



Photo Credit: Karen Tarmichael  
City of Newberg Public Works

# City of Newberg TDML Implementation Plan

## Annual Report 2012 and 5<sup>th</sup> Year Review

Submitted: March 29, 2013

**THIS PAGE INTENTIONALLY LEFT BLANK**

## TABLE OF CONTENTS

<b>Definitions .....</b>	<b>iv</b>
<b>Executive Summary .....</b>	<b>1</b>
<b>2008 to 2012 Status Summary .....</b>	<b>2</b>
<b>Introduction .....</b>	<b>5</b>
<b>Measure #1 – Public Education .....</b>	<b>5</b>
Overview.....	5
2012 Tasks Completed .....	6
PE-1 Implement Stormwater Educational Activities (Figure 1).....	6
PE-2 Participate in the Greater Yamhill Watershed Council .....	8
PE-3 Provide Environmental Marking for Stormdrains .....	8
Effectiveness Summary (November 2008 to December 2012) .....	8
Stormwater Education (BMP PE-1).....	8
Watershed Education (PE-2).....	9
Infrastructure Education (PE-3).....	9
Implementation Plan Matrix Revisions for 2013-2017.....	9
<b>Measure #2 – Public Involvement .....</b>	<b>11</b>
Overview.....	11
2012 Tasks Completed .....	11
PI-1 Public Participation in Reviewing the Stormwater Utility Fee.....	11
PI-2 Public Participation in Ordinance and Program Development .....	11
PI-3 Use the City Website for Education and Reporting of Stormwater Concerns .....	11
PI-4 Establish Hotline to Receive Complaints from the Public .....	12
Effectiveness Summary (November 2008 to December 2012) .....	12
Stormwater Utility Fee (PI-1).....	12
Ordinance and Program Development (PI-2) .....	12
Public Concerns with Stormwater (PI-3 and PI-4) .....	13
Implementation Plan Matrix Revisions for 2013-2017.....	13
<b>Measure #3 – Illicit Discharge Detection and Elimination.....</b>	<b>13</b>
Overview.....	13
2012 Tasks Completed .....	14
ID-1 Develop IDDE Program .....	14

ID-2 Train City Employees to Implement IDDE .....	14
ID-3 Implement IDDE Plan .....	14
ID-4 Hazardous Waste Collection Program .....	14
Effectiveness Summary (November 2008 to December 2012) .....	15
IDDE Ordinance and Plan (ID-1) .....	15
IDDE Training (ID-2) .....	15
IDDE Plan Implementation (ID-3).....	15
Hazardous Waste Collection (ID-4).....	16
Implementation Plan Matrix Revisions for 2013-2017 .....	16
<b>Measure #4 – Construction Site Stormwater Runoff Control .....</b>	<b>17</b>
Overview.....	17
2012 Tasks Completed .....	17
CS-1 Develop Ordinance to Control Construction Site Runoff for less than 1 Acre .....	17
CS-2 Train City Employees Regarding Construction Site Controls .....	17
CS-3 Conduct Plan Reviews, Inspections, and Enforcement for Construction Sites .....	18
Effectiveness Summary (November 2008 to December 2012) .....	18
ESC Ordinance and Plan (CS-1).....	18
ESC Training (CS-2).....	18
ESC Plan Implementation (CS-3) .....	19
Implementation Plan Matrix Revisions for 2013-2017.....	19
<b>Measure #5 – Post-Construction Runoff Control.....</b>	<b>19</b>
Overview.....	19
2012 Tasks Completed .....	20
DS-1 Develop Ordinance to Control Runoff from New and Redevelopment.....	20
DS-2 Train City Employees Regarding New Development Standards.....	20
DS-3 Conduct Plan Reviews, Inspections, and Enforcement for New Development .....	20
Effectiveness Summary (November 2008 to December 2012) .....	21
Stormwater Ordinance and Design Manual Development (DS-1).....	21
Stormwater Training (DS-2).....	21
Stormwater Program Implementation (DS-3) .....	21
Implementation Plan Matrix Revisions for 2013-2017.....	22
<b>Measure #6 – Pollution Prevention in Municipal Operations .....</b>	<b>22</b>

Overview.....	22
2012 Tasks Completed .....	23
OM-1 Develop Water Quality-Sensitive Operations and Maintenance Manual ..	23
OM-2 Train City Employees Regarding Revised O&M Practices.....	23
OM-3 Conduct Catch Basin and Stormdrain Cleaning .....	23
OM-4 Conduct Street Sweeping.....	23
Effectiveness Summary (November 2008 to December 2012) .....	23
Operations and Maintenance Manual (OM-1) .....	23
Operations & Maintenance Training (OM-2) .....	23
Stormwater Infrastructure Maintenance (OM-3) .....	23
Implementation Plan Matrix Revisions for 2013-2017.....	25
<b>Temperature.....</b>	<b>25</b>
Overview.....	25
2012 Tasks Completed .....	25
T-1 Educate Public on Stream Health.....	25
T-2 Maintain Existing Stream Vegetation .....	26
T-3 Increase Effective Shading .....	26
Effectiveness Summary (November 2008 to December 2012) .....	26
Stream Health Education (T-1).....	26
Maintain Existing Stream Vegetation (T-2) .....	26
Increase Effective Shade (T-3).....	26
Implementation Plan Matrix Revisions for 2013-2017.....	26
<b>Summary .....</b>	<b>27</b>
<b>Appendix 1 TMDL Implementation Matrix.....</b>	<b>29</b>
<b>Appendix 2 Public Education – Greater Yamhill Watershed Council .....</b>	<b>45</b>
<b>Appendix 3 Public Involvement .....</b>	<b>59</b>
Appendix 3A Citizen Rate Review Committee .....	61
Appendix 3B Planning Commission .....	81
Appendix 3C City Council .....	91
Appendix 3D Municipal Code for Erosion Control, Illicit Discharges, and Stormwater Management .....	103

## DEFINITIONS

<b>ACWA</b>	-	Association of Clean Water Agencies
<b>APWA</b>	-	American Public Works Association
<b>ASCE</b>	-	American Society of Civil Engineers
<b>AWWA</b>	-	American Water Works Association
<b>BLM</b>	-	Bureau of Land Management
<b>BMP</b>	-	Best Management Practice
<b>CRRC</b>	-	Citizen's Rate Review Committee
<b>City</b>	-	City of Newberg, Oregon
<b>CESCL</b>	-	Certified Sediment and Erosion Control Lead
<b>DEQ</b>	-	Oregon Department of Environmental Quality
<b>ESC</b>	-	Erosion and Sediment Control
<b>FOG</b>	-	Fats, Oil, and Grease
<b>GFU</b>	-	George Fox University
<b>GIS</b>	-	Geographic Information Systems
<b>GYWC</b>	-	Greater Yamhill Watershed Council
<b>IDDE</b>	-	Illicit Discharge Detection and Elimination
<b>NORP</b>	-	Northwest Oregon Restoration Partnership
<b>O&amp;M</b>	-	Operations and Maintenance
<b>OSU</b>	-	Oregon State University
<b>Plan</b>	-	City of Newberg's Willamette River TMDL Implementation Plan
<b>TMDL</b>	-	Total Maximum Daily Load
<b>USEPA</b>	-	United States Environmental Protection Agency
<b>YCSW</b>	-	Yamhill County Solid Waste



## **EXECUTIVE SUMMARY**

The City has completed 20% of the 67 measureable goals in its 2008 Willamette River TMDL Implementation Plan matrix. It has placed 41% of the 67 measureable goals into an ongoing status resulting in aggregate of 61% of the original goals now incorporated into the City's budget and day-to-day operations.

A majority of the measureable goals were completed for the best management practices in the public education and public involvement measures. The construction site stormwater runoff control measure also saw implementation of many of its goals. Based on the Oregon Department of Environmental Quality's comments, 3 measureable goals were added to the implementation matrix to stabilize stream temperatures and all have been successfully implemented.

Overall, the City has seen much progress in this phase of implementation. The largest change in the City's TMDL Implementation Plan was the move towards outside training rather than relying on internal training in order to conserve personnel resources. The areas that saw the least improvement were areas that involved multiple departments. The greatest success was the recognition that water quality and stream health are interrelated with stability and public health. The groundwork for long-lasting partnerships has been laid and there are plans for the future that will continue the City's progress in its commitment to its citizens and local streams.



## 2008 TO 2012 STATUS SUMMARY

The City has greatly expanded its public education to encompass booths at four venues, neighborhood cleanups, volunteer programs for neighborhood cleanups and stormdrain marking, website education, and a World Monitoring Day event. The City used staff, the Stormwater Ad-Hoc Committee, and the Planning Commission to develop and review municipal code affecting stormwater, illicit discharge, and erosion control. The City Council reviewed and adopted the municipal code in June 2012. The City has two part-time erosion control inspectors to enforce the new ordinance for public and private projects disturbing less than an acre. To reduce stormwater runoff, the City used green infrastructure in two public projects: two swales, two raingardens, and pervious concrete were installed at the projects. Habitat for Humanity worked with a private engineering firm to put in three raingardens for two projects. To reduce erosion, stabilize stream temperatures, and reduce stormwater volumes, the City started a riparian tree planting program in partnership with the Bureau of Land Management. To reduce the amount of sediment entering the stormwater system, the City purchased a vacuum sweeper to pick up finer particles on its streets.

Employee training continues to be problematic due to lack of resources, time, and government structure; there are five different sections of the city affected by the training requirements and each have different priorities and opinions on the value of training employees. The proposed solution is to clarify the measureable goals and performance measures of these strategies and to offer more training opportunities. Procedural requirements that involve various levels of teamwork have also been problematic as there are seven different sections of the city affected by the procedural requirements and each have various viewpoints on the best method for managing stormwater. The proposed solution is to extend these requirements to the 2013-2017 implementation phase to allow more time to create a cohesive stormwater message and management. The City has greatly expanded its educational efforts, however it does not have a cohesive stormwater message that all City departments and divisions provide to the public. The proposed solution is to conduct a survey of the populace to determine a baseline of citizen knowledge and interest. Using the results of the survey will allow the City to create a targeted and cohesive message that will provide training, civic opportunities, and literature that is focused on citizen values and interests.

Table 1 lists the status for the measureable goals in the City's TMDL Implementation Plan. While some goals were modified and three were added, none were replaced during the 2008-2012 phase. Appendix 1 provides greater detail on the status of the measureable goals.



**Table 1. Summary Status of Measureable Goals for 2008-2012**

<b>Measure</b>	<b>Completed</b>	<b>Ongoing</b>	<b>Incomplete But Started</b>	<b>Not Implemented</b>	<b>Delayed</b>	<b>Added</b>
<b>Public Education</b>	0	6	1	0	0	0
<b>Public Involvement</b>	6	2	0	0	0	0
<b>Illicit Discharge Detection and Elimination</b>	3	5	3	3	1	0
<b>Construction Site Stormwater Runoff Control</b>	3	5	1	2	0	0
<b>Post-Construction Stormwater Runoff Control</b>	2	4	2	4	0	0
<b>Pollution Prevention in Municipal Operations</b>	0	7	0	7	0	0
<b>Temperature</b>	0	0	0	0	0	3
<b>Totals</b>	14	29	7	16	1	3
<b>Percentage</b>	20%	41%	10%	23%	1%	4%

**THIS PAGE INTENTIONALLY LEFT BLANK**



## INTRODUCTION

In September 2006, the Willamette River was listed by the USEPA as a 303(d) stream for the parameters of bacteria, mercury, and temperature in the Newberg area. The reduction targets were 27% for mercury and 88% for bacteria in the summer and 75% for bacteria in the fall and winter. An effective shade target of 75%-90% was set for reducing temperature loads in the local streams.

In October 2006, the Oregon Department of Environmental Quality (DEQ) sent a letter to the City of Newberg (hereafter known as the City) notifying them of the requirement to create a Total Maximum Daily Load Implementation Plan (hereafter known as the Plan) that listed strategies and timelines for reducing these parameters in the discharges of Chehalem Creek, Hess Creek, and Springbrook Creek. In October 2008, the DEQ and the City agreed on strategies and timelines for the Plan.

The 2010 U.S. Census officially lists the City's population at 22,244. The Public Works Department calculated that the city boundaries encompass (5.8 square miles) which results in a density of 3,835 people per square mile. Because the City's population is greater than 10,000 but it is not considered an urbanized area, the DEQ requires the City to provide strategies that encompass six minimum measures including public education, public involvement, illicit discharge detection and elimination, construction site stormwater control, post-construction stormwater management, and pollution prevention in municipal operations when formulating the strategies of the Plan and submitting annual reports.

The City has provided DEQ with three annual reports covering the progress of the Plan from October 2008 to December 2011. Each annual report incorporated DEQ's comments from the previous year's report and provided adaptive management strategies as the City balanced competing priorities amid decreasing revenues. This report addresses DEQ's comments from the 2011 report; the City's progress in meeting the Plan's goals in 2012; a summary of the progress from October 2008 to December 2012; and proposed strategies and timelines for managing discharges of bacteria, mercury, and temperature from 2013 to 2017. The proposed strategies and timelines become effective upon DEQ's approval of this report.



