires the City to address mercury and bacteria concentrations and temperatures in the streams under its jurisdiction. By minimizing illicit discharges, stormwater volumes, and erosion, the City fulfills the requirements of the Willamette TMDL Implementation Plan.

Attachments:

- A. Proposed Municipal Code**
- B. Example Erosion Control Inspection Log**
- C. Example Stormwater Facility Maintenance Agreement**
- D. Example Stormwater Facility Annual Report**
- E. Willamette TMDL Implementation Plan**

GENERAL PROVISIONS AND DEFINITIONS

13.20.01 INTERPRETATION, CONFLICT, AND SEVERABILITY.

- A. Interpretation and Application.
1. The provisions of this Code shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- B. Conflict with public and private provisions.
1. **Public Provisions.** The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of this code imposes restriction different from those imposed by any other provision of this code or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
 2. **Private Provision.** This code is not intended to abrogate any easement, covenant, or any other private agreement or restriction provided that, where the provisions of this code are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this code shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or of a higher standard than this code, and such private provisions are not inconsistent with this code or determinations thereunder, then such private provisions shall be operative and supplemental to this code and determinations made thereunder.

13.20.02 DEFINITION OF TERMS.

“Applicant” means the owner or authorized agent acting on behalf of the owner.

“Channel Morphology” means the stream channel type and the physical characteristics of the streambed.

“City” means the City of Newberg, Oregon.

“Common Development Plan” means all lands included within the boundary of a certified survey map or subdivision plat created for the purpose of development or sale of property where integrated, multiple, separate and distinct land developing activity may take place at different times by future owners.

“Demolition” means any act or process of wrecking or destroying a building or structure.

“DEQ” means the Oregon Department of Environmental Quality.

“Design Standards Manual” means the current version of the Newberg Design Standards Manual.

“Design Storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

“Development” means residential, commercial, industrial, or institutional construction, alteration, or other improvement which alters the hydrologic characteristics of a property or properties.

“Director” means the City of Newberg’s Director of Public Works or their authorized representative.

“Easement” means areas located outside of dedicated right-of-way, which are granted to the City for special uses. Easements may also be granted to non-City entities such as franchise utility companies for their uses.

“Erosion” means the weathering of a surface as a result of the movement of wind, water, ice, snow, or land disturbance activities.

“Erosion and Sediment Control” means the structural or non-structural devices that are implemented to prevent erosion and sedimentation.

“Erosion Control Plan” means a plan submitted to the City with scaled drawings, and the methods and types of devices to be implemented during the project to prevent erosion and sedimentation.

“Excavation” means an act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or relocated.

“Fill” means a deposit of soil or other earth materials placed by artificial means.

“Grading” means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled, or any combination thereof.

“Ground-Disturbing Project” means a project that includes activities that have the potential to create soil erosion from wind, precipitation, or ice creating sediment deposits in watercourses or land within the City including, but not limited to, demolition, clearing and grubbing, grading, excavating, transporting, and filling of land.

“Hazardous Materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

“Illicit Discharge” means any direct or indirect non-stormwater discharge to the storm drain system except discharges regulated under a NPDES permit or exempted by this Chapter.

“Illicit Connections” means any drain or conveyance, whether on the surface or subsurface, which (1) allows an illicit discharge to enter the storm drain system including but not limited to

any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or (2) is connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

“Immediate Threat” means a situation that the Director determines would cause harm to the public, environment, or downstream stormwater facilities before the condition could be alleviated or repaired.

“Impervious” means the hard surface area that either prevents or greatly retards infiltration and causes water to run off the surface in greater quantities or at an increased rate of flow from that present in undeveloped conditions. Impervious surfaces include but are not limited to rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas. Surfaces which would ordinarily be considered pervious are considered impervious if they do not allow natural infiltration of stormwater.

“Infiltration” means the passage or movement of water into the soil subsurface.

“Maintenance Agreement” means an agreement between the City and the Maintenance Organization for private stormwater facilities detailing the operation and maintenance requirements of the facilities

“Maintenance Organization” means the person(s), company, or nonprofit organization(s) responsible for long-term operation and maintenance of stormwater facilities recorded in the Maintenance Agreement.

“National Pollutant Discharge Elimination System (NPDES)” means the general, group, and individual storm water discharge permits which regulate facilities defined in federal NPDES regulations and regulated through the Oregon Department of Environmental Quality.

“Net Impervious Area” means the increase in impervious area on a property after a project is completed.

“Non-Stormwater Discharge” means any discharge to the stormwater system that is not composed entirely of stormwater.

“Pollution” means a contamination or other alteration of the physical, chemical, or biological properties of any watercourse, including a change in temperature, taste, color, turbidity, silt, or odor, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any water of the state that either by itself or in connection with any other substance present can reasonably be expected to create a public nuisance or render such waters harmful, detrimental, or injurious to public health, safety, or welfare; to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wildlife, fish, other aquatic life or their habitat.

“Project” means an activity that creates impervious areas.

“Project Start” means the first ground-disturbing activity associated with a project including, but not limited to, preparatory activities such as clearing, grubbing, grading, excavating, and filling.

“Project Summary” means a narrative that includes the project description, location, emergency contacts, and other information determined by the Public Works Director such that the project can be located and a determination made regarding methods of stormwater management.

“Responsible Party” means a person or entity holding fee title to a property, tenant, lessee, or a person or entity who is acting as an owner’s representative including any person, company, nonprofit organization or other entity performing services that are contracted, subcontracted, or obligated by other agreement to design, implement, inspect, verify, or maintain the requirements of this chapter.

“Sediment” means soil or other surface material held in suspension in surface water or stormwater.

“Sedimentation” means the process or action of sediment being deposited as a result of decreased surface water or stormwater velocity.

“Sensitive Resources” means any area that, due to the natural resources or lack of filtering capacity present, is significantly more susceptible to the negative impacts of sedimentation and other pollutants associated with erosion and stormwater. Examples include direct hydrologic connections to lakes, streams, wetlands, springs, seeps, or other water resources; conservation areas; highly erodible soils and steep slopes; riparian buffers; high water tables; minimal depth to bedrock; infiltration areas, significant natural areas and environmental corridors; areas of historical importance; or areas inhabited by endangered species.

“Site” means any property or combination of properties where a project is being proposed or completed.

“Slope” means the increase in elevation of a ground surface expressed as a ratio of horizontal distance to vertical distance.

“Soil” means natural deposits overlying bedrock.

“Stabilize” means when vegetation or surfacing material is in place and well-established providing an area with maximum erosion protection.

“Stabilization” means the use of vegetative or structural techniques to prevent soil movement.

“Stockpile” means storage of any soil, sand, gravel, clay, mud, debris, refuse, or any other material, organic or inorganic, in a concentrated area.

“Stop Work Order” means an order issued by the Director which requires all project activity, except those specifically stated in the stop work order, to cease on the site.

“Stormwater” means water discharging into watercourses from rain events, surface drainage, artificial subsurface drainage, well overflow, roof drainage, and other similar drainage.

“Stormwater Facility” means a location where stormwater collects to filter, convey, retain, or detain stormwater for the purposes of water quality or quantity management. The facility may be structural or non-structural, has been designed and constructed according to city design standards, and has been required by the city.

“Stormwater Facility Operations and Maintenance Plan” means the required steps to be undertaken by the maintenance organization to ensure proper functioning of a stormwater facility.

“Stormwater Management” means techniques or structures intentionally used to temporarily or permanently reduce or minimize the adverse effects of stormwater velocities, volumes, and water quality on receiving watercourses. A series of techniques or structures constitute a stormwater system or treatment train.

“Stormwater System” means the combination of both artificial and natural systems of drains, ditches, canals, culverts, detention ponds, retention ponds, dams, and other water control facilities used for collecting and transporting stormwater.