## MEASURE #1 – PUBLIC EDUCATION

### Overview

The three Best Management Practices (BMPs) required by the Plan include stormwater educational activities, local watershed council participation, and marking of stormdrains with an environmental message. All of these measures require an ongoing effort for the City.

## **2012 Tasks Completed**

### ***PE-1 Implement Stormwater Educational Activities (Figure 1)***

The City used its website to provide timely information regarding pesticide use, pollution prevention, soil testing, stream buffers, and lawn fertilizers. [Five new webpages](#) were created that provide information on the effect of stream buffers, lawn care, and fertilizer on stream health. A webpage on local classes and events was used to promote classes and events in the area which could increase water quality or citizen awareness of the importance of water quality and stream health.

Approximately 2,000 people attended the 2012 Newberg Camellia Festival in April where the City sponsored a booth on the importance of compost on soil infiltration and the effect of trees, pesticides, and herbicides on stream health; free trees and compost samples were distributed as well as literature.

The City's Sustainability Committee partnered with the SOLVE volunteer organization, Waste Management, and the Newberg High School's Leadership Class in April to pick up litter around the school campus and to talk about the effect of litter on stream health and its ability to clog pipes and culverts and flood streets. In November the City again partnered with SOLVE and the Newberg High School to pick up litter around the school campus and teach students about the effect of litter on water quality and flooding. The students and city employees picked up almost 650 pounds of litter during the two events.

Public Works Operations worked with Mountain View Middle School in May to create a 3-day World Monitoring Day event for the 150 students in its 8<sup>th</sup> grade science classes. A presentation was provided on the first day to stress the importance of water quality and testing protocols, the second day was set aside for collecting and analyzing water samples, and the third day was spent discussing the results of the analyses, regulatory limits, possible pollution sources, and how small actions can affect our streams.

An estimated 500 people attended the Public Works Day celebration in June. Public Works staff provided free compost samples, ladybugs, and educational material.

Several hundred people regularly attend the weekly Newberg Farmer's Market and the Public Works Operations Department sponsored 4 stormwater booths that provided education on pesticide use, pet waste, waterwise gardening, and the benefits of trees for streams. Literature, soil testing kits, doggie bags, and hose shutoff nozzles were provided at the booths. The City also provided a booth to Yamhill County Solid Waste (YCSW) staff for 4 weeks to promote hazardous waste recycling and disposal.

In October, the City co-presented a class on the effects of stormwater on ecosystems to students in George Fox University's (GFU) Civil Engineering Department. The City also provided GIS support for the students' hydraulic survey of the ½ mile of Hess Creek that runs through GFU's property. The students are using the data to design a project for mitigating stormwater runoff from outfalls that discharge to Hess Creek. An insert in the utility bill was not completed due to workload constraints.



Figure 1. Public Education Efforts 2012



### ***PE-2 Participate in the Greater Yamhill Watershed Council***

The City participated in 7 of the 11 Greater Yamhill Watershed Council (GYWC) general meetings and provided a donation of \$1,000 to the Council (see Appendix 2). The City used its local classes and events webpage to advertise GYWC planting, stream restoration, and cleanup events and provided information on current property owners on lower Hess Creek for a targeted outreach effort by the GYWC.

### ***PE-3 Provide Environmental Marking for Stormdrains***

The City marked 87 stormdrains with a “Drains to Stream” message. Public Works marked 65 stormdrains with heat tape and volunteers marked 22 stormdrains with smaller markers.

## **Effectiveness Summary (November 2008 to December 2012)**

### ***Stormwater Education (BMP PE-1)***

The City expanded its use of booths at local events from one booth at one event in 2009 to six booths at three events in 2012. Attendance at each event varied from 500 to 2,000 people depending on the event. The booths are a good way to engage citizens on a variety of topics and the City proposes to combine this requirement with the requirement to educate citizen groups in order to more effectively use its resources.

Annual stormwater inserts were included for 2 of the 4 years for the 2008-2012 implementation phase. The cost of the insert is approximately \$1,000 and there is no feedback mechanism for determining its effectiveness. The City proposes to replace this requirement with a requirement to include stormwater education in the City’s annual water quality report. The report is mailed to every household in the city as opposed to only those receiving paper utility bills.

The City’s website has seen a growth from 2 webpages in 2009 to 15 webpages in 2012. Webpages are a good method for providing information to the public and for informing the development community of changes in the City’s requirements for stormwater, erosion control, and illicit discharge. The City proposes to keep this requirement for the next implementation cycle.

The original Plan’s matrix included a requirement to post a periodic news release. The City had one stormwater news release published in the local paper from 2008 to 2012. The City used adaptive management in 2010 to broaden this strategy and include educating citizen groups. The adaptive management technique has worked well for the City. It has sponsored 3 citizen classes, 2 Neighborhood Cleanup events, a 3-day World Monitoring Day event, and 3 presentations since 2010. It has also resulted in a fledgling partnership with GFU’s new Civil Engineering Department for stream restoration. The requirement for educating citizen groups appears to be a better avenue than news releases and the City proposes to extend this change to the 2013-2017 implementation cycle.

### ***Watershed Education (PE-2)***

The City has provided \$1,000 for each of the 4 years covered by this implementation cycle. During that time the local watershed council has changed its name from Yamhill Basin Council to Greater Yamhill Watershed Council (GYWC), moved to a 501(3)c designation, moved office locations, and weathered several staff changes. The City participated in several sub-committees, helped write a grant proposal, assisted in the location of the new offices, and provided laboratory services for a 2009-2010 monitoring project on upper Chehalem Creek. The City attended 60% - 73% of the general meetings each year with many of the absences due to scheduling conflicts with meetings needed to meet the municipal code requirements of the Plan.

The GYWC has an experienced membership and has completed some important projects in the Yamhill River Basin. However, the City proposes to substitute this BMP with a grant program that would provide \$2,000 annually to groups implementing projects that decrease stormwater or otherwise elevate the water quality of local streams within the City's jurisdiction. Using a grant program will broaden the diversity of groups eligible to receive City support and increase the number of projects directly affecting Chehalem Creek, Hess Creek, Springbrook Creek, and their tributaries. To reflect this diversity, the City also proposes to move the grant program requirement to the public involvement section of the Plan.

The City has worked with classrooms on watershed issues through Mad Science presentations and the World Monitoring Day events. Because of their watershed focus, the City proposes to continue these activities or similar ones in lieu of membership in the GYWC. In addition, the City proposes to add watershed information at stormwater facilities or intersections of roads and streams.

### ***Infrastructure Education (PE-3)***

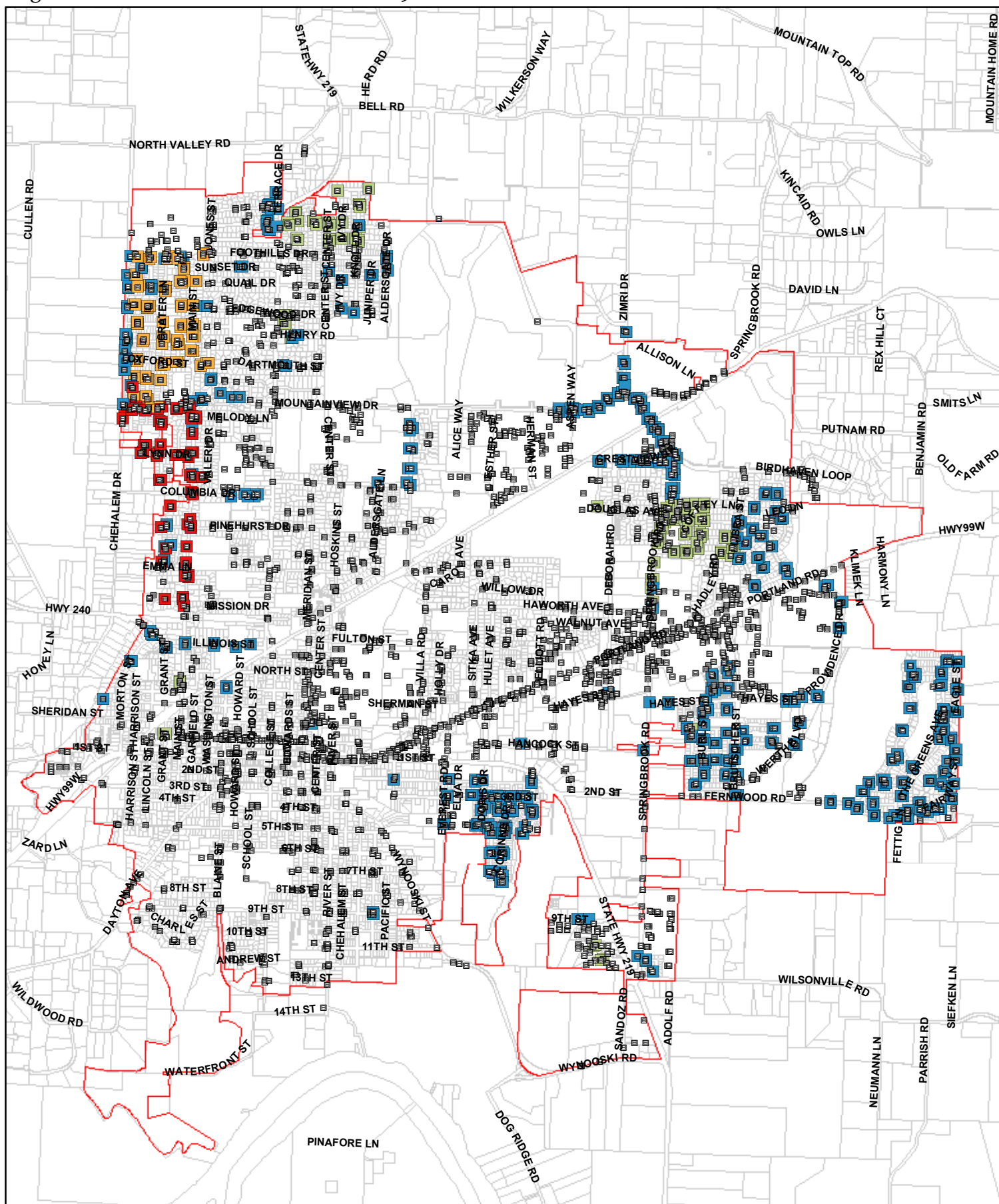
Public Works has marked an average of 60 stormdrains annually during the 2008-2012 implementation phase. The City started a volunteer program for marking stormdrains in 2012 which marked 22 stormdrains for a total of 260 stormdrains marked between 2009 and 2012. The City proposes to extend this requirement to the 2013 to 2017 implementation cycle.

## **Implementation Plan Matrix Revisions for 2013-2017**

The revisions to the public education section of the Plan are detailed in Appendix 1. In summary, the City proposes to continue educating the public using its website, marking stormdrains, participation in local events, and outreach to citizen groups. The City proposes to replace the requirement to participate in the local watershed council with classroom education, watershed information at stormwater facilities or intersections of roads and streams, and a grant program open to all groups interested in increasing the water quality of streams within the City's jurisdiction. The City proposes to replace the requirement for an educational insert in the utility bill with an article in the City's annual water quality report.



Figure 2. Catch Basins Marked from 2009 to 2012



- Legend
- Catchbasins, 2896 recorded in GIS (City, ODOT, and Pvt.)
  - Catchbasins with heat taps and/or fish lid
  - unknown year, 400 marked
  - 2009, 92 marked
  - 2011, 75 marked
  - 2012, 65 marked
  - Newberg City Limits

Date Saved: 02/04/2013 3:06:22 PM

Path: P:\GIS\_LandInfo\totalsystemcatchbasinmarkings.mxd





## **MEASURE #2 – PUBLIC INVOLVEMENT**

### **Overview**

The public involvement requirements of the Plan include reviewing the stormwater fee, developing municipal code requirements, and providing an avenue for responding to the public on illicit discharge, erosion, and stormwater issues. The municipal code requirements were BMP accomplishments; all other BMPs require an ongoing effort.

### **2012 Tasks Completed**

#### ***PI-1 Public Participation in Reviewing the Stormwater Utility Fee***

The Citizen's Rate Review Committee (CRRC) met on November 30, 2011 and January 4, 2012 to discuss stormwater fees and on January 18, 2012 to review the fees before a citizen outreach meeting on February 8, 2012. The CRRC met for a final time on February 15, 2012 to discuss the comments received from the citizen outreach meeting and vote on the rates to be recommended to the City Council. The rates proposed by the CRRC for 2012 to 2014 were adopted by the City Council on June 18, 2012. The rates for 2012 will increase in 2013 from \$5.29 to \$6.22. They will increase in 2014 to \$7.30 (see Appendix 3A)

#### ***PI-2 Public Participation in Ordinance and Program Development***

On January 12, 2012, the Planning Commission continued its hearing on the illicit discharge, erosion control, and stormwater management ordinance from the original hearing in November 2011. After hearing testimony from 1 citizen, the Planning Commission voted to recommend the proposed ordinance to the City Council (see Appendix 3B).