“Structure” means anything constructed or built, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

“TMDL” means Total Maximum Daily Load.

“Visible And Measurable Erosion” means the deposition of soil, sand, dirt, dust, mud, rock, gravel, refuse, or any other organic or inorganic material exceeding a volume of one-half (0.5) cubic foot into a public right-of-way or public property, or any component of the City’s stormwater system either by direct deposit, dropping, discharge, or as a result of erosion; a flow of turbid or sediment-laden water beyond the property of origin or into the City’s stormwater system; or earth slides, mud flows, land slumping, slope failure, or other earth movement that leaves, or is likely to leave, the property of origin.

“Watercourse” means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, gully, ravine, swale, wetlands, or wash in which water flows either continuously or intermittently. The width of the watercourse includes any adjacent area that is subject to inundation from overflow or floodwaters from the design storm.

“Wetlands” means transitional lands where the water table is usually at or near the land surface or the land is covered by shallow water. Wetlands have one or more of the following attributes: 1) support, at least periodically, plants that thrive in saturated conditions, 2) contains predominately undrained hydric soil, or 3) the area is saturated or covered with shallow water at some time during the growing season of each year.

EROSION CONTROL

13.25.01 PURPOSE AND INTENT.

- A. The purpose of these regulations is to protect, maintain, and enhance public health, public safety, and public welfare by establishing minimum requirements and procedures to control sources of windborne and waterborne erosion and the effects associated with sediment that results from erosion. The application of this code and provisions expressed herein are minimum requirements.
- B. The intent is to:
 - 1. Minimize soil erosion;
 - 2. Minimize flooding, sedimentation, and erosion of local watercourses;
 - 3. Ensure proper maintenance and inspection of erosion and sediment controls;
 - 4. Ensure proper storage of construction materials and staging and proper storage of debris on-site; and
 - 5. Minimize effects of projects on downstream stormwater facilities and watercourses.

13.25.02 SCOPE.

- A. No person shall undertake a ground-disturbing project without having provided erosion and sediment controls that address erosion caused by wind or rain unless exempted by **§13.25.03**. In addition to complying with the requirements of this code, each site shall comply with the Newberg Comprehensive Plan, the Newberg Development Code, and any other applicable City of Newberg codes or plans.
- B. These requirements apply to:
 - 1. The person undertaking a ground-disturbing project, the implementer of the project, and the person’s successors in interest;
 - 2. Projects which require a permit; and
 - 3. Projects or activities not requiring a permit but which have the potential to generate discharges that are in violation of water quality standards.
- C. Projects which do not require a permit and which are not exempt from the requirements of these regulations shall notify the city when the project starts, comply with basic erosion and sediment controls and be subject to the enforcement actions and penalties of these regulations.
- D. Projects which do not require a permit but which violate basic erosion and sediment control requirements shall be subject to the penalties section of this code.

13.25.03 EXEMPTIONS.

- A. Agricultural activities that do not create a discharge of visible and measureable erosion to the stormwater system are exempt from these regulations unless identified by the city as having the potential to cause water-quality violations.
- B. Activities that comply with the requirements of their DEQ 401 Water Quality Certificate are exempted from these regulations unless they are identified by the City as requiring special considerations as defined by the Erosion and Sediment Control Manual.
- C. Activities that comply with the requirements of permits issued by the Department of State Lands or the Army Corps of Engineers are exempted from these regulations unless they are identified by the City as requiring special considerations as defined by the Erosion and Sediment Control Manual.
- D. Emergency actions to alleviate an immediate threat to public health and safety or to public or private property are exempt from these regulations.
- E. Activities that do not disturb more than 500 square feet of land are exempt from these regulations provided that they:
 - 1. Are not located in either a floodplain or the Newberg Stream Corridor Overlay Sub-district; or
 - 2. Do not discharge stormwater offsite that exceeds the water-quality limits imposed by the Willamette TMDL Implementation Plan for Newberg, Oregon Department of Environmental Quality, or US Environmental Protection Agency.

13.25.04 EROSION AND SEDIMENT CONTROLS.

- A. Approval of erosion and sediment controls for a project does not, by itself, transfer responsibility from the responsible party to the city.
- B. The city shall be notified when the project starts as defined by this code.
- C. Types of erosion controls that are approved for projects within city limits are described in the Erosion and Sediment Control Manual.
- D. Prior to ground disturbance, the responsible party shall ensure that erosion and sediment controls are properly installed and functioning to:
 - 1. Minimize sediment transport from the site through the use of construction entrances and exits;
 - 2. Protect stormwater system inlets that are immediately downstream of the site;
 - 3. Ensure proper storage of construction materials and staging and proper storage of debris on-site;
 - 4. Minimize dust and other windborne erosion;
 - 5. Stabilize soil in disturbed areas; and
 - 6. Protect onsite and offsite soil stockpiles during rain events or when dust is raised by gusting winds;
- E. The responsible party shall ensure that the following procedures are followed:
 - 1. Use of dry methods, such as a shovel or broom, to remove soil or construction debris left or tracked into the public right-of-way by the end of the working day; and
 - 2. Inspections of erosion and sediment controls weekly or after rain events.
- F. For projects requiring a city, state, or federal permit:

- a. The approved ESC plan shall be available onsite during active construction; and
 - b. Erosion and sediment controls shall be installed in accordance with the approved ESC plan or 1200-C permit prior to ground disturbance.
- G. Additional erosion and sediment controls may be required by the city if the site has special hydrologic or topographic considerations such as:
- 1. Slopes of 10% or more;
 - 2. Disturbances within 100 feet of sensitive resources, watercourses, or the Newberg Stream Corridor Overlay Sub-District;
 - 3. Disturbance of 10,000 square feet or more of land at any one time; or
 - 4. Any other condition specified in the ESC Manual as warranting special consideration;
- H. Additional erosion and sediment controls may be required by the city if the project:
- 1. May exacerbate current flooding, erosion, or water quality problems that exist downstream;
 - 2. Is identified by the city as having easily erodible soil, current severe erosion, or could significantly affect adjacent properties or watercourses due to erosion or sedimentation;
 - 3. Is identified by the city to potentially generate stormwater that would create a violation of DEQ water quality standards; or
 - 4. Is active between October 1 and April 30.

13.25.05 EROSION AND SEDIMENT CONTROL (ESC) PLANS.

- A. Applicants submitting permit applications or contract submittals shall, at the same time, submit either an ESC plan for review and approval by the city or a copy of the documents submitted to DEQ for their 1200-C permit program.
- (1) No permits shall be issued until the ESC plan is approved by the city or the applicant has provided a copy of the 1200-C permit issued by the DEQ.
 - (2) The ESC plan shall contain sufficient information to evaluate the proposed project's effect on adjacent and downstream public and private properties and on public health and safety.
- B. ESC plans shall include:
- 1. Site location;
 - 2. Scaled drawing with north arrow;
 - 3. Legend defining any symbols and the scale used;
 - 4. Property lines and watercourses of the site;
 - 5. Areas that are defined as within the limits of the Newberg Stream Corridor Overlay Subdistrict, as defined by the Newberg Development Code;
 - 6. Onsite structures including accessory structures such as sheds;
 - 7. Timeline for installing and removing erosion controls;
 - 8. Locations and types of erosion controls;
 - 9. Location of construction entrances and exits and concrete washouts;
 - 10. Soil stabilization methods and schedule for stockpiles;
 - 11. Location of riparian and sensitive resources within 100 feet of the site;
 - 12. Location of all trees with an 8-inch or larger DBH (diameter measured at breast height) within or adjacent to the project site.

13. Grading plan showing the slope of the site before and after construction;
14. Stormwater points of discharge;
15. Methods for re-vegetating the site after construction;
16. Storage area locations for construction debris and toxic or hazardous materials used during the project;
17. Methods that will be used to dispose of construction debris and toxic or hazardous materials used during the project;
18. Methods for removal of saw-cutting slurry or debris;
19. Methods for implementing dust control on the project site;
20. Spill prevention and response procedures;
21. Inspection procedures and tentative schedule;
22. Name and 24-hour emergency contact information for the person responsible for maintaining and inspecting erosion and sediment controls; and
23. Any other provisions required by the erosion and sediment control manual.

13.25.06 EROSION AND SEDIMENT CONTROL PLAN REVISIONS

- A. The city may require a revision to the ESC plan due to a change in the site conditions and the ability of erosion and sediment measures to adequately control:
 1. Stormwater volume and velocity;
 2. Stormwater quality to receiving watercourses; or
 3. Additional loading that compromises the integrity of downstream stormwater facilities.
- B. The following situations, while not exhaustive, can trigger revisions to ESC plans:
 1. Improper functioning of approved erosion and sediment controls;
 2. A change in project schedules such that the project will be active more than 3 months later than originally scheduled;
 3. Changes in the assumptions used for the soil type, topography, hydrologic, or hydraulic conditions based on actual conditions discovered during inspections or construction that will affect the proper functioning of previously-approved erosion and sediment controls;
 4. Changes in location, excavation and fill volumes, or square footage of disturbed land that will affect the proper functioning of erosion and sediment controls onsite; or
 5. Changes in construction or maintenance materials or chemicals that affect the proper functioning of erosion and sediment controls.
- C. The person responsible for erosion and sediment controls on the project shall immediately install interim erosion controls after receiving a notice of violation from the city. The responsible party shall submit a revised ESC plan within three (3) working days of receiving the notice of violation.
- D. Revisions.
 1. Revised plans shall provide an attached narrative with detailed specifications of any changes or additions to the current or proposed erosion and sediment controls.
 2. The narrative accompanying the revised plan shall discuss the triggering situation, corrective action required, and a proposed solution that conforms to the requirements of the ESC manual.

- E. The revised plan and controls shall be immediately implemented upon the city's approval of the plan.
- F. The owner shall be responsible for any additional costs resulting from a revision to the original ESC plan.

13.25.07 INSPECTIONS.

- A. City Inspections
 - 1. The city shall inspect the site for compliance with these regulations.
 - 2. The responsible party shall provide copies of all inspection records for a project within twenty-four (24) hours of a request by the city.
 - 3. During an emergency, the responsible party shall immediately provide the city with copies of all inspection records for a project.
 - 4. The responsible party shall contact the city or their designee within 24 hours of placement of erosion and sediment controls.
- B. Responsible Party Inspections.
 - 1. The responsible party shall keep a maintenance and inspection log documenting the time and date of the inspection and any repairs, adjustments, maintenance or replacements completed on the erosion and sediment controls.
 - 2. During construction, inspections of erosion and sediment controls shall be conducted after a rain event or at least weekly during dry weather.
 - 3. If a site will be inactive for more than 14 days, inspections shall be conducted every 2 weeks.

ILLICIT DISCHARGE DETECTION AND ELIMINATION

13.30.01. PURPOSE AND INTENT.

- A. The purpose of these regulations is to:
 - 1. Ensure public health and safety;
 - 2. Enhance the water quality of watercourses; and
 - 3. Maintain and protect the stormwater system.
- B. The intent of these regulations is to:
 - 1. Reduce pollution in stormwater discharges;
 - 2. Prohibit illicit and illegal discharges into the stormwater system including ditches and culverts;
 - 3. Prohibit illicit connections to the stormwater system; and
 - 4. Establish legal authority to inspect, monitor, and enforce compliance with these regulations.

13.30.02. SCOPE.

- A. These regulations apply to all discharges to the stormwater system or watercourses within the city limits that are not composed entirely of stormwater.
- B. These standards are minimum standards and the city neither intends nor implies that compliance by any person with these requirements will ensure no contamination or pollution of watercourses.

13.30.03. GENERAL.

- A. No person shall throw, drain, or otherwise discharge, cause or allow others under its control to throw, drain, or discharge any material other than stormwater into the City's stormwater system, watercourses, or groundwater.
- B. No person shall improperly store, handle, or apply any material that will cause or create, through its exposure to rainfall or stormwater, a discharge in violation of water-quality standards in the receiving watercourse.

13.30.04. EXEMPT DISCHARGES.

The following discharges are allowed under this Chapter unless the Director determines that they are, were, or will be a significant source of pollution:

- A. Diverted stream flows,
- B. Rising groundwater;
- C. Uncontaminated groundwater infiltration as defined by 40 CFR 35.2005(20);
- D. Uncontaminated pumped groundwater;
- E. Foundation or footing drains;
- F. Air conditioning condensate;
- G. Springs;
- H. Water from crawl space pumps;
- I. Flows from riparian habitats and wetlands;
- J. Discharges from fire-fighting activities.
- K. Discharges from irrigation, lawns, and gardens that do not violate water-quality regulations; and
- L. Non-foaming discharges from individual residential car washing.

13.30.05. CONDITIONAL EXEMPTIONS.

The following discharges are allowed if they meet their respective restrictions and are not identified by the Director as a significant pollution source within the city limits:

- A. De-chlorinated, pH-adjusted, and controlled discharges from hyper-chlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic testing that do not pose a threat of erosion to the receiving watercourse;
- B. De-chlorinated, pH-adjusted, and controlled discharges from swimming pools, hot tubs, and spas that do not pose a threat of erosion to the receiving watercourse. This exemption does not include filter backwash;
- C. Non-stormwater discharges regulated by a NPDES permit so long as the discharge complies with the permit limits and written approval has been granted by the Director; and
- D. Street wash water.

13.30.06. ILLICIT CONNECTIONS.

- A. The construction, use, maintenance, or continued existence of illicit connections to the stormwater system is prohibited and a violation of this code regardless of whether the connection was permissible under the law or practices at the time of connection.
- B. Illicit connections shall be disconnected from the stormwater system upon receipt of a written notice of violation.

- C. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the stormwater system, shall be located by the owner or occupant of the property upon receipt of a written notice of violation.

13.30.07. ILLEGAL DUMPING.

- A. No person may throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, catch basin, inlet, or other component of the stormwater system any material that may cause or contribute to pollution including, but not limited to: refuse, rubbish, garbage, litter, yard debris, feces, landscape materials, gravel, sand, visible and measurable erosion, leaf litter, hazardous materials, or other discarded or abandoned objects, articles, and accumulations.
- B. Materials deposited in proper waste receptacles for the purposes of collection are exempt from these requirements.

13.30.08. RIPARIAN DESTABILIZATION.

- A. Any person owning property with either a watercourse running through or bounding the property lines shall keep and maintain that part of the watercourse within the property reasonably free of man-made trash, debris, excessive vegetation, yard debris, and other obstacles that would pollute, contaminate, or impede the flow of the watercourse.
- B. Any person with a watercourse bounding or running through their property shall maintain native streambank vegetation or provide other stabilization measures to protect the watercourse from erosion or degradation while, at the same time, not adversely affecting downstream properties or stormwater facilities.
- C. Removal of invasive species is encouraged as long as the owner re-vegetates or stabilizes the streambank before October 1 of the same year.

13.30.09. DISCHARGES IN VIOLATION OF NPDES PERMIT.

Any discharge that would result in or contribute to a violation of a NPDES permit either separately or in combination with other discharges is prohibited from discharge into the stormwater system or watercourses within the city limits.

13.30.10. COMMERCIAL AND INDUSTRIAL DISCHARGES.

Commercial or industrial operations or businesses not covered by a NPDES permit shall follow proper disposal and spill prevention practices. Direct discharges or sheetflow to the stormwater system or watercourses within city limits is expressly prohibited unless listed as exempt or conditionally exempt in these requirements.