On June 4, 2012, the City Council held a workshop to listen to a presentation regarding the proposed ordinance. On June 18, 2012, the City Council held the first reading of the proposed ordinance. No testimony was provided by the public and the City Council waived the second reading. The proposed ordinance was approved by the City Council with an effective date of July 18, 2012 (see Appendix 3C). By approving the proposed ordinance, the City Council completed the 3 requirements to approve municipal code for illicit discharges, construction site runoff control, and post-construction runoff control.

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

Citizens with stormwater concerns are instructed to email Public Works Maintenance with the location of flooding stormdrains. Citizens calling after regular work hours are instructed to call 911 where their concerns are logged and forwarded to Public Works Maintenance staff. There were 28 calls received from the public in 2012.

#### ***PI-4 Establish Hotline to Receive Complaints from the Public***

During most of 2012, the public could either call Public Works Maintenance, 911, or use the SeeClickFix website to report problems.

### **Effectiveness Summary (November 2008 to December 2012)**

#### ***Stormwater Utility Fee (PI-1)***

The Citizen's Rate Review Committee was started in 1992 as an agreement reached between the City and ratepayers to stop a proposed ballot measure on rate increases. The committee consists of citizens who meet every 12 to 18 months to review wastewater, water, and stormwater rates proposed by staff before they are brought before Council. In 2009, the stormwater rate was \$3.80 per EDU (2,877 sq ft). The rate increased to \$5.29 for 2012. The City believes that the CRRC is a good method for public participation in the review of stormwater rates and proposes to continue this requirement for the 2013-2017 implementation phase.

#### ***Ordinance and Program Development (PI-2)***

The City originally created separate ordinances for erosion control and stormwater management in 2009 and 2010. After 3 hearings for code review, the Planning Commission and City Council determined that the codes should be combined because of their interrelationship and that more public participation was necessary. Staff worked to create a combined illicit discharge, erosion control, and stormwater management code for committee review.

In May 2011, the Stormwater Ad-Hoc Committee was formed with 7 citizens representing 5 of the 6 districts in the city. Meeting every two weeks, the committee revised and refined the proposed municipal code and gave final approval in October 2011. A workshop and public hearing were held in October 2011 and November 2011 by the Planning Commission and, in January 2012, the Planning Commission recommended the proposed ordinance to the City Council.

On June 4, 2012 a workshop was held for the City Council to learn about the ordinance. The ordinances required by the Plan for erosion control, illicit discharge, and stormwater management were adopted by the City Council at the June 18, 2012 public hearing with an effective date of July 18, 2012. Very few people commented on the process during the 2.5 years of development even though public notices were published in the paper, on the website, and in public buildings. Notifications of the new requirements were posted on the City's website as they developed throughout 2011 and 2012.

The City proposes to delete the 3 completed requirements to use public participation in developing an ordinance.

### ***Public Concerns with Stormwater (PI-3 and PI-4)***

In 2009, citizens were instructed to call Public Works Maintenance to report problems with stormwater such as flooding. Any telephone calls to 911 were forwarded to staff. In 2010, a page was added to the City's website instructing the public to email Public Works Maintenance with concerns. In 2011, the City used the SeeClickFix website for the public to report any concern they may have regarding city services. There were only 7 reports by the public using the system in 2011 and 1 report in 2012. Currently, citizens are instructed on the website to email Public Works Maintenance; the utility bill instructs the public to call Public Works Maintenance; and a voicemail instructs people to call 911 after regular business hours.

There were 28 stormwater calls to Public Works Maintenance or 911 by citizens in 2012. Because this requirement and the subsequent requirement to establish a hotline for stormwater issues are interrelated, the City proposes to combine the 2 requirements and extend them to the 2013-2017 implementation phase.

### **Implementation Plan Matrix Revisions for 2013-2017**

The revisions to the public involvement section of the Plan are detailed in Appendix 1. The CRRC is a good mechanism for ensuring public participation during review of the stormwater fee and the City proposes to keep this requirement in the 2013-2017 implementation phase. The City proposes to delete the 3 requirements for Public Participation in Ordinance and Program Development because the ordinances required by the Plan have been completed. The City proposes to replace these requirements with a strategy to conduct a public survey that determines baseline knowledge of stormwater and a focus for stormwater messages. The current requirements under PI-3 (Use City Website for Reporting Stormwater Concerns) and PI-4 (Establish Stormwater Hotline) are similar and the City proposes to combine them as shown in Appendix 1.



## **MEASURE #3 – ILLICIT DISCHARGE DETECTION AND ELIMINATION**

### **Overview**

The 2008-2012 Plan matrix for the Illicit Discharge Detection and Elimination (IDDE) measure required documentation of stormwater outfalls to streams within City boundaries, adopting municipal code that prohibits non-stormwater discharges, developing a program for controlling illicit discharges, training employees in IDDE, documenting spills and illicit discharges, cleanup of illegal dumping areas, and providing an avenue for citizens to dispose of hazardous waste properly. The outfall map and IDDE code were BMP accomplishments. The remaining strategies require an ongoing effort.

## **2012 Tasks Completed**

### ***ID-1 Develop IDDE Program***

An ordinance containing IDDE components was adopted by the City Council on June 18, 2012. More detail regarding the adoption process is provided in the public involvement section of this report; the municipal code is available for review in Appendix 3.

### ***ID-2 Train City Employees to Implement IDDE***

There were no opportunities to train employees in IDDE in 2012.

### ***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. The Fire Department did not respond to any reportable incidents in 2012.

Staff from either Public Works Maintenance or Public Works Operations responds to public complaints depending on when the complaint is logged and its subject. There were 4 spills and illicit discharges investigated in 2012 by Public Works staff. An overflow of the wastewater system occurred in January 2012 when 1.74 inches fell within 13 hours. The overflow did not reach surface water so signs were placed in the right-of-way to notify the public and a report was filed with DEQ.

An illicit discharge complaint was filed with DEQ in August 2012 regarding catch basins full of grease. An investigation found that a local restaurant was dumping water from mopping floors; the City's Code Enforcement officer wrote a citation requiring the restaurant to clean out the catchbasins and to cease using the catchbasins for dumping washwater. Another illicit discharge complaint was filed with the DEQ concerning potential fecal matter in a stream. While stream analyses showed elevated bacteria in the area, an investigation could not find a specific source and the investigation is still open.

During a visit to a business for FOG-related issues, Public Works Operations staff discovered another business discharging antifreeze into the street and forced the business owner to clean up the antifreeze before it reached the stormwater system. The business owner was educated on the toxicity of antifreeze however no citation was issued because Code Enforcement was not notified until the next day. Procedures were changed to ensure pictures are taken and an immediate call is placed to Code Enforcement for future incidents.

### ***ID-4 Hazardous Waste Collection Program***

YCSW staff provided two household hazardous waste events in 2012. The events were held in May and October and were well-attended by the public. There were 18.1 tons of hazardous waste and 12.6 tons of paint collected at the events for a total of 30.7 tons. The City proposes to continue this requirement because of its popularity and strong water quality component.

## **Effectiveness Summary (November 2008 to December 2012)**

### ***IDDE Ordinance and Plan (ID-1)***

Staff developed municipal code concerning illicit discharge in 2010. It was combined with other municipal code requirements of this Plan when it was reviewed and refined by the Stormwater Ad-Hoc Committee and the Planning Committee in 2011. An ordinance containing IDDE components was passed by the City Council on June 18, 2012. More detail regarding its adoption is provided in the public involvement section of this report and the code can be reviewed in Appendix 3. The City proposes deleting the 2 requirements to develop and adopt an IDDE ordinance.

Staff from Public Works created a map in 2009 of the stormwater outfall locations throughout the city. The City proposes to delete the requirement to map existing outfalls.

The City started but has not completed an IDDE plan and worksheets for investigating illicit discharges. The City proposes to extend these requirements to the 2013-2017 implementation cycle.

### ***IDDE Training (ID-2)***

Public Works Maintenance staff were trained in illicit discharge detection during their annual training in 2009 and 2010. One person from Public Works Operations was trained in illicit discharge investigations in 2011. No training was completed for illicit discharges in 2012. The City proposes to delete the requirements to internally develop and conduct training for staff; instead, the City proposes to use the expertise of outside trainers. Staff whose duties involve illicit discharge detection will be trained at least once every 5 years in current methods or when they are newly assigned to illicit discharge detection.

### ***IDDE Plan Implementation (ID-3)***

The Fire Department did not respond to any incidents that resulted in a reportable spill during the 2009-2012 timeframe. Public Works Maintenance staff inspected a section of stormline on Springbrook Road in 2011 and uncovered a section where cement or concrete spoils had been illegally dumped into the stormwater system resulting in a replacement of the line. A complaint of grease entering a catchbasin was investigated in December 2011. The discharger was educated and now has a barrel that is routinely hauled away. There was 1 spill and 3 illicit discharges in 2012 resulting in 1 citation by the City, 1 SSO report to DEQ, and 1 public education effort. The fourth incident is still under investigation. The City's Code Enforcement officer responded to 4 complaints in 2009, 2 complaints in 2010, and 9 complaints in 2011. Most were resolved through public education. The City proposes to extend the spill response requirement under this BMP to the 2013-2017 implementation phase. The City proposes to document the response of Public Works to spills and discharges and to equip municipal trucks with spill response kits and instruction cards.

### ***Hazardous Waste Collection (ID-4)***

YCSW staff provides well-attended events every May in Newberg and every October in McMinnville (see Table 2). Paint collected during these events is recycled by Marion County. The City advertises the YCSW's hazardous waste collection events and Master Recycler classes on its Local Classes and Events webpage. The City recognizes and appreciates the time and effort put into these well-attended events by the YCSW and proposes to extend this requirement to the 2013-2017 timeline.

**Table 2. Household Hazardous Waste Collected from 2009 to 2012**

<b>Year</b>	<b>Newberg (May)</b>		<b>McMinnville (October)</b>	
	<b>Without Paint</b>	<b>With Paint</b>	<b>Without Paint</b>	<b>With Paint</b>
<b>2009</b>	8.6	21.7	6.8	17.3
<b>2010</b>	8.9	49.0	13.6	22.3
<b>2011</b>	4.5	5.8	9.7	18.1
<b>2012</b>	11.1	18.4	7.0*	12.3*

\* Partial drum tonnage not available at report deadline

### **Implementation Plan Matrix Revisions for 2013-2017**

The details of the City's proposed revisions for the 2013-2017 Plan matrix are listed in Appendix 1. Using adaptive management during the 2008-2012 implementation phase, the City deleted the requirement to complete public education for IDDE because it was covered under the Public Education measure; the City moved two strategies from ID-1 (Develop IDDE Plan) to ID-3 (Implement IDDE Plan) because they consisted of tracking the City's response to discharges rather than developing a plan.

The requirements to develop and approve an ordinance have been completed and the City proposes to delete these two goals from the 2013-2017 matrix. The City also proposes to delete the completed requirement to map existing outfalls. The City proposes to modify the requirement to prepare an outfall inventory by moving it to ID-3 (Implement IDDE Plan) and extending it to the 2013-2017 timeframe. The City proposes to extend the remaining requirements of the first BMP to the 2013 to 2017 Plan matrix.

The City proposes to delete the requirements to internally develop training material and to modify the staff training goal to utilize outside trainers. Staff whose duties involve illicit discharge detection will be trained at least every 5 years in current methods or when they are newly assigned to illicit discharge detection.

The City proposes to extend the ID-3 requirement to screen outfalls to the 2013-2017 Plan matrix. Because the Fire Department and Public Works are both responsible for spill response, the City proposes to split the requirement for spill response into Public Works and Fire Department components. The City proposes to add emergency response

kits and cards to municipal trucks to decrease spill response time and to facilitate more effective cleanup.

The hazardous waste collected in Newberg from 2009 to 2012 was 33.1 tons excluding paint and 94.9 tons including paint. The hazardous waste collected in McMinnville was 70.0 tons; 37.1 tons of the total tonnage was paint. The average hazardous waste collected in Newberg between 2008 and 2012, including paint, was 23.7 tons per year. The average hazardous waste collected in McMinnville, including paint, was 17.5 tons per year. The City proposes to extend the requirement for hazardous waste collection to the 2013-2017 implementation phase because of its popularity and effectiveness.



## **MEASURE #4 – CONSTRUCTION SITE STORMWATER RUNOFF CONTROL**

### **Overview**

The 2008-2012 Plan required the City to develop and adopt municipal code addressing construction site runoff, train staff in current erosion control practices, conduct plan reviews and site inspections, and enforce the ordinance after adoption. All efforts except the municipal code adoption require an ongoing effort for the City.

### **2012 Tasks Completed**

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

The Planning Commission heard public testimony by one citizen before finishing its review of the erosion and sediment control (ESC) municipal code at the January 2012 public hearing and recommending it to the City Council. Staff provided a workshop for the City Council on June 4, 2012 that addressed questions and concerns of the City Council. On June 18, 2012, the City Council adopted the ordinance with an effective date of July 18, 2012. More detail on the adoption process is provided in this report's public involvement section; the adopted municipal code is available for review in Appendix 3.

The public was kept informed of the progress of the municipal code through posted notices of the Planning Commission and City Council meetings in the Newberg Graphic, on the City website, and in city buildings. Three webpages were created on the City's website and updated as the municipal code progressed for people who could not attend the meetings.

The ESC Manual has been developed and is currently undergoing internal review.

#### ***CS-2 Train City Employees Regarding Construction Site Controls***

The City has one employee in Public Works Engineering who has experience with erosion control inspections and plan review. The City provided Certified Erosion and

Sediment Control Lead (CESCL) training in 2012 for one additional employee. The CESCL certification is recognized by DEQ as sufficient ESC training.

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

The City chose not to provide oversight of the DEQ's 1200-C permit program and the following discussion is constrained to those projects that were required by ordinance to have ESC measures but were not large enough to warrant a 1200-C permit. There were no ESC complaints in 2012. No ESC plan reviews or construction site inspections were completed in 2012.

## **Effectiveness Summary (November 2008 to December 2012)**

### ***ESC Ordinance and Plan (CS-1)***

Staff started developing municipal code concerning erosion and sediment control in 2010. It was combined with other municipal code requirements of this Plan in 2011 when it was reviewed and refined by the Stormwater Ad-Hoc Committee and the Planning Committee. An ordinance containing ESC components was adopted by the City Council on June 18, 2012. More detail regarding the adoption process is provided in the public involvement section of this report; the adopted municipal code is available for review in Appendix 3.

The Stormwater Ad-Hoc Committee recommended that the City amend the Clean Water Services ESC Manual instead of creating its own manual. The Clean Water Services manual was created through a collaboration of Clean Water Services, Water Environment Services, and several cities in the southern metropolitan area. The Stormwater Ad-Hoc Committee believed it would result in less confusion as builders and developers working in the city would be familiar with the manual. The manual was adapted and a draft is currently under internal review.

The City proposes to delete the 3 completed requirements to develop and adopt municipal code and to extend the requirement to create an ESC Manual to the 2013-2017 implementation phase.

### ***ESC Training (CS-2)***

In 2009, the City had two staff for ESC inspections of public infrastructure. One staff retired in 2011 and the City provided training for one staff member in 2012. The City proposes to delete the requirements to internally develop training material and modify the goal for staff training in order to utilize the expertise of outside trainers. Staff will be trained when their duties are changed to include ESC responsibilities or when they have ESC duties but have not received ESC training in the past 3 years. Staff inspectors will be trained and certified to [DEQ criteria](#).



### ***ESC Plan Implementation (CS-3)***

The City chose not to provide oversight of the 1200-C program so the following discussion does not apply to projects in the city that must comply with DEQ's 1200-C program. There were no procedures in place for documenting ESC plan reviews or inspections in 2009. In 2010, there were 4 construction sites that were required to provide ESC measures and 3 complaints. The complaints were resolved using public education. Two grading permits were issued in 2011 and 3 were issued in 2012. No ESC inspections were completed in 2011 and 2012.

A complaint was logged by DEQ in 2011 regarding a potential 1200-C permit violation at a city construction project on Crestview Drive. After consultation with Public Works Engineering staff and a site visit, the DEQ determined that the site did not require a 1200-C permit. Code Enforcement investigated 4 instances of dirt or sod in the street in 2011 and resolved them using public education.

The City proposes to delete the requirement to track ESC complaints from this BMP as it is covered under the modification proposed for the "Public Participation in Stormwater Issues" BMP in the public involvement section of this report. The City proposes to delete the strategy to require specific ESC measures to avoid future conflicts with the adopted ESC Manual. The City proposes to extend all other requirements of this BMP to the 2013-2017 implementation cycle.

### **Implementation Plan Matrix Revisions for 2013-2017**

The changes proposed by the City for this implementation plan measure are listed in Appendix 1. The City proposes to delete the completed requirements to develop and adopt ESC municipal code and to use specific ESC measures. The City proposes to combine the requirement to respond to ESC complaints with the public involvement requirement to respond to illicit discharge and stormwater complaints. The City proposes to modify the training requirements so that outside training and certification can be provided to staff. The City proposes to extend the remaining requirements for documenting plan reviews, site inspections, and enforcement to the 2013-2017 implementation phase.



## **MEASURE #5 – POST-CONSTRUCTION RUNOFF CONTROL**

### **Overview**

The tasks in Measure 5 of the Plan require the City to adopt municipal code addressing runoff from new development and re-development, enforce the municipal code, develop stormwater design standards, evaluate opportunities for specific stormwater management techniques, train staff, conduct plan reviews, and inspect stormwater facilities. These goals require an ongoing effort for the City with the exception of the requirements to develop stormwater design standards and adopt municipal code.

## **2012 Tasks Completed**

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

The Planning Commission heard public testimony by one citizen before finishing its review of the post-construction runoff management municipal code at the January 2012 public hearing and recommending it to the City Council. Staff provided a workshop for the City Council on June 4, 2012, that addressed questions and concerns of the Council. On June 18, 2012, the City Council adopted the ordinance with an effective date of July 18, 2012. More detail on the adoption process is provided in this report's public involvement section and the adopted municipal code is available for review in Appendix 3.

The public was kept informed of the ordinance's progress through public notices posted for the Planning Commission and City Council meetings. In addition, 3 webpages were created on the City's website providing updates of the ordinance progress for people who could not attend the meetings. Applicants for new development were informed of the new requirements at pre-application meetings.

The City had stormwater design standards that accounted for flood control. The current design manual was updated and is currently in internal review. Projects falling within the scope of the ordinance are being required to provide appropriate stormwater facilities.

### ***DS-2 Train City Employees Regarding New Development Standards***

Two Public Works Maintenance staff attended the APWA Spring Street Collection and Maintenance School's classes on flood damage reduction and stormwater management options. Five Public Works Maintenance staff attended the APWA Fall Street Collection and Maintenance School spending an average of 13 hours on stormwater classes. Two Public Works staff attended a 5-hour class on porous pavement at the Low Impact Development Academy and one staff attended 5-hour classes on urban forestry and TMDL planning at the Academy. One staff attended the 3-day AWWA Sustainable Water Management Conference in Portland which provided seminars ranging from green infrastructure to watershed management. One staff attended the 2-day Oregon ASCE Stormwater Summit in Portland which covered public education in stormwater, retrofit projects, design guidelines, and hydromodification. One staff attended webcasts on retrofits, stream restoration, monitoring, and BMP design.

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

Plan review was conducted for 3 commercial grading permits. There were 10 pre-construction conferences in 2012 with 2 stormwater facilities built as a result of those projects. Stormwater facility inspections were not completed in 2012. Retrofit and regional facilities were not evaluated in 2012.

## **Effectiveness Summary (November 2008 to December 2012)**

### ***Stormwater Ordinance and Design Manual Development (DS-1)***

Staff developed municipal code concerning stormwater management in 2010. It was combined with other municipal code requirements of this Plan in 2011 when it was reviewed and refined by the Stormwater Ad-Hoc Committee and the Planning Committee. An ordinance addressing post-construction runoff management was adopted by the City Council on June 18, 2012. More detail regarding the adoption process is provided in the public involvement section of this report and the adopted municipal code can be reviewed in Appendix 3.

The City updated its stormwater design standards which are currently in internal review. Projects presented at pre-application conferences are being required to conform to the requirements of the adopted ordinance.

The City proposes to delete the 2 completed requirements to develop and adopt an ordinance and to extend the requirement to develop design standards. Currently, the City is required to evaluate retrofit and regional facility opportunities to reduce stormwater volume. These requirements are currently in the ordinance development and adoption BMP. The City proposes to move the requirement to evaluate retrofit opportunities to the section on implementing the stormwater management plan (DS-3) and to delete the requirement to evaluate regional facilities because of the local and national trend toward treating stormwater at the source.

### ***Stormwater Training (DS-2)***

Over the past 4 years, staff has taken advantage of opportunities to attend national conferences held in Oregon. In addition, the City was asked to become a participant in a Low Impact Development Academy based on its participation in classes sponsored in 2009 by OSU Sea Grant and the Oregon Environmental Council. ASCE has sponsored two 16-hour stormwater symposiums (2010 and 2012) that were attended by city staff. APWA provides fall and spring classes in maintenance of stormwater infrastructure every year that have been attended by staff. ACWA also provides 6 hours of classes at the annual stormwater summit that have been attended by staff every year.

The City proposes to delete the requirement to internally develop training material and modify the requirement for staff training to include the expertise of outside trainers.

### ***Stormwater Program Implementation (DS-3)***

The requirements for this section have been difficult to fulfill due to the lack of an ordinance, budget difficulties, and the differentiation between private and public development. There were a total of 6 pre-application conferences, 2 plan reviews, and 15 pre-construction meetings reported for 2009 to 2012 (see Table 3). Of the 12 stormwater facilities that were reported as being constructed, 1 was a detention facility affecting Springbrook Creek (see Table 4). Four stormwater facilities using green infrastructure technology were built to contain stormwater discharging to Chehalem Creek; 7 stormwater facilities utilizing green infrastructure were built for stormwater

discharging to Hess Creek. The City proposes to extend the requirements for this section to the 2013-2017 timeline and to add a monitoring requirement to determine the cost-effectiveness of its current measures.

**Table 3. Stormwater Facility Review from 2009 to 2012**

	2009	2010	2011	2012
<b>Pre-Application Meetings</b>	-	-	6	-
<b>Plan Review</b>	-	2	-	-
<b>Pre-Construction Meetings</b>	5	-	-	10

**Table 4. Constructed Stormwater Facilities from 2009 to 2012**

<b>Affected Watershed</b>	<b>Green Infrastructure</b>	<b>Detention</b>
<b>Chehalem Creek</b>	4	-
<b>Hess Creek</b>	7	-
<b>Springbrook Creek</b>	-	1

### **Implementation Plan Matrix Revisions for 2013-2017**

The City proposes to delete the 2 completed requirements to develop and adopt a stormwater ordinance and the requirement to evaluate areas for regional facilities. The City proposes to modify the requirements to train staff so that outside expertise can be used in place of internal training. The City proposes to extend the remaining requirements to the 2013-2017 implementation matrix and add a monitoring component so that the City can determine the cost-effectiveness of its current requirements.



## **MEASURE #6 – POLLUTION PREVENTION IN MUNICIPAL OPERATIONS**

### **Overview**

Measure 6 requires the City to modify procedures and policies to preserve water quality in our streams. Other requirements are to maintain the stormwater infrastructure, train staff, and sweep streets. Other than the modification of procedures and policies, all strategies require an ongoing effort for the City.

## **2012 Tasks Completed**

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

The City did not make progress on this BMP in 2012.

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

The City provided training in the spring of 2012 for 2 employees who took 5-hour classes in flood damage reduction and stormwater maintenance. Five employees took advantage of the APWA Fall Conference classes on stormwater; they logged between 10 to 15 hours each resulting in an average training for each person of 12.8 hours.

### ***OM-3 Conduct Catch Basin and Stormdrain Cleaning***

The City has one Vactor truck which is used to maintain the stormwater, water, and wastewater systems. Table 5 lists the infrastructure maintenance for 2008 to 2012.

### ***OM-4 Conduct Street Sweeping***

Street sweeping occurs on a rotational basis in the city. In 2012, the City swept 3,704 curb miles collecting 0.29 cubic yards of debris per curb mile.

## **Effectiveness Summary (November 2008 to December 2012)**

### ***Operations and Maintenance Manual (OM-1)***

The City has not been able to fulfill the requirement to review and update the Operations and Maintenance manual and proposes to extend the requirements of this BMP to the 2013-2017 implementation phase. The City used adaptive management during the 2008-2012 implementation phase to move the trash rack requirement in this section to the BMP addressing infrastructure maintenance (OM-3).

### ***Operations & Maintenance Training (OM-2)***

One person was trained in stream restoration in 2011 in conjunction with a stormwater system renovation. Two people were trained for 10 hours in flood damage reduction and stormwater maintenance in 2012. Five staff attended the APWA Fall Conference and attended 10 to 15 hours of stormwater training. The City proposes to extend the requirements of this BMP to the 2013-2017 implementation phase.

### ***Stormwater Infrastructure Maintenance (OM-3)***

Maintenance for the stormwater system from 2009 to 2012 is shown in Table 5. An average of 541 catch basins were inspected each year with an average of 197 cleaned each year. Fifteen catch basins were repaired or replaced and 12 new catch basins were installed from 2009 to 2012. An annual average of 3,178 feet of stormline was inspected and 8,017 feet of stormline was cleaned during the 2008 to 2012 time period. Thirty feet of stormline were repaired, 427 feet were replaced, and 450 feet were installed during the 2008 to 2012 time period. Six manholes were installed and 16 were repaired

or replaced during the 2008 to 2012 time period. The catch basin cleaning program requirement was moved to the first BMP in this measure (Develop a Water Quality Sensitive Operations and Maintenance Manual) during the 2008-2012 implementation cycle. The City proposes to extend the remaining requirements to the 2013-2017 implementation phase with an added step of splitting stormline and culvert maintenance into 2 requirements.