13.30.11. SPILL PREVENTION PLANS.

Facilities that handle, store, or use hazardous or toxic substances in quantities that equal or exceed quantities listed in OAR Chapter 340-142-0050 or that are otherwise required by state or federal law to have a spill prevention plan shall provide a copy of the plan to the Director.

13.30.12. SPILL NOTIFICATION.

- A. In the event of the release or the imminent threat of a release of a hazardous or toxic material, the person owning or having control over the material shall immediately implement the applicable spill plan or other contingency plan document prepared in compliance with these regulations.
- B. If a spill plan or contingency plan is not implemented for any reason, the person owning or having control over the material shall immediately take the following actions in the order listed:
 - 1. Activate alarms or otherwise warn persons in the immediate area;
 - 2. Undertake every reasonable method to stop the spill and contain the oil or hazardous material;
 - 3. Call 911 if there is a medical emergency or public safety hazard; and
 - 4. Arrange for properly trained and equipped personnel or contractor to stop any continuing release and manage the specific material spilled.
 - a. Immediately hire a qualified contractor to respond and manage the spill if the necessary actions are beyond the ability of the responsible person's representatives on-site or the responsible person's own response services will be delayed in arriving at the spill site.
 - b. If the person owning or having control over oil or hazardous material does not, or cannot, immediately arrange a response acceptable to the City, the City may dispatch a contractor and seek recovery of all costs incurred by the City resulting from this action.
- C. Immediately report the spill or release as required by OAR 340-142-0040.

13.30.13. INSPECTION AUTHORITY.

- A. Whenever the city has a reason to believe that there exists or potentially exists, in or upon any premises, any condition which constitutes a violation of this chapter, the city shall be permitted access to the property or facility to determine compliance. If the premises are unoccupied, the city may enter the property without permission if immediate abatement is required.
- B. The city reserves the right to set up devices to conduct monitoring and sampling of discharges from the property or facility.

13.30.14. SUSPENSION OF DISCHARGE ACCESS.

- A. The city reserves the right to suspend, without prior notice, discharge access to any facility or person when such suspension is necessary to stop:
 - 1. An actual or threatened discharge that presents or threatens to present a violation of water quality standards.
 - 2. Repeated violations by the same facility or person; or
 - 3. A facility or person from knowingly and willfully continuing illicit discharges after they have been notified to cease and desist.
- B. Resumption of a suspended discharge access without the prior approval of the Director constitutes a separate and distinct violation of this code.

13.30.15. REMEDIATION.

If the Director determines that an illicit or illegal discharge or accidental spill has resulted in a degradation or harm of the stormwater system or watercourses within the city limits, it reserves the right to require remediation of the degraded area, including watercourses, by the owner of the property or facility within a specified timeframe.

13.30.16. COMPENSATORY ACTION.

In lieu of an enforcement proceeding authorized by these regulations, the Director may require alternative compensatory action(s) in response to minimal and isolated occurrences of non-compliance by any person found to be in violation of these requirements. Such action may include, but is not limited to, participation in pollution prevention public education efforts or participating in stream restoration projects by qualified non-profit groups.

STORMWATER MANAGEMENT

13.35.01 PURPOSE AND INTENT.

- A. The purpose of these regulations is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the effects associated with increased stormwater from impervious areas in the city limits by requiring affected projects to control the volume and velocity of stormwater discharged from the site.
- B. The intent of these regulations is to:
 1. Encourage the preservation and use of the natural topography for receiving and conveying stormwater from a site;
 2. Minimize local flooding, sedimentation, and stream channel erosion;
 3. Maintain optimum temperatures for native fish and riparian habitat;
 4. Protect stormwater facilities already existing downstream; and
 5. Ensure that stormwater facilities are properly maintained with accurate records.

13.35.02 SCOPE.

- A. These requirements apply to:
 1. Projects or activities that ordinarily would be exempt but are part of a larger common development plan that meets the criteria. This is true even if the activities appear to be separate and distinct and take place at different times and on different schedules;
 2. Projects or activities that have the potential to discharge stormwater to watercourses which will degrade their beneficial use or cause a violation of water quality standards set by:
 - a. Willamette TMDL Implementation Plan for Newberg;
 - b. Oregon Department of Environmental Quality; and
 - c. US Environmental Protection Agency.
 3. Projects that create a net impervious area of 500 square feet or more; or
 4. Projects or activities that change the pre-project land contours such that 500 square feet or more of new drainage discharges into the stormwater system or watercourses within the city limits.

- B. These requirements do not apply to:
1. Projects on single lots that are zoned as single family residential; or
 2. Emergency measures taken to alleviate an immediate threat to the public, environment, or downstream stormwater facilities.

13.35.03 STORMWATER TREATMENT.

- A. Projects shall use techniques or create stormwater facilities that maintain the water quality and beneficial uses of the receiving watercourse.
- B. The discharge rate and stormwater volume leaving a site shall conform with the requirements of the design standards manual and:
1. Be within the capacity of downstream stormwater facilities;
 2. Not create or increase existing erosion or flooding problems of adjacent properties or areas downstream of the site; and
 3. Maintain historic drainage properties of adjacent properties and watercourses.
- C. Stormwater facilities that discharge to the city's wastewater system shall be considered an illegal discharge.

13.35.04 FACILITY DESIGN.

- A. Prior to receiving a permit for a project, the Director and Applicant shall discuss the stormwater requirements of the project in sufficient detail to provide a foundation for the design of the stormwater facilities.
1. All projects which create 500 square feet or more of net impervious area that directly discharges to a watercourse or occur on properties with existing severe erosion problems may be required to provide engineered stormwater facilities that meet the requirements of this chapter and the design standards manual.
 2. Projects disturbing 1 acre or more of land shall have stormwater facilities that are designed by a professional civil engineer and meet all of the requirements of this chapter and the design standards manual.
 3. Projects disturbing less than 1 acre of land but creating 2,877 square feet or more of net impervious area shall provide a summary of the project, design flow calculations, and proposed methods for treating stormwater to the Director in accordance with requirements specified in the design standards manual.
 - a. The submitted material shall be used by the Director to determine whether the proposed stormwater facilities require an engineered design.
 - b. 2,877 square feet is the current average impervious area on a lot in Newberg.
 4. Projects creating 500 square feet or more of net impervious area but less than 2,877 square feet of net impervious area shall provide a project summary and the general stormwater flow direction as specified in the design standards manual.
 - a. The material shall be used by the Director to determine whether stormwater facilities are required for the project and subject to **§13.35.04(A)(3)** of this code.
 - b. 2,877 square feet is the current average impervious area on a lot in Newberg.

5. Projects on properties lying partially or completely within the 100-year floodplain or the Newberg Stream Corridor Overlay Subdistrict are subject to additional requirements as specified in the design standards manual.
- B. All stormwater facilities, structural and non-structural, shall have an emergency overflow or bypass that is designed to passively function and route excess floodwaters to an appropriate location that minimizes the effect of the overflow to adjacent properties.

13.35.05 FACILITY RESPONSIBILITY.

- A. The city shall operate and maintain public stormwater facilities.
- B. Privately-owned stormwater facilities shall be operated and maintained by the owner or maintenance organization.
 1. The city does not accept responsibility for the design, installation, operation, or maintenance of any stormwater facility unless an agreement specifying such responsibility is executed between the city and the owner or maintenance organization.
 2. Approval of stormwater facilities, a project, or a maintenance agreement does not, by itself, transfer responsibility from the owner or maintenance organization to the city.
 3. Failure to properly operate or maintain private stormwater facilities shall constitute a violation of this chapter.