Sweeping continues to occur on a rotational basis in the city. The City purchased a sweeper using vacuum technology in 2012. There was an average of 0.24 cubic yards of debris collected per curb mile from 2009 to 2012. The City proposes moving the street sweeping program requirement to the first BMP in this measure (Develop a Water Quality Sensitive Operations and Maintenance Manual).

**Table 5. Stormwater Infrastructure Maintenance from 2009 to 2012**

<b>Component</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>Total</b>	<b>Average</b>
<b>Catch Basins Inspected</b>	-	1,919	72	171	2,162	541
<b>Catch Basins Cleaned</b>	78	339	106	264	787	197
<b>Catch Basins Repaired or Replaced</b>	10	3	-	2	15	4
<b>Catch Basins Installed</b>	6	3	2	1	12	3
<b>Catch Basins Marked with "Drains to Stream"</b>	-	91	82	65	238	60
<b>Grates and Inlets Inspected</b>	251	200	16	130	597	149
<b>Detention Ponds Inspected and Cleaned</b>	-	10	17	36	63	16
<b>Stormline Inspected, feet</b>	5,691	1,844	4,853	325	12,713	3,178
<b>Stormline Cleaned, feet</b>	18,807	4,581	4,961	3,718	32,067	8,017
<b>Stormline Repaired, feet</b>	-	-	17	13	30	8
<b>Stormline Replaced, feet</b>	80	-	305	42	427	107
<b>Stormline Installed, feet</b>	333	64	40	13	450	113
<b>Manholes Repaired or Replaced</b>	-	15	1	-	16	4
<b>Manholes Installed</b>	5	-	1	-	6	2
<b>Street Sweeping, curb miles</b>	5,242	3,192	4,382	3,704	16,520	4,130
<b>Street Debris, cubic yards</b>	1,342	659	897	1,067	3,965	991
<b>Debris per Curb Mile, cubic yards</b>	0.26	0.21	0.20	0.29		0.24

## **Implementation Plan Matrix Revisions for 2013-2017**

The details of the 2013-2017 Plan matrix are listed in Appendix 1. The City previously used adaptive management to move the requirement to place trash racks on major inlets from the administrative requirements of this measure (OM-1 Develop a Water Quality Sensitive Operations and Maintenance Manual) to the maintenance requirements (OM-3 Conduct Catch Basin and Stormdrain Cleaning). Conversely, the City used adaptive management to move the development and implementation of a catch basin program from OM-3 to OM-1. The City proposes to make these changes permanent and to extend them into the 2013-2017 implementation phase. The City proposes to move the evaluation of the current street sweeping program from OM-4 (Conduct Street Sweeping) to the administrative requirements of OM-1 and to extend this requirement to the 2013-2017 implementation matrix.

The City proposes to extend the training requirements to the 2013-2017 implementation interval. Training in stormwater maintenance, inspections, and repair will be offered to all staff new to stormwater maintenance; in addition, all staff will be trained in the revised procedures and policies.

The City proposes to extend the infrastructure maintenance requirements to the 2013-2017 implementation interval but move the stormline and culvert maintenance into separate categories.



### **TEMPERATURE**

#### **Overview**

The tributaries to the Willamette River within the City boundaries have been designated as rearing and migration corridors for salmon and trout; in addition, the Willamette River in the Newberg area is designated as a migration corridor for steelhead and salmon. In the original Plan, BMPs to stabilize and decrease stream temperatures were discussed; however no timelines were determined and no BMPs or strategies were specified for the implementation matrix. In 2012, the City responded to DEQ comments and added 3 temperature BMPs with timelines to the implementation matrix.

## **2012 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 while offering literature and free compost samples. At Public Works Day, the City provided information on the benefits of ladybugs while providing ladybug samples and spoke to citizens about the benefits of compost on stormwater infiltration while providing free samples.

### ***T-2 Maintain Existing Stream Vegetation***

The City is addressing the need to maintain existing stream vegetation through the Stream Corridor Overlay Sub-District in addition to a requirement in the IDDE ordinance that requires vegetation or other stabilization measures for streambanks.

### ***T-3 Increase Effective Shading***

In partnership with the Bureau of Land Management's (BLM) Northwest Oregon Restoration Partnership (NORP), the City provided free trees for citizens with streams on their property. As the trees were distributed, citizens were offered education on proper tree planting and care. To decrease stormwater temperatures and stabilize stream temperatures, the City offered a 10% reduction in the residential stormwater management fee if homeowners planted trees on their property.

## **Effectiveness Summary (November 2008 to December 2012)**

### ***Stream Health Education (T-1)***

The City has educated citizens about stream health at the Farmers Market since 2010 and at the Camellia Festival since 2011. The Farmers Market averages 300-500 visitors each week and the Camellia Festival attracted 1,000 people in 2011 and 2,000 people in 2012. Ladybugs, compost samples, and education have been offered at the Public Works Day event each year. Three classes on raingardens were sponsored by the City in 2010. The City proposes to combine this requirement with the public education requirements of Measure 1 because many of the messages are the same or related to each other.

### ***Maintain Existing Stream Vegetation (T-2)***

The municipal code adopted by the City Council in June 2012 contains a section addressing streambank destabilization. In summary, it requires streambanks to be kept free of debris and trash; it also requires property owners to maintain streambanks with native vegetation. The Stream Corridor Overlay limits development in the floodplain. The City proposes to extend this requirement to the 2013-2017 implementation phase.

### ***Increase Effective Shade (T-3)***

The BLM invited the City in 2010 to be part of NORP which provides free plants for streamside planting. Through this partnership, the City was able to offer over 400 free trees to citizens in 2011 and 2012. The City also offers a 10% credit on the stormwater fee for citizens who plant trees on their property. The City proposes to extend this requirement to the 2013-2017 implementation phase.

## **Implementation Plan Matrix Revisions for 2013-2017**

The original Plan discussed stream temperatures but did not have specific tasks in the implementation matrix; the City responded to DEQ comments by adding 3 tasks. The City proposes to combine the requirement to provide education on stream health (T-1) with the public education measures since many of the events and messages overlap. The



City proposes to extend the requirements to maintain stream vegetation and increase effective shade to the 2013 to 2017 implementation phase. The City proposes to add a task to assess tree canopy coverage and stream channel health. The results will be used to prioritize areas where intensive planting or education can be more cost-effective. The City also proposes to complete a wetland inventory to determine methods for stabilizing stream temperature which are both cost-effective and protective of water quality.



## SUMMARY

The City has completed 14 of the 67 measureable goals in the original Plan implementation matrix. It has placed 29 of the 67 measureable goals into an ongoing status resulting in aggregate of 61% of the original goals now incorporated into the City's budget and day-to-day operations. The largest change in the Plan was a move towards outside training to conserve personnel resources rather than relying on internal training by staff. The areas that saw the least improvement were areas that involved multiple departments. The greatest success was the recognition that water quality and stream health are interrelated with public stability and health.

Public education has been greatly expanded since 2008 and has had the most successful implementation of the six minimum measures in the Plan. The City will continue reaching diverse groups of citizens by increasing the types of education venues including classroom education, volunteer programs, and signage. Events, websites, and presentations will also continue to be used for stormwater education.

The City was successful in implementing the public involvement section of the Plan. Public involvement from 2008 to 2012 consisted primarily of committee meetings and a telephone number or email address for the public to voice concern over flooding issues. While the City will continue these strategies, it will also conduct a public survey to determine baseline knowledge and interests in water quality concerns. The survey will help the City provide consistent and focused water quality and stormwater messages. A grant program will also be started for groups interested in mitigating stormwater. It will provide funds for construction, monitoring, and educational projects. The grant program will allow the City to maximize stormwater mitigation and education while conserving its personnel resources and budget.

The City has had mixed success with the IDDE minimum measure. While code was adopted by the City Council, procedures for illicit discharge response have been difficult to implement across department lines and an IDDE Plan was not completed. The highlights for this minimum measure have been the outfall location survey and the hazardous waste collection events. Looking forward, the City will work on completing policies and procedures for this measure and increase training and available resources for spill response.

Implementation of the construction site stormwater runoff measure was successful. Only two of the tasks were not implemented because they involved internal training and the City determined early in the implementation cycle that outside training was a more

appropriate use of available time and resources. Municipal code was adopted as required by the Plan and the ESC manual was in internal review at the end of 2012.

The post-construction site stormwater runoff measure had mixed success. While municipal code was adopted by City Council and the design standards manual was in internal review at the end of 2012, procedural requirements that cross departments have not seen much success. A major local and national shift towards treating stormwater at the source made the regional facility strategy obsolete; the City will instead concentrate on retrofit projects, enforcing the ordinance, and encouraging treatment of stormwater at its source.

The measureable goals in pollution prevention in municipal operations had the least successful implementation. Policy and procedural requirements were not implemented and training was sporadic, however infrastructure maintenance was completed every year. The City will concentrate on increasing the amount and documentation of maintenance and training completed by staff.

There were no specific measureable goals to stabilize stream temperatures in the original implementation matrix and the City added 3 goals which included stream health education, maintenance of streambank vegetation, and increasing effective shade. All new goals were met and the City will concentrate in 2013 to 2017 on completing an inventory of shade requirements, wetlands, and streambank health. The City will continue to review and refine municipal code to balance water quality requirements and the development community's wishes.

Overall, the City has seen much progress in this phase of implementation. The largest change in the Plan was the move towards outside training rather than relying on internal training in order to conserve personnel resources. The areas that saw the least improvement were areas that involved multiple departments. The greatest success was the perception that water quality and stream health are interrelated with public stability and health. The groundwork for long-lasting partnerships has been laid and there are plans for the future that will continue the City's progress in its commitment to its citizens and local streams.

# **APPENDIX 1 TMDL IMPLEMENTATION MATRIX**

**THIS PAGE INTENTIONALLY LEFT BLANK**

## Appendix 1A. Current Status of Willamette River TMDL Implementation Plan Matrix 2008 to 2012

						Pollutant				
Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	2012 Status	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.	Ongoing	X	X	X	X	X
		Put an educational insert in utility bills	Annual mailing starting in 2009.	Track how many inserts were mailed.	Incomplete but started.	X	X	X	X	X
	All	Use City website to include stormwater quality tips and information.	Place materials on website.	Track updates to website and number of hits to website.	Ongoing	X	X	X	X	X
		Educate citizen groups	Present stormwater information to interested citizen groups	Track number of presentations	Ongoing	X	X	X	X	X
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.	Ongoing	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.	Ongoing	X	X	X	X	X
PE-3 Provide Environmental Marking for Storm Drains	Spills and 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.	Ongoing	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.	Ongoing	X	X	X	X	X

Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	2012 Status	Pollutant				
						Nutrients	Bacteria	Total Suspended Solids	Mercury	Temperature*
		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.	Ongoing	X	X	X	X	X
<b>PI-2</b> Public Participation in Ordinance and Program Development	Construction Site Runoff and Post-Construction Runoff All	Solicit public input for development of new ordinances	Develop list of new ordinances needed per goals of SWMP	•Track number of ordinances needed	Completed	X	X	X	X	X
			Place document on City website for 30 days.	Track comments and incorporate as appropriate.	Completed					
			Notification to development community of new requirements	Track progress.	Completed	X	X	X	X	X
<b>PI-3</b> Use the City's Website for Reporting of Stormwater Concerns	All	Update website with public information requests	Provide a method for citizens to report stormwater concerns on City website.	Track number of comments received from website feedback mechanism.	Completed	X	X	X	X	X
<b>PI-4</b> 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.	Completed	X	X	X	X	X
			Advertise directions for reporting stormwater concerns on website and on utility bills.	Track progress.	Completed					
<b>Measure No. 3 - Illicit Discharge Detection and Elimination (IDDE)</b>										
<b>ID-1</b> Develop IDDE Plan	Spills and illicit discharges	Develop plan to detect illicit discharges	Develop Draft Illicit Discharge Ordinance	Track progress.	Completed	X	X	X	X	
			Ordinance Approved by City Council	Track progress.	Completed	X	X	X	X	
			Map existing outfalls	Track progress.	Completed	X	X	X	X	
			Prepare inventory	Track progress.	Not Implemented	X	X	X	X	

Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	2012 Status	Pollutant				
						Nutrients	Bacteria	Total Suspended Solids	Mercury	Temperature*
			Develop plan to address non-stormwater discharges	Track progress.	Incomplete but started.	X	X	X	X	
			Develop investigative monitoring plan including plan to follow up on discharges identified	Track progress.	Incomplete but started.	X	X	X	X	
			Develop worksheets for inspections	Track progress.	Incomplete but started.	X	X	X	X	
<b>ID-2</b> Train City Employees to Implement IDDE	Spills and 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.	Not Implemented	X	X	X	X	
			Implement training and notification of staff and public employees; use public education measures to inform businesses and general public	Track training provided and attendance	Not Implemented	X	X	X	X	
			Seek free relevant stormwater webcasts for lunch and learns for interested employees.	Track number of stormwater webcast lunch and learns put on for employees.	Ongoing	X	X	X	X	
<b>ID-3</b> Implement IDDE plan	Spills and 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.	Delayed because of absence of IDDE Plan.	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.	Ongoing	X	X	X	X	
		Respond to spills and illegal dumps	Clean up Illicit dumps and implement enforcement by citing violators	Track number of citations issued	Ongoing	X	X	X	X	

Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	2012 Status	Pollutant				
						Nutrients	Bacteria	Total Suspended Solids	Mercury	Temperature*
		Respond to spills and illegal dumps	Implement spill containment; respond to spills with fire department	<ul style="list-style-type: none"> <li>Track number of spills responded to by fire department.</li> <li>Track sources, causes, and resulting water quality problems resulting from spills, and resolution.</li> </ul>	Ongoing	X	X	X	X	
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.	Ongoing					
<b>Measure No. 4 - Construction site stormwater runoff control</b>										
<b>CS-1</b> Develop Ordinance to Control Construction Site Runoff for less than one acre	Construction Site Runoff	Develop erosion control ordinance.	Prepare draft ordinance.	Track progress.	Completed	X	X	X	X	
			Develop construction site runoff control program ordinance for public review	Track progress	Completed	X	X	X	X	
			Ordinance approved by City Council	Track progress.	Completed	X	X	X	X	
			Select guidance manuals for program implementation	Track progress.	Incomplete but started	X	X	X	X	
<b>CS-2</b> 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.	Ongoing	X	X	X	X	
		Identify and train employees for plan review, inspection, and enforcement of erosion control ordinance	Conduct training for staff.	Track progress.	Not Implemented	X	X	X	X	



Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	2012 Status	Pollutant				
						Nutrients	Bacteria	Total Suspended Solids	Mercury	Temperature*
			Seek relevant stormwater webcasts for lunch & learns for interested employees	Track number of stormwater webcast lunch & learns put on for employees. Track topics of webcasts chosen. Track attendance to webcast brown bags.	Not Implemented	X	X	X	X	
<b>CS-3</b> Conduct Plan Reviews, Inspections, and Enforcement for Construction Sites Implement Erosion and Sediment Control Program	Construction Site Runoff	Implement erosion control program	City responds to erosion control complaints	<ul style="list-style-type: none"> <li>Track number of complaints received and resolution. follow up actions taken by City.</li> <li>Track number of notices of non-compliance per year .</li> </ul>	Ongoing	X	X	X	X	
			Conduct plan review	Track number of plans reviewed per year.	Ongoing	X	X	X	X	
			Conduct site inspections and enforcement, as necessary	<ul style="list-style-type: none"> <li>Track number of erosion control inspections conducted per year.</li> <li>Track number of notices of non-compliance per year.</li> </ul>	Ongoing	X	X	X	X	
		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.	Ongoing	X	X	X	X	
<b>Measure No. 5 - Post-Construction Stormwater Runoff Control</b>										
<b>DS-1</b> 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		Track progress.	Completed	X	X	X	X	
			Ordinance approved by City Council	Track progress.	Completed	X	X	X	X	
			Develop standards and guidelines for on-site facilities.	Track progress.	Incomplete but started	X	X	X	X	

Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	2012 Status	Pollutant				
						Nutrients	Bacteria	Total Suspended Solids	Mercury	Temperature*
			Evaluate Opportunities for Implementing Regional Facilities for Existing and New Development	Track number of sites reviewed and result of evaluation.	Not Implemented	X	X	X	X	
<b>DS-2</b> 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.	Not Implemented	X	X	X	X	
			Implement training	Track when training occurred and attendees.	Ongoing	X	X	X	X	
			Train staff in stormwater facility inspections.	Track training events.	Incomplete but started.	X	X	X	X	
<b>DS-3</b> Conduct Plan Reviews, Inspections, Enforcement for New Development	New Development	Implement program for onsite requirements to address stormwater quality	Require plan submittals, conduct plan reviews	Track number of plan submittals and reviews conducted per year	Ongoing	X	X	X	X	
			Encourage use of water quality facilities for new development	Track number of water quality facilities installed for new development.	Ongoing	X	X	X	X	
			Conduct pre-construction conference	Track number of pre-construction conferences per year	Ongoing	X	X	X	X	
			Evaluate Retrofit Opportunities	Track number of sites reviewed and result of evaluation.	Not Implemented	X	X	X	X	
			Start inspection of new facilities	•Track number of inspections done per year. •Track inspection results.	Not Implemented	X	X	X	X	
<b>Measure No. 6 - Pollution prevention in Municipal Operations</b>										
<b>OM-1</b> Develop a Water Quality Sensitive Operations and Maintenance Manual	Public Operations and Maintenance Practices	Develop water quality friendly practices	Review existing operation and maintenance practices	Track progress.	Not Implemented					

Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	2012 Status	Pollutant				
						Nutrients	Bacteria	Total Suspended Solids	Mercury	Temperature*
			Develop manual of existing practices, modifications, and new practices from other programs	Track modifications to manual.	Not Implemented	X	X	X	X	
		Optimize catch basin maintenance practices for water quality	Develop routine catch basin cleaning program	Track progress.	Not Implemented	X	X	X	X	
			Implement catch basin cleaning program	Track progress.	Not Implemented	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.	Not Implemented	X	X	X	X	
			Implement street sweeping program	Track progress.	Not Implemented	X	X	X	X	
<b>OM-2</b> 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.	Ongoing	X	X	X	X	
			Review new manual with staff	Track progress.	Not Implemented	X	X	X	X	
			Train staff in stream-friendly O&M practices	Track training events.	Ongoing	X	X	X	X	X
<b>OM-3</b> 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.	Ongoing	X	X	X	X	
			Place trash racks over major inlets	Track inlets installed with trash racks.	Ongoing	X	X	X	X	
		TV, inspect, and clean stormdrains	TV, inspect and clean storm drains as needed	Track length of stormdrain cleaned and number of inspections.	Ongoing	X	X	X	X	

Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	2012 Status	Pollutant				
						Nutrients	Bacteria	Total Suspended Solids	Mercury	Temperature*
		Repair pipe and Culverts	Repair, and replace pipe and culverts as needed	<ul style="list-style-type: none"> <li>•Track amount of pipe repaired per year and culvert repairs.</li> <li>•Track number and percentage of culverts repaired each per year.</li> </ul>	Ongoing	X	X	X	X	
<b>OM-4</b> Conduct Street Sweeping	Street Debris	Street sweeping	Street sweeping occurs on select streets every 4 to 6 weeks	Track miles swept per year.	Ongoing	X	X	X	X	
<b>Temperature</b>										
<b>T-1</b> 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	Addition	X	X	X	X	X
<b>T-2</b> 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	Addition	X	X	X	X	X
<b>T-3</b> Increase Effective Shade		Increase Shade along city streams	Provide incentives for citizens to plant trees	Track number of trees planted per year	Addition	X	X	X	X	X

Appendix 1B. Proposed TMDL Implementation Plan Matrix 2013 to 2017

							Pollutant					2013				2014				2015				2016				2017			
Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	Status or Changes Requested for 2013 to 2017	Expected Implementation Timeline	Nutrients	Bacteria	Total Suspended Solids	Mercury	Temperature*	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec
Measure No. 1 - Public Education																															
PE-1 Stormwater Education	All	Website Education	Provide stormwater information on the city website	Provide links to webpages and post annual reports.	Extend to 2013-2017 timeline	Ongoing	X	X	X	X	X																				
		Educate citizen groups	Present stormwater information to interested citizen groups or at local venues	Track number of presentations, program messages, and number participating if known	Extend to 2013-2017 timeline	Ongoing	X	X	X	X	X																				
		Water Quality Report	Provide stormwater education in the annual Water Quality Report	Provide link to report; track article message	Replacement for "Educational Insert in Utility Bills" Strategy	June 2014 and annually	X	X	X	X	X																				
PE-2 Watershed Education		Watershed Education	Provide signage at stream crossings or green infrastructure	Track number of signs and messages	Replacement for "Participate in the Yamhill Basin Council" BMP	October, 2017	X	X	X	X	X																				
		Classroom Education	Provide stormwater education in the classroom	Track number of presentations, program messages, and number participating if known	Replacement for "Participate in the Yamhill Basin Council" BMP	December 2013 and ongoing	X	X	X	X	X																				
PE-3 Infrastructure Education	Spills and illicit discharges	Mark storm drains in high profile areas	Mark 50 catch basins a year until all are marked; link locations to GIS	Track number of catch basins marked per year. Provide GIS map showing coverage	Extend to 2013-2017 timeline	Ongoing	X	X	X	X	X																				
Measure No. 2 - Public Involvement																															
PI-1 Stormwater Utility Fee	All	Participate in Citizen Rate Review Committee meetings.	Present funding needs to committee	Document meeting attendance, adopted rates, and effective dates of rate changes.	Combine 2 citizen rate committee requirements into 1 requirement. Extend to 2013-2017 timeline	Ongoing	X	X	X	X	X																				
PI-2 Public Participation in Stormwater Management	Post-Construction Runoff	Provide funds for projects by public groups or citizens that increase water quality or watershed awareness	Provide a minimum of \$2,000 in a grant program to fund citizen projects that fulfill goals of the TMDL Plan.	Track number of funded projects, amount disbursed per project, stream affected, and drainage area affected.	Replacement for "Participate in Yamhill Basin Council" BMP in Public Education Measure	January, 2014 and ongoing	X	X	X	X	X																				
PI-3 Public Participation in Reporting Stormwater Issues	All	Provide mechanism for public to report stormwater, illicit discharge, and erosion control issues	Provide methods for citizens to report concerns during and after business hours. Notify public on a recurring basis.	Document methods.	Extend to 2013-2017 timeline	Ongoing	X	X	X	X	X																				
				Document number of flooding complaints reported by citizens. Document number of erosion complaints reported by citizens. Document number of illicit discharge complaints reported by citizens.	Replacement for "Direct Citizens to call 911" Strategy	July, 2013 and ongoing	X	X	X	X	X																				
PI-4 Public Participation in Educational Focus	All	Determine focus of educational messages	Conduct survey to revise and refine educational message	Provide copy or link to survey and report results of survey	Addition	December, 2015	X	X	X	X	X																				
Measure No. 3 - Illicit Discharge Detection and Elimination (IDDE)																															
ID-1 Develop IDDE Plan	Spills and illicit discharges	Develop plan to detect illicit discharges	Develop procedures to address non-stormwater discharges	Document procedures	Extend to 2013-2017 timeline	December, 2013	X	X	X	X	X																				

Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	Status or Changes Requested for 2013 to 2017	Expected Implementation Timeline	Pollutant					2013				2014				2015				2016				2017			
							Nutrients	Bacteria	Total Suspended Solids	Mercury	Temperature*	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec
			Develop investigative sampling and monitoring plan	Document plan.	Extend to 2013-2017 timeline	December, 2013	X	X	X	X	X																				
			Develop worksheets for inspections	Document worksheets.	Extend to 2013-2017 timeline	December, 2013	X	X	X	X	X																				
ID-2 Train Staff to Implement IDDE	Spills and illicit discharges	Train employees in illicit discharge investigation and spill response.	Train staff who are new to illicit discharge investigation and spill response. Provide training in some aspect of illicit discharge investigation and spill response every 5 years for all applicable staff.	Track type of training (webcast, class, certification, etc.), number of employees trained, and the training subject (maintenance, response, investigation, sampling, etc).	Extend to 2013-2017 timeline	Ongoing	X	X	X	X	X																				
ID-3 Implement IDDE plan	Spills and illicit discharges	Conduct illicit discharge inspections	Fieldscreen outfalls	Inventory type, size, and location of public and private outfalls. Link to GIS.	Extend to 2013-2017 timeline	November, 2015	X	X	X	X	X																				
			Investigate outfalls for illicit discharges	Document location, number of samples taken, test results, and resolution	Extend to 2013-2017 timeline	November, 2015	X	X	X	X	X																				
		Respond to illegal dumps	Clean up illegal dumps	Track number of citations issued and resolution.	Extend to 2013-2017 timeline	Ongoing	X	X	X	X	X																				
		Respond to spills	Fire Department Spill Response	Track location of spills that occur and the substance that was spilled. Document whether the spill reached the stormwater system or a stream. Document response resolution.	Extend to 2013-2017 timeline	Ongoing	X	X	X	X	X																				
			Public Works Spill Response	Track location of spills that occur and the substance that was spilled. Document whether the spill reached the stormwater system or a stream. Document response resolution.	Addition	July 2013 and Ongoing	X	X	X	X	X																				
			Provide spill response cards and spill response kits on municipal trucks and sweepers.	Track number of munipal trucks and sweepers with spill response cards and spill kits. Document the number of spill kits used in response to spills.	Addition	December 2014 and Ongoing	X	X	X	X	X																				
ID-4 Hazardous Waste Collection	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.	Ongoing	Ongoing	X	X	X	X																					
Measure No. 4 - Construction site stormwater runoff control																															
CS-1 Develop Erosion and Sediment Control Program	Construction Site Runoff	Develop ESC Manual	Develop and approve an ESC Manual. Post on website.	Provide link to ESC Manual.	Extend to 2013-2017 timeline	June, 2013	X	X	X	X	X																				
CS-2 Train Staff in Erosion and Sediment Control	Construction Site Runoff	Train staff in plan review, inspection, and enforcement of ESC program	Train staff whose responsibilities change to include erosion and sediment control plan review, inspections, and enforcement. Provide refresher training to all staff involved in ESC inspections every 3 years. Provide refresher training to all staff involved in ESC plan review and enforcement every 5 years.	Track type of training (webcast, class, certification, etc.), number of employees trained, and the training subject (plan review, inspection, enforcement, etc.)	Ongoing	Ongoing	X	X	X	X	X																				

Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	Status or Changes Requested for 2013 to 2017	Expected Implementation Timeline	Pollutant					2013				2014				2015				2016				2017			
							Nutrients	Bacteria	Total Suspended Solids	Mercury	Temperature*	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec
CS-3 Implement Erosion and Sediment Control Program	Construction Site Runoff	Implement ESC program	Conduct plan review	Document location and size of all construction projects. Document which projects were required to have a 1200-C permit.	Extend to 2013-2017 timeline	Ongoing	X	X	X	X	X																				
			Conduct site inspections at least once during active construction by trained or experienced staff.	Provide link or copy of ESC inspection report. Document location and size of construction project.	Extend to 2013-2017 timeline. Split into 2 - Conducting inspections and enforcing ordinance	Ongoing	X	X	X	X	X																				
			Enforce ordinance	Report number of non-compliance citations, project location, and resolution.	Addition from previous requirement.	Ongoing	X	X	X	X	X																				
Measure No. 5 - Post-Construction Stormwater Runoff Control																															
DS-1 Develop Stormwater Management Program	Development and Redevelopment	Update Development Manuals and Plans	Update design standards manual and notify development community of new requirements.	Provide summary of changes and link to new design standards when complete.	Extend to 2013-2017 timeline	May, 2013	X	X	X	X	X																				
DS-2 Train Staff in Stormwater Management	Development, Infrastructure, Redevelopment, and Watershed Management	Train staff with stormwater runoff responsibilities in watershed and stormwater management	Provide training opportunities for staff	Track type of training (webcast, class, certification, etc.), number of employees trained, and the training subject (plan review, inspection, enforcement, etc.)	Extend to 2013-2017 timeline	Ongoing	X	X	X	X	X																				
			Train staff who are new to stormwater facility inspections. Provide refresher training for all staff every 3 years.	Track type of training (webcast, class, certification, etc.), number of employees trained, and the training subject (plan review, inspection, enforcement, etc.)	Extend to 2013-2017 timeline	June, 2014 and ongoing	X	X	X	X	X																				
DS-3 Implement Stormwater Management Program	Development, Redevelopment, and Watershed Management	Require Stormwater Management for Development and Redevelopment	Require plan submittals, conduct plan reviews	Document number of plan submittals, plan reviews, project type (commercial, institutional,residential, etc), size, and location.	Extend to 2013-2017 timeline	Ongoing	X	X	X	X	X																				
			Require stormwater management for development	Document number and type (detention basin, flow dissipater, raingarden, filtration swale, etc.) of stormwater facilities required for projects.	Extend to 2013-2017 timeline	Ongoing	X	X	X	X	X																				
			Conduct pre-construction conference	Document number of pre-construction conferences, project type (commercial, institutional, residential, etc), size, and location.	Extend to 2013-2017 timeline	Ongoing	X	X	X	X	X																				
		Improve Watershed Management	Evaluate Retrofit Opportunities	Summarize hierarchy used for screening. Document location and number of sites reviewed, drainage area, and result of evaluation.	Not Implemented. Split into 2 requirements and extend to 2013-2017 timeline.	May, 2014 and ongoing	X	X	X	X	X																				
			Implement Retrofit Program	Document number of projects including location, size, type (GI, traditional, etc), and drainage area.	Split from previous requirement.	May, 2014 and ongoing	X	X	X	X	X																				



Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	Status or Changes Requested for 2013 to 2017	Expected Implementation Timeline	Pollutant					2013				2014				2015				2016				2017			
							Nutrients	Bacteria	Total Suspended Solids	Mercury	Temperature*	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec
		Optimize Water Quality	Inspect stormwater facilities	Document number of inspections, type of facility (detention basin, raingarden, porous pavement, swale, etc.) and whether facilities were categorized as excellent, fair, or poor condition.	Not Implemented. Extend to 2013-2017 timeline	July, 2014 and ongoing	X	X	X	X	X																				
			Implement monitoring program	Document sampling locations, dates, parameters, and results	Addition	January, 2016 and ongoing	X	X	X	X	X																				
Measure No. 6 - Pollution prevention in Municipal Operations																															
OM-1 Operations and Maintenance Manual	Public Operations and Maintenance Practices	Update Policies	Review existing operation and maintenance practices	Document current procedures	Extend to 2013-2017 timeline	July, 2013	X	X	X	X	X																				
			Update O&M manual to optimize water quality	Document modifications to manual.	Extend to 2013-2017 timeline	April, 2014	X	X	X	X	X																				
		Update Infrastructure Procedures	Update catch basin cleaning program	Document current procedures and modifications to optimize water quality.	Extend to 2013-2017 timeline	December, 2014	X	X	X	X	X																				
			Implement revised catch basin cleaning program	Track progress.	Extend to 2013-2017 timeline	June, 2015	X	X	X	X	X																				
		Update Street Sweeping Procedures	Evaluate street sweeping program and revise as necessary to optimize water quality	Document current procedures and modifications to optimize water quality.	Extend to 2013-2017 timeline	March, 2016	X	X	X	X	X																				
			Implement revised street sweeping program	Track progress.	Extend to 2013-2017 timeline	July, 2016	X	X	X	X	X																				
Om-2 Operations and Maintenance Training	Public Operations and Maintenance Practices	Train staff in infrastructure and street sweeping procedures that optimize water quality	Train staff new to stormwater maintenance duties in O&M procedures.	Track type of training (webcast, class, certification, etc.), number of employees trained, and the training subject (inspections, maintenance, repair, construction, etc.)	Extend to 2013-2017 timeline	Ongoing	X	X	X	X	X																				
			Train all staff in revised O&M procedures	Track type of training (webcast, class, certification, etc.), number of employees trained, and the training subject (inspections, maintenance, repair, construction, etc.)	Extend to 2013-2017 timeline	July, 2014	X	X	X	X	X																				
			Train staff in maintenance procedures that maximize water quality.	Track training events.	Extend to 2013-2017 timeline	Ongoing	X	X	X	X	X																				
OM-3 Stormwater Infrastructure Maintenance	Development and Redevelopment	Catch Basin Cleaning	Clean catch Basins	Track number of unique* catch basins cleaned per year.	Extend to 2013-2017 timeline	Ongoing	X	X	X	X	X																				
		Inlets	Place trash racks over major inlets	Track number and percentage of major inlets installed with trash racks.	Extend to 2013-2017 timeline	Ongoing	X	X	X	X	X																				
		Stormline	Inspect, clean, repair, replace, and install stormline	Track length of stormline inspected. Document length of stormline cleaned. Document length and location of stormline repaired or replaced. Track length, diameter, and location of stormline installed	Extend to 2013-2017 timeline.	Ongoing	X	X	X	X	X																				

Best Management Practice or Activity	Source	Strategy	Measurable Goal	Performance Measure	Status or Changes Requested for 2013 to 2017	Expected Implementation Timeline	Pollutant					2013				2014				2015				2016				2017			
							Nutrients	Bacteria	Total Suspended Solids	Mercury	Temperature*	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sept	Oct Nov Dec
		Culverts	Inspect, repair, and replaceculverts	Document location of repaired and replaced culverts and reason for repair or replacement. For newly installed culverts, document new culvert size, material, and elevation from culvert bottom to stream bottom.	Extend to 2013-2017 timeline.	Ongoing	X	X	X	X	X																				
	Street Debris	Remove debris from streets	Sweep streets every 4 to 6 weeks	Track curb miles swept per year. Document disposal method.	Extend to 2013-2017 timeline.	Ongoing	X	X	X	X	X																				
Temperature																															
T-1 Maintain Existing Stream Vegetation	Development, Redevelopment, and Watershed Management	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	Extend to 2013-2017 timeline.	December, 2015	X	X	X	X	X																				
				Update Stream Corridor Overlay map and code based on wetland inventory	Addition.	December, 2017	X	X	X	X	X																				
T-2 Increase Effective Shade	Development, Redevelopment, and Watershed Management	Increase Shade along city streams	Provide incentives for citizens to plant trees	Document location and number of trees planted per year	Extend to 2013-2017 timeline.	Ongoing	X	X	X	X	X																				
T-3 Stream Assessment	Development, Redevelopment, and Watershed Management	Assess stream health and canopy coverage to focus restoration efforts.	Assess at least 2 stream miles annually for vegetative cover, stream channel configuration, and canopy coverage.	Document results of assessment	Addition	November, 2013 and ongoing	X	X	X	X	X																				
			Complete a wetland inventory that encompasses the Urban Reserve areas	Track Progress. Provide link to wetland inventory and map.	Addition.	December, 2016 and ongoing.	X	X	X	X	X																				

**THIS PAGE INTENTIONALLY LEFT BLANK**

## **APPENDIX 2 PUBLIC EDUCATION – GREATER YAMHILL WATERSHED COUNCIL**

**THIS PAGE INTENTIONALLY LEFT BLANK**



**GREATER YAMHILL WATERSHED COUNCIL  
MEETING MINUTES**

January 12, 2012 6:00 p.m. – 8:00 p.m.  
McMinnville Water Reclamation Facility Conference Room

**Members Present:**

Annette Frank, Chair  
Erik Grimstad  
Dave Hanson  
Marci Humlie  
Leonard Rydell  
Steve Wegner

**Staff Present:**

Bernadette Hansen, Executive Director  
Erik Grimstad, Executive Director  
Ginger Lofftus, volunteer

**Guests Present:**

Joanne Bocckel  
Amanda Mehlhoff  
Tim McDaniel

**1) Call to Order**

The Chair called the meeting to order at 6:14 p.m.

**2) Introduction of New Attendees**

New attendees were introduced to the Council.

**3) Acceptance of December 2011 Minutes**

Motion: Moved and seconded that the December 2011 meeting minutes be accepted and filed; carried.

**4) Approval of Fiscal Report**

Because of the new 501(c)(3) status, there are new accounting and fiscal responsibilities, including transparency and reporting requirements. As such, Bernadette Hansen presented a profit/loss report for the month of December, using a draft format. She also presented a check detail by transaction and requested Council feedback on formatting and reporting categories here as well. Format and reporting suggestions were made for future reports.

Motion: Moved by Leonard Rydell to accept the December fiscal report for December with changes discussed by the Council; seconded by Erik Grimstad. Motion passed unanimously.

**5) New Office Space Acquisition**

Bernadette Hansen presented the status on the new GYWC office space leased at 237 N.E. Ford St, Suite 9, in downtown McMinnville. The office space leases for \$350 per month, including utilities and use of shared spaces for the office suites. The move to the new space occurred on Saturday, January 7, but cannot be permanently made until phones and internet are installed by Online NW in the new facility. Until then, computers and phone are still at the old facility (YCAP building). A special note of thanks was given to the volunteer efforts of some local boy scouts, Annette Frank, Ginger Lofftus, Dave Riedman, and Erik Grimstad and friend Beth to make the move happen, and so quickly.



**GREATER YAMHILL WATERSHED COUNCIL  
MEETING MINUTES**

February 9, 2012 6:00 p.m. – 8:00 p.m.  
GYWC Conference Room

**Members Present:**

Annette Frank, Chair  
Erik Grimstad  
Dave Hanson  
Marci Humlie  
Brandy Humphreys  
Sonja Johnson  
J.L. Liddane  
Dave Riedman  
Leonard Rydell  
Bruce Sigloh

**Staff Present:**

Bernadette Hansen, Executive Director Erik Grimstad Ginger Lofftus, Executive Director

**Guests Present:**

Karen Hartsock, Landowner  
Robin Cone-Murakami, Linfield Student

**1) Call to Order**

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

**2) Introduction of New Attendees**

New attendees were introduced to the Council.

**3) Acceptance of January 2012 Minutes**

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

**4) GYWC Office Tour & IT Update**

A small tour of the new facility took place for all attendees. Ginger Lofftus reported that all the Council's data and IT support services had been transitioned from the County to the Council. Internet service and phones have been transitioned from Frontier to Online NW. The new email addresses have been set up and the County will be redirecting all email going to the old addresses for the next month. After that time the County will remove the old email addresses from their system and any email addressed using the County names will bounce. Staff will be sending out a global address change notice in the very near future.

**5) GYWC Staff Update**

Annette Frank announced that, due to personal reasons, Bernadette Hansen will be leaving the Council as the Executive Director as of March 22, 2012. As a result, the Council must work to put together a job opening ad, a hiring plan, and a transition plan. Annette will lead the effort and requested Council member participation on the hiring committee. The team will consist of Annette Frank, Bernadette Hansen, Ginger Lofftus, Erik Grimstad, Dave Riedman, and Leonard Rydell. It was suggested that once the hiring committee has a list of final candidates, they should make the candidate resumes available for all Council members to review.



**GREATER YAMHILL WATERSHED COUNCIL  
MEETING MINUTES**

**Thursday, March 8, 2012**

6:00 PM - 8:20 PM

GYWC Conference Room

**Members Present:**

Annette Frank, Chair  
Brandy Humphreys, Vice Chair  
Leonard Rydell  
JL Liddane  
Erik Grimstad  
Dave Riedman  
Dave Hanson  
Steve Wagner

**Staff Present:**

Bernadette Hansen, Executive Director  
Ginger Lofftus, Culvert Prioritization Project Manager

**Guests Present:**

Robin Cone-Murakami, Linfield Student  
Daryl Alt, OSU Master Gardeners

**1) Call to Order and Introductions**

Called the meeting to order at 6:00 p.m..

**2) Acceptance of February 2012 Minutes**

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

**3) Introduction of New Attendees**

Daryl Alt, OSU Master Gardeners, was introduced to the Council.

**4) Approval of Fiscal Report**

Bernadette and Ginger brought the Council up-to-date concerning the website and internet services. Bernadette went over the Profit and Loss statement, where money is being spent, and where future money is coming from. There was discussion concerning hiring a part time bookkeeper - it was suggested we hire Bernadette as the Council's part time bookkeeper. Bernadette will continue to be on hand for the next several weeks to make sure the books are maintained until a decision is made.





**GREATER YAMHILL WATERSHED COUNCIL  
MEETING MINUTES**

**Thursday, April 12, 2012**

6:00 PM - 8:30 PM

GYWC Conference Room

**Members Present:**

Annette Frank, Chair  
Brandy Humphreys, Vice Chair  
Erik Grimstad  
Dave Hanson  
Leonard Rydell  
Marci Humlie  
Steve Wagner

**Staff Present:**

Luke Westphal, New Executive Director  
Bernadette Hansen, Former Executive Director  
Ginger Lofftus, Culvert Prioritization Project

**Guests Present:**

David Simmons, Glenn/Gibson Watershed Council  
Robin Cone-Murakami, Linfield Student

**1) Call to Order and Introductions**

Called the meeting to order at 6:01 p.m.

**2) Acceptance of March 2012 Minutes**

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

**3) Approval of Fiscal Report March 2012**

**4) Staff Update**

Luke Westphal, replacement for Bernadette Hansen, introduced himself and gave his previous background. Bernadette emphasized the need to ensure Luke has a discrete and manageable work plan, which the Council will need to put together to establish priorities. However, day-to-day activities will be overseen by the Council Chair (Luke's direct supervisor).

Annette Frank announced that she will be stepping down as chair at a later date in the near future; she will remain as chair for at least the next month. Bernadette Hansen announced she would be willing to step in as chair in a few months.

**5) GYWC Project Updates**

Ginger Lofftus give an update on the data validation she has been doing for the CTGR culvert prioritization project, due to be completed by August, 2012.

Bernadette Hansen and Luke Westphal gave an update on the Harvey Creek Restoration Project. Approximately 50 riparian plants were installed and photo points were taken.

They noted there are still funds left in the grant (approximately \$2,500) and it would be a great use of the remaining funds to install an explanatory plaque or perhaps a bench at the site to give context to the bridge.



**GREATER YAMHILL WATERSHED COUNCIL  
MEETING MINUTES**

**Thursday, May 10, 2012**

6:00 PM - 8:30 PM

GYWC Conference Room

**Members Present:**

Brandy Humphreys, Vice Chair  
Erik Grimstad  
Dave Hanson  
Marci Humlie

Sonja Johnson  
J.L. Liddane  
Leonard Rydell  
Bruce Sigloh

**Staff Present:**

Luke Westphal, Executive Director  
Ginger Lofftus, Culvert Prioritization Project Manager

**Guests Present:**

Robin Cone-Murakami

**1) Call to Order and Introductions**

Brandy Humphreys called the meeting to order at 6:05 p.m.

**2) Acceptance of April 2012 Minutes**

Moved and seconded that the April meeting minutes be accepted as amended and filed; carried.

**3) Approval of Fiscal Report**

Luke Westphal presented the fiscal report and account balance sheet. He also presented his ideas about how we might present fiscal information in a more meaningful way in the future. He would like to break out the fiscal information by month per project type, reflecting estimates and actual costs. Brandy suggested that it might be helpful to see a budget for each year, where we can then track monthly data to see our overall budget status at a glance. Luke requested anyone contact him with any questions or for more detail. Moved and seconded that the April fiscal report be accepted; carried.

**4) Reminders**

Luke went over brief rules and time management tips for expediting meetings discussions, and voting. He would also like to return to the name tents for each council member at meetings. Additionally, as we host events, it would be great for each council member or staff to have an ID badge indicating their affiliation with the council.

**5) Status of Council Chairman**

Annette Frank has informed the council that she will be stepping down as Chair. Brandy requested someone to step up as Chair until Bernadette Hansen can step in as Chair later in the year. Luke briefly described what the Chair's duties would entail such as project reviews, signing checks and applications, and weekly check-ins with the Executive Director.



**GREATER YAMHILL WATERSHED COUNCIL  
MEETING MINUTES**

**Thursday, June 14, 2012**

6:00 PM - 8:30 PM

GYWC Conference Room

**Members Present:**

Erik Grimstad  
Marci Humlie  
David Reidman  
Steve Wegner

Dave Hanson  
Sonja Johnson  
Bruce Sigloh

**Staff Present:**

Luke Westphal, Executive Director  
Ginger Lofftus, Culvert Prioritization Project Manager

**Guests Present:**

Trisha Thomas - Girl Scout Troop 10219  
Hayley Thomas - Girl Scout Troop 10219

Brianna Thomas - Girl Scout Troop 10219  
Karen Hartsock – Shadowood Home Owner's Assoc.

**1) Call to Order and Introductions**

Dave Hanson called the meeting to order at 6:08 p.m.

**2) Acceptance of May 2012 Minutes**

Moved and seconded that the May meeting minutes be accepted as amended and filed; carried.

**3) Approval of Fiscal Report**

Luke Westphal presented the fiscal report and account balance sheet. He also discussed how our accounting system is not integrated into our budgeting software, requiring double-entry of all fiscal information. Steve Wegner and Dave Riedman both suggested that the fiscal report include up-to-date grant budgets, including pending grant reimbursement monies, and accurately detail if funds are allocated for specific activities and functions (e.g. donated/grant funds with restrictions). Luke intends to have these issues resolved for the July meeting. Moved and seconded that the May fiscal report be accepted; carried.

**4) Storm Drain Marking Opportunity – Guests from Girl Scout Troop 10219**

Three guests from the local Girl Scout Troop 10219 presented their interest in coordinating with the GYWC for a storm drain marking event in the City of Lafayette. Trisha Thomas explained that the City of Lafayette will provide some financial backing and that she is looking for guidance/assistance in carrying out and coordinating the storm drain marking. Sonja Johnson noted that the City of Newberg is in need of volunteers to conduct storm drain marking and that the City of Newberg would provide all needed materials and some in-kind personnel hours. Sonja also suggested that the City of Newberg may be able to assist with the City of Lafayette project, providing in-kind match donations to the GYWC, such as the lending of materials and providing personnel hours. Finally, Erik Grimstad and Sonja Johnson both offered to share information about the materials/resources their public works facilities use for storm drain markings.

Approved: \_\_\_\_\_

Date

Authorized Signer

## Board Meeting Minutes

### Greater Yamhill Watershed Council Board of Directors Meeting

Thursday, July 12, 2012

GYWC Conference Room, McMinnville, OR

Directors	Present
Annette Frank	<input type="checkbox"/>
Erik Grimstad	<input checked="" type="checkbox"/>
Dave Hanson	<input checked="" type="checkbox"/>
Marci Humlie	<input checked="" type="checkbox"/>
Brandy Humphreys	<input type="checkbox"/>
Sonja Johnson	<input checked="" type="checkbox"/>

Directors	Present
J. L. Liddane	<input checked="" type="checkbox"/>
David Riedman (Limited Proxy)	<input checked="" type="checkbox"/>
Leonard A. Rydell	<input checked="" type="checkbox"/>
Bruce Sigloh	<input checked="" type="checkbox"/>
Steve Wegner	<input checked="" type="checkbox"/>

Staff	Present
Ginger Lofftus	<input checked="" type="checkbox"/>
Luke Westphal	<input checked="" type="checkbox"/>

Other/Guests	Present
John Runyon	<input checked="" type="checkbox"/>

#### 1) Call to Order:

Dave Hanson called the meeting to order at 7:13pm.

Copies of a revised agenda were distributed. Introductions were conducted.

#### 2) Board Meeting Minutes Approval

<input type="checkbox"/> Vote Record – Meeting Minutes Acceptance for June 2012 Board Meeting					
	Yes/Aye	No/Nay	Abstain	Motion	Second
Annette Frank	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Erik Grimstad	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dave Hanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marci Humlie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brandy Humphreys	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sonja Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. L. Liddane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Riedman (Limited Proxy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leonard A. Rydell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bruce Sigloh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Steve Wegner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Motion/Seconded/Voted/Accepted: as written.					

**From:** [GYWC Director](#)  
**To:** ["Brandy Humphreys"; "Bruce Sigloh"; "Dave Hanson"; "Dave Riedman \(work\)"; "David Riedman"; "Erik Grimstad"; "JL Liddane"; "Leonard A. Rydell"; "Marcie Humlie"; Sonja Johnson; Wegner, Steven J](#)  
**Subject:** GYWC Meeting Canceled - Insufficient Attendance  
**Date:** Wednesday, August 08, 2012 10:11:37 AM

---

Dear GYWC Board of Directors,

After speaking with the Chair, I regret to inform you that the August Meeting will need to be canceled.

It is a busy time for most of the Board Members – vacations, work, and other obligations. Unfortunately, we simply will not have sufficient attendance for tomorrow's meeting.

The budget/fiscal review will be discussed at the September Meeting on Thursday September 13<sup>th</sup>. It is important that the Board be in full attendance for this meeting.

Please let the Chair and me know if you have any questions/comments/concerns.

Thank you,

Luke W.

**Luke Westphal**

*Executive Director*

*Greater Yamhill Watershed Council*

*237 NE Ford Street, Suite 9*

*PO Box 1517*

*McMinnville, OR 97128*

*Office: (503) 474-1047*

*Cell: (971) 388-9200*

*[director@yamhillwatershedcouncil.org](mailto:director@yamhillwatershedcouncil.org)*

Approved: \_\_\_\_\_

Date

Authorized Signer

## Board Meeting Minutes

### Greater Yamhill Watershed Council Board of Directors Meeting

Thursday, September 13, 2012

City of McMinnville Water Reclamation Center Conference Room

Directors	Present
Erik Grimstad	<input checked="" type="checkbox"/>
Dave Hanson	<input checked="" type="checkbox"/>
Marci Humlie	<input checked="" type="checkbox"/>
Brandy Humphreys	<input type="checkbox"/>
Sonja Johnson	<input checked="" type="checkbox"/>

Directors	Present
J. L. Liddane	<input checked="" type="checkbox"/>
David Riedman (Limited Proxy)	<input checked="" type="checkbox"/>
Leonard A. Rydell	<input type="checkbox"/>
Bruce Sigloh	<input checked="" type="checkbox"/>
Steve Wegner	<input checked="" type="checkbox"/>

Staff	Present
Ginger Lofftus	<input type="checkbox"/>
Luke Westphal	<input checked="" type="checkbox"/>

Other/Guests	Present

#### 1) Call to Order:

JL Liddane called the meeting to order at 6:11pm.

Copies of a revised agenda were distributed.

#### 2) Board Meeting Minutes Approval

<input type="checkbox"/> Vote Record – Approval of July 2012 Board Meeting Minutes					
	Yes/Aye	No/Nay	Abstain	Motion	Second
Erik Grimstad	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dave Hanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marci Humlie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brandy Humphreys	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sonja Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. L. Liddane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Riedman (Limited Proxy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leonard A. Rydell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bruce Sigloh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Steve Wegner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Motion/Seconded/Voted/Accepted: Approval of July 2012 Board Meeting Minutes as written.					

Approved: \_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Signer

## Board Meeting Minutes

### Greater Yamhill Watershed Council Board of Directors Meeting

Thursday, October 11, 2012

City of McMinnville Water Reclamation Center Conference Room

Directors	Present
Erik Grimstad	■
Dave Hanson	□
Marci Humlie	■
Brandy Humphreys	■
Sonja Johnson	■

Directors	Present
J. L. Liddane	■
David Riedman	■
Leonard A. Rydell	■
Bruce Sigloh (Proxy