13.35.06 MAINTENANCE.

- A. The owner shall enter into a maintenance agreement with the city that shall be binding on the maintenance organization and all subsequent owners of the properties served by the stormwater facilities.
- B. The maintenance agreement shall be recorded in the deed records of Yamhill County, Oregon.
- C. A facility operations and maintenance plan previously approved by the city shall be provided by the applicant to the maintenance organization, if different from the applicant, at project completion.
- D. Privately-owned stormwater facilities shall be inspected and maintained in accordance with the facility operations and maintenance plan.
- E. Annual reports shall be submitted to the city by the maintenance organization attesting to the proper functioning, maintenance, and safety of the stormwater facilities.
- F. Annual reports shall include current 24-hour emergency contact information. When emergency contact information changes midyear, the Director shall be notified by letter within fifteen (15) business days.
- G. Stormwater facilities shall remain unaltered unless prior approval has been obtained from the Director.
- H. The Director may authorize the immediate repair of any stormwater facility that poses an immediate threat to public health and safety; public or private property adjacent to or downstream of the stormwater facility; or the water quality, riparian habitat, or channel morphology of the receiving watercourse.

13.35.07 INSPECTIONS.

- A. Authorized city representatives may inspect stormwater facilities to determine compliance with the requirements of this chapter.
- B. The maintenance organization shall allow authorized city representatives to inspect the stormwater facility at all reasonable hours for the purpose of inspection, sampling, records examination, or in the performance of any duty required to ensure compliance with this chapter.
- C. The right of entry includes, but is not limited to, access for sampling stormwater and to require copies of records, reports, or other maintenance or operating documents from the maintenance organization.
- D. Entry shall be made at reasonable times during normal operating or business hours unless an emergency situation exists as determined by the Director.
- E. Authorized city representatives shall present appropriate credentials at the time of entry. If the property or facility is unoccupied, the authorized city representative shall make a reasonable effort to locate the owner or emergency contact on the maintenance agreement.

13.35.08 VARIANCES.

- A. The Director may grant a variance from any requirement of this chapter if there are exceptional circumstances such that strict adherence will not fulfill the intent of this code. A written request for a variance shall be provided to the Director which states the specific variance sought and reasons for granting the request.
- B. In a variance request, the owner or maintenance organization shall include design flow calculations showing the effects, if any, that the variance will have on the:
 - 1. Adjacent property drainage patterns;
 - 2. Local flooding, sedimentation, and stream channel erosion;
 - 3. Beneficial uses or water quality of the receiving watercourse; and
 - 4. Proper functioning of downstream stormwater facilities, culverts, bridges, dams, and other structures.
- C. No variance granted by the Director shall be construed as providing precedence for future projects or facilities by any applicant.
- D. When the Director grants a variance, the applicant shall satisfy the requirements of this chapter through a combination of the following options:
 - 1. Upgrading improperly functioning stormwater facilities downstream of the project;
 - 2. Providing new stormwater facilities downstream of the project;
 - 3. Providing the city with a conservation easement within the watershed of the receiving watercourse; and
 - 4. Payment of a mitigation fee due before the construction start date and based on 150% of the cost of providing stormwater volume and water quality control expected by the project.

ENFORCEMENT AND PENALTIES**13.40.01 GENERAL.**

- A. The city may, for enforcement purposes, use any one of the following actions, a combination of them, or any other legal action depending on the severity of the violation:
 - 1. Notice of violation;
 - 2. Stop work order;
 - 3. Summary abatement;
 - 4. Refuse to issue a certificate of occupancy;
 - 5. Modify, suspend, revoke, or withhold final approval of a city permit; or
 - 6. Refer the issue to legal action.
- B. Communication to one responsible party shall be regarded as communication to each responsible party for the purposes of this code. The responsible party shall reimburse the city for 150% of the restoration costs for the site, including administrative, enforcement, legal, and overhead expenses, if the responsible party is found to be knowingly and willfully failing to comply with this code. In addition to any other sanctions, civil action or criminal prosecution may be brought against any person, company, or organization in violation of this code.

13.40.02. CONCEALMENT.

Causing, permitting, aiding, abetting, or concealing a violation of any provision of these requirements shall constitute a violation of these regulations.

13.40.03 NOTICE OF VIOLATION.

- A. The city may issue a notice of violation if a responsible party has violated or failed to meet a requirement of this chapter.
- B. Failure to comply with a notice of violation is a separate violation of this chapter. When the responsible party has corrected the situation, they shall contact the city to schedule an inspection.
- C. Failure to complete the actions required in the notice of violation within the deadline may result in a summary abatement action by the city.

13.40.04 STOP WORK ORDER.

- A. The city may issue a stop work order to allow proper remedial action or to deflect an immediate threat to public health or safety or the water quality of receiving watercourses.
- B. The stop work order shall list the conditions under which work may resume. The responsible party shall contact the city for an inspection when the conditions for resuming work have been fulfilled.
- C. It is a violation of these regulations for any person to remove, obscure, mutilate or otherwise damage a stop work order or prevent the city from posting one.

13.40.05 SUMMARY ABATEMENT.

- A. If the responsible party fails to fulfill the steps required in an enforcement action within the deadline prescribed by the city, the actions will be completed by the city and the owner shall be responsible for reimbursing the city for 150% of the cost of the investigation, repair, and remediation of the situation including labor, material, administrative, and legal expenses.

- B. If the owner does not remit payment within 45 days of notification, the debt shall be declared as a special assessment against the property and shall constitute a lien by the city against the subject property.
- C. Any relief obtained under this section shall not prevent the city from seeking other relief as allowed by law.

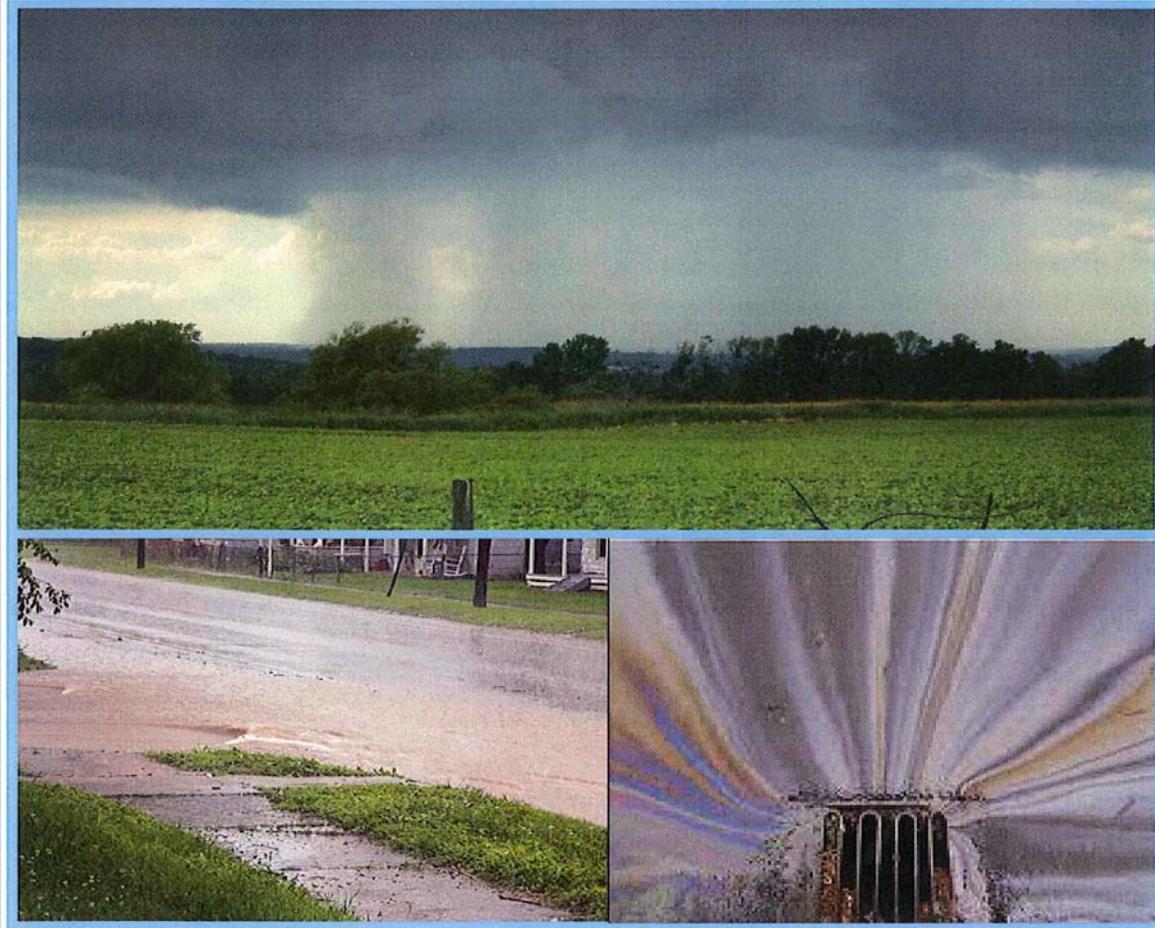
13.40.06. APPEAL PROCEDURE.

- A. Any person aggrieved by a decision or action of the Director under this chapter may file a written request with the city manager for reconsideration within ten (10) calendar days of notification of the decision or action. The request for reconsideration shall clearly describe the:
 - 1. Decision or action being appealed including the date of the decision or action;
 - 2. Property location;
 - 3. Facts and arguments supporting the request for reconsideration; and the
 - 4. Specific grounds on which the appeal is filed.
- B. The city manager may establish such procedures as may be deemed necessary or proper to conduct the reconsideration process and shall make a determination regarding the appeal within ten (10) business days of the receipt of the request for reconsideration. The filing of a request for reconsideration by the city manager shall be a condition precedent to the right to appeal to the City Council. The filing of an appeal shall not stay enforcement of an action by the Director in emergency situations as previously defined in this chapter.
- C. Any person aggrieved by the city manager's determination under this chapter may appeal to the City Council within ten (10) days of notification of the city manager's decision. Written notification of the appeal shall be filed with the City Council and the city manager along with a payment of fifty dollars (\$50.00). The filing of a request for reconsideration by the City Council shall set forth in reasonable detail the decision or action being appealed and the facts and arguments supporting the request for reversal or modification.
- D. The City Council shall conduct a hearing on the appeal according to established Council procedures. The hearing shall be conducted at the earliest possible regularly scheduled city council meeting with final city council action being taken on the appeal within sixty (60) days after its initial filing.

13.40.07 PENALTIES.

- A. General.
 - 1. Tampering with or knowingly rendering nonfunctional any sediment or erosion control, monitoring device, or stormwater facility required under these regulations constitutes a separate and distinct violation of these regulations.
 - 2. The following shall constitute a separate and distinct violation of this code:
 - a. Notice of violation;
 - b. Disregarding or interfering with a stop work order;
 - c. Failure to remediate or failure to abate;
 - d. Failure or refusal to reimburse the city for expenses incurred as a result of summary abatement; and
 - e. Each day of continued violation.

3. Any relief obtained under this section shall not prevent the city from seeking other relief as allowed by law.
- B. Falsifying Information.
1. Any person making false statements, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this code shall be in violation of this code.
 2. In addition, the responsible party or their agent shall be subject to the provisions of 18 U.S.C. 1001 relating to fraud and false statements; and the provisions of Section 309(c) of the Clean Water Act, as amended, governing false statements, representation, or certification and responsible corporate officers.
- C. Any person, firm, or corporation or any agent or employee of these entities violating the provisions of this code that pertain to federal or state law shall have committed a Class 1 Civil Infraction.
- D. Any person, firm, or corporation or any agent or employee of these entities violating the provisions of this code that pertain to municipal law and whose violations are not deemed a nuisance shall have committed a Class 2 Civil Infraction at a minimum and a Class 1 Civil Infraction as a maximum.
- E. Any person, firm, or corporation or any agent or employee of these entities violating the provisions of this code that pertain to municipal law and whose violations are deemed a nuisance shall be punishable at a minimum as a Class 4 Civil Infraction and at a maximum as a Class 2 Civil Infraction.
- F. Any violation of this code shall be processed in accordance with the procedures set forth in the “Uniform Civil Infraction Procedure Ordinance,” of the Newberg Municipal Code.



Planning Commission Workshop October 13, 2011

WHAT IS A TMDL?

Clean Water Act (1972)

Regulates water pollution

Funded WWTP Construction

Clean Water State Revolving Fund (1987)

TITLE III:

STANDARDS AND ENFORCEMENT

...the discharge of any pollutant by any person shall be unlawful...there shall be achieved ...effluent limitations for **point** sources...

CWA TITLE III: SECTION 303(d) WATER QUALITY STANDARDS AND IMPLEMENTATION PLANS

Each State shall identify those waters ... for which the (point source) limitations ... are not stringent enough to implement ... water quality standards...

Each State shall establish the **total maximum daily load (TMDL)** ... at a level necessary to implement ... water quality standards...

US EPA – Clean Water Act Sec 303(d)

2000: EPA-DEQ Agreement

Determine which Oregon rivers and streams to list as falling under Section 303(d) and what parameters are causing the stream to be listed

2006: EPA approved Willamette River TMDLs proposed by DEQ

Temperature

Bacteria

Mercury

DDT

Dissolved Oxygen

Dieldrin

Turbidity

Willamette River DMAs

Tualatin Basin	Other Basins	Yamhill and Molalla Basins
<ul style="list-style-type: none"> ▪ Update current TMDL Implementation Plan 	<ul style="list-style-type: none"> ▪ Create a TMDL Implementation Plan 	<ul style="list-style-type: none"> ▪ TMDL Implementation Plan not yet required – more data is needed



Newberg

**TMDL Parameters: Temperature, Mercury, Bacteria
2008: TMDL Implementation Plan approved**

WHAT IS THE TMDL IMPLEMENTATION PLAN?

TMDL Implementation Plan

Public Education

Public Participation

Illicit Discharge Detection and Elimination

Construction Site Runoff

Post-Construction Runoff

Pollution Prevention Practices

Public Participation

Staff

- Public Works Engineering
- Public Works Maintenance
- Building
- Planning

Public Meeting

Stormwater Ad-Hoc Committee

- 7 Members
- 5 districts
- Parks, University, Developers, Engineers, Citizens

Illicit Discharge

- **Proposed IDDE Code**
- Conduct Field Investigations
- Provide Hazardous Waste Collection

Construction Site Runoff

- **Proposed Erosion Control Code**
- **Review Plans and Inspect Sites**

Post-Construction Runoff

- **Proposed Stormwater Management Code**
- **Review Plans and Inspect Facilities**
- Evaluate Regional Facility Opportunities

TMDL Parameters

Stream Temperature

Sediment

Channel Depth

Shading

Vegetation

Mercury

Soil

Wind

Temperature

Bacteria

Soil

Wind

Temperature

ILLICIT DISCHARGES (IDDE)

Definition: A discharge to a stormwater system that is not composed entirely of stormwater.

Examples:

- Connecting a wastewater pipe to the stormwater system
- Leaking wastewater pipes infiltrating to stormwater system
- Dumping wastes into catchbasins or stormwater manholes.

TMDL Enforcement

- Regulate Specific Discharges
- Regulate Other Non-Stormwater Discharges
- Exemptions:
 - Firefighting discharges
 - Discharges complying with NPDES permits

Specific Discharges

Water line flushing, **landscape irrigation, diverted stream flows, rising groundwater or uncontaminated infiltration, uncontaminated pumped groundwater,** discharges from potable water sources, **foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, discharges from riparian habitats or wetlands,** dechlorinated swimming pool discharges, and street washwater.

Other Non-Stormwater Discharges

Illegal Connections: Prohibited

Streambanks: Must be vegetated to discourage erosion

Illicit Discharges: Prohibited

Spill Response: Specified procedures for notification and reporting

Non-Permitted Commercial or Industrial Discharges: Direct discharge to streams prohibited unless otherwise exempted; must follow proper disposal and spill prevention practices

Code vs TMDL Parameters

Control	Bacteria	Mercury	Temperature
Specific Discharges	Reduced	Reduced	No Effect
Illegal Connections	Reduced	Reduced	No Effect
Illicit Discharges	Reduced	Reduced	No Effect
Streambank Erosion	Reduced	Reduced	Reduced
Spill Reporting	Reduced	Reduced	No Effect

CONSTRUCTION SITE RUNOFF

Definition: Stormwater discharging from a construction site

Pollution Sources:

- Oil, grease, chemicals
- Construction debris: concrete washout, tree debris, building materials
- Chemicals
- Litter and sanitary waste
- Sediment

Control Methods: Sediment and Erosion Controls

Exemptions

- Agricultural activities not creating a visible and measurable discharge to stormwater system
- In-stream projects subject to other permits
 - DEQ 401 Water Quality Certification,
 - Department of State Lands
 - US Army Corps of Engineers
- Emergency Actions
- Activities disturbing less than 500 square feet

TMDL Enforcement

- Review construction site plans
- Erosion and sediment controls regardless of the size of the construction site
- Require proper disposal of construction-related waste
- Inspect construction sites
- Consider managing the DEQ's 1200-C permit program

Tiered Requirements

Project	Requirement
No city, state, or federal permit	Basic requirements
Permit required, Project disturbs 500 sq ft or more but < 1 acre	City review and approval of Erosion Control Plan
Permit required, Project disturbs 1 acre or more of land	Provide copy of DEQ 1200-C permit documents to City

Inspections and Plan Review

- Review construction site plans
 - City review for projects disturbing between 500 sq ft and 1 acre of land
 - DEQ review for projects disturbing > 1 acre

- Inspect construction sites
 - City inspections for sites disturbing between 500 sq ft and 1 acre of land
 - DEQ inspections for projects disturbing > 1 acre

Other Requirements

- Proper storage and disposal of construction waste is required
- City will not be managing DEQ's 1200-C permit program

Code Triggers:

Comparable Cities* vs Newberg

Trigger	Median	Newberg
Disturbed Area	500 sq ft	500 sq ft
Slope	11%	10%
Fill	>20 cu yds	>50 cu yds
Buffer	>100 ft	>100 ft
Protect Inlets	Yes	Yes
Minimize Dust	Yes	Yes
Stabilize Soil	Yes	Yes
Inspections	Daily	Weekly
Permit Fees	Yes	No

* Lake Oswego, Milwaukie, Oregon City, Sherwood, Tualatin, West Linn, Wilsonville

Code vs TMDL Parameters

Control	Bacteria	Mercury	Temperature
Protect Inlets	Reduced	Reduced	Reduced
Minimize Dust	Reduced	Reduced	No Effect
Stabilize Soil	Reduced	Reduced	Reduced
Construction Waste	Reduced	Reduced	No Effect
Slope	Reduced	Reduced	Reduced
Buffers	Reduced	Reduced	Reduced

Post-Construction Runoff

Definition: Runoff from impervious areas

Impervious Area:

- Driveways
- Streets and sidewalks
- Rooftops
- Parking Lots

Control Method: Stormwater Facilities

TMDL Enforcement

- Require stormwater facilities that maximize water quality
- Require adequate long-term operations and maintenance of stormwater facilities

Maximizing Water Quality

- Decrease Volume
 - Decrease impervious area
 - Increase infiltration

- Decrease Velocity
 - Decrease stormwater volume

Tiered Requirements

Project	Requirement
Create 500 square feet to 2,877 square feet of net impervious area	Project summary, scaled drawing, general stormwater flow direction
Create 2,877 square feet or more of net impervious area and < 1 acre disturbed area	Project summary, design flow calculation, proposed stormwater facilities
1 acre or more of disturbed land	Project summary, design flow calculations, stormwater facilities

Operations and Maintenance

- Maintenance agreements inform owners about stormwater facilities and their locations
- Maintenance agreements teach owners how to maintain the stormwater facilities
- Annual reports submitted to the City show that the facilities have been properly maintained and are properly functioning

Comparable Cities* vs Newberg

Component	Majority	Newberg
Private Facility	Allowed	Allowed
Volume	Pre-development or no increase	Minimized
Velocity	Pre-development or no increase	Minimized
Maintenance Agreement	Required	Required
Annual Report	Required	Required
Maintenance Bond	Required	No

* Cities: Canby, Keizer (proposed), Lake Oswego, Lebanon, Milwaukie, Oregon City, Sherwood, Tualatin, West Linn, Woodburn

Code vs TMDL Parameters

Control	Bacteria	Mercury	Temperature
Impervious Area	Reduced	Reduced	Benefits
Infiltration	Reduced	Reduced	Benefits
Maintenance Agreement and Annual Report	Reduced	Reduced	Benefits

WHAT ARE THE END RESULTS?

IDDE:

- Proper disposal of hazardous and toxic material
- Timely spill cleanup
- Decreased sediment and bacteria in streams

Erosion Control:

- Decreased erosion and sediment in streams

Stormwater Management:

- Decreased erosion and sediment in streams
- Decreased stream temperatures
- Decreased emergency staff time
- Properly functioning stormwater facilities

Code vs TMDL Parameters

Control	Bacteria	Mercury	Temperature
IDDE	5/5 methods reduce	5/5 methods reduce	1/5 methods benefit
Erosion Control	6/6 methods reduce	6/6 methods reduce	4/6 methods benefit
Stormwater Management	3/3 methods reduce	3/3 methods reduce	3/3 methods benefit

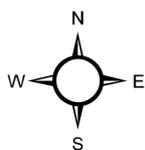
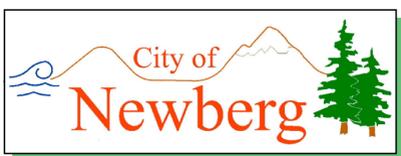
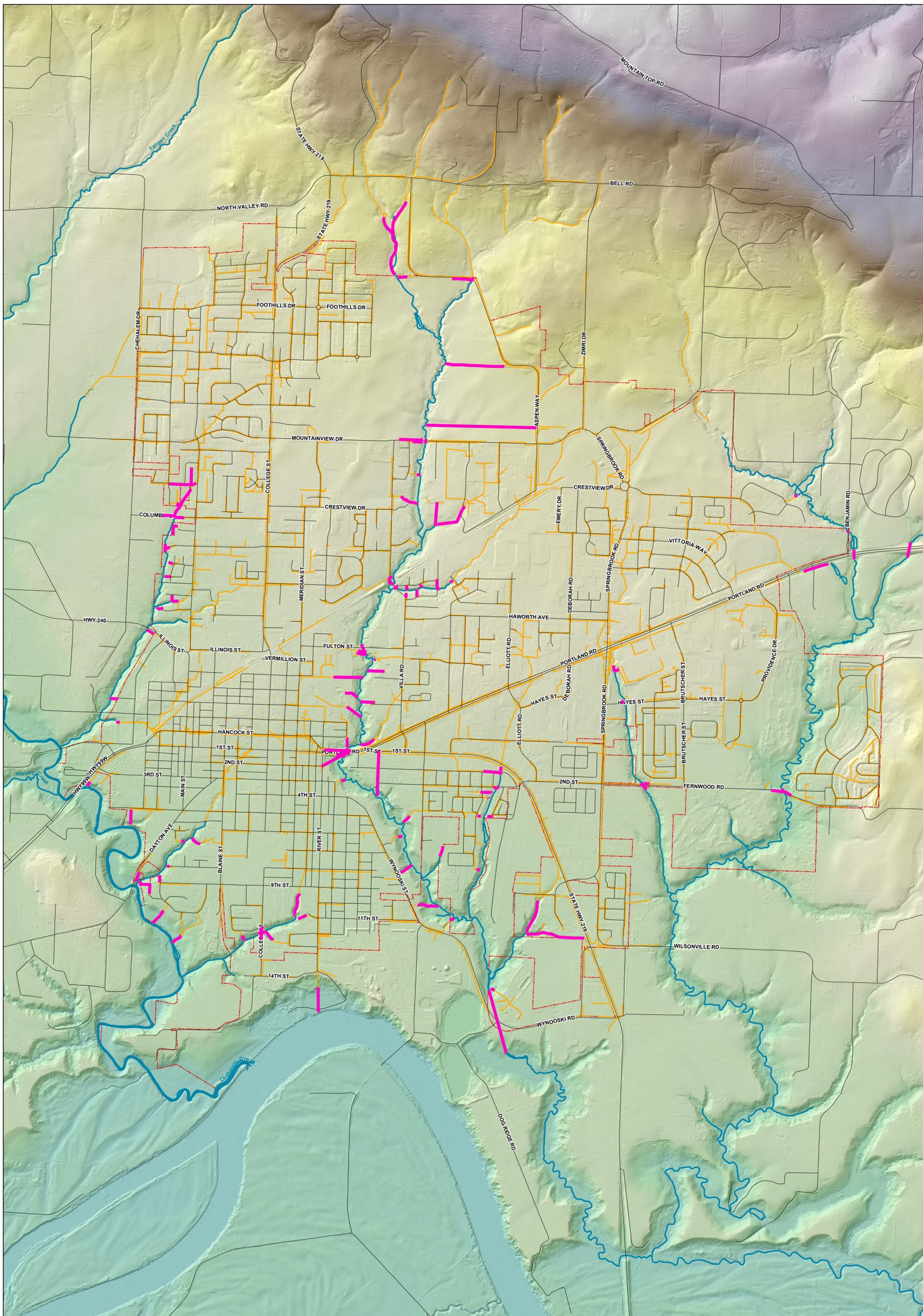


APPENDIX 3 ILLICIT DISCHARGE DETECTION AND ELIMINATION

- A. Stormwater Outfalls**
- B. Code Enforcement**
- C. Household Hazardous Waste Collection**

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Appendix 3A
Illicit Discharge Detection
and Elimination
Stormwater Outfalls



Storm Water Outfalls

Appendix 3B
Illicit Discharge Detection
and Elimination
Code Enforcement

Appendix 3B. IDDE - Code Enforcement

Concern	Number of Reports	Action	Resolution
Vehicle discharge to stream	1	Inspected	No Violation
Leaves blown into street	6	Education	None Required
Soil stockpiles in street	4	Education	Removed
Vehicle leaking oil	1	Turned over to Newberg- Dundee Police Department	Vehicle towed
Discharge from mobile restaurant	1	Education	FOG barrel installed

Appendix 3C
Illicit Discharge Detection
and Elimination
Household Hazardous
Waste Collection

Appendix 3C. IDDE – Household Hazardous Waste Collection 2011				
Waste	Pounds Collected			Tons
	May	October	Total	Total
Aerosols		1,000	1,000	0.50
Ammonia Solutions	60	195	255	0.13
Batteries	315	950	1,265	0.63
Antifreeze	410	-	410	0.21
Caustic Liquids	50	500	550	0.28
Caustics, Other	245	-	245	0.12
Corrosive Liquids	275	30	305	0.15
Flammable Liquids	-	11,828	11,828	5.91
Flammable Solids - Fuses	-	10	10	0.01
Flammable, Other	1,550	-	1,550	0.78
Mercury-Containing Waste: Thermometers	5	10	15	0.01
Mercury-Containing Waste: CFLs	670	550	1,220	0.61
Mercury-Containing Waste: Ballasts	11	11	22	0.01
Oxidizers, Sodium Nitrate	-	60	60	0.03
Paint	-	1,800	1,800	0.90
Paint-related Waste	1,350	1125	2,475	1.24
Pesticides	-	1,300	1,300	0.65
Propane Tanks	-	60	60	0.03
Toxic Liquids	2,925	-	2,925	1.46
Toxic Solids	1,150	-	1,150	0.58
Total Hazardous Waste excluding Paint-Care Program	9,016	19,429	28,445	14.22
PaintCare Program				
Latex Pain	-	10,400		
Oil Paint	-	1,800		
Mixed Paint	-	4,500		
Paint, Other	2,500	-		
Total for Paint Care Program	2,500	16,700		

APPENDIX 4 STORMWATER MANAGEMENT

Appendix 4. Stormwater Management 2011			
Project	Requirement	Started	Completed
Goodwill	1200-C Permit	N	N
Animal Shelter	1200-C Permit	Y	N
Animal Shelter	Stormwater Detention	Y	N
Habitat for Humanity 9th Street	Stormwater Detention	N	N
Church Street Apartments	Energy Dissipator at Outfall	Y	N
Thorne Park Subdivision	Energy Dissipator at Outfall	N	N
Fred Meyer Gas Station	Water Quality Facility	Y	Y

APPENDIX 5 MUNICIPAL OPERATIONS

Appendix 5. Pollution Prevention in Municipal Operations 2011														
TASK		JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTALS
Catch Basins	Inspected	-	-	6	-	-	15	-	-	-	-	51	-	72
	Repaired or Replaced	-	-	-	-	-	-	-	-	-	-	-	-	-
	New	-	-	-	-	2	-	-	-	-	-	-	-	2
	Marked as "Drains to Stream"	-	-	-	-	-	82	-	-	-	-	-	-	82
	Cleaned	-	-	-	-	-	-	15	-	-	14	51	26	106
Manholes	New	-	-	1	-	-	-	-	-	-	-	-	-	1
	Repaired or Replaced	-	-	-	-	-	-	-	-	-	-	1	-	1
Grates and Inlets	Inspection Rounds	1	1	12	-	-	2	-	-	-	-	-	-	16
Detention Ponds	Maintenance, ft	-	-	2	-	-	-	-	1	1	-	10	3	17
Ditches	Maintenance, ft	-	-	13	500	404	50	-	57	500	-	2	-	1,526
Storm Line	Cleaned, ft	845	-	650	1,606	600	-	-	-	-	830	430	-	4,961
	Inspected, ft	700	508	200	1,951	320	-	-	354	-	480	340	-	4,853
	Repaired, ft	-	-	10	-	-	6	-	-	-	-	-	1	17
	Replaced, ft	-	5	-	-	-	-	-	-	-	300	-	-	305
	Installed, ft	-	-	-	-	30	10	-	-	-	-	-	-	40
Flooding	Calls	-	4	-	-	-	-	-	-	-	-	3	-	7
	Responses	-	4	-	-	-	-	-	1	-	-	4	-	9
Sweeping	Curb Miles	231	179	318	346	300	302	419	359	358	402	775	393	4382
	Debris, cu yd	32	21	37	38	31	37	39.5	34.5	59	84.5	263	220	897
	Cu yd/curb mile	0.14	0.12	0.12	0.11	0.10	0.12	0.09	0.10	0.16	0.21	0.34	0.56	0.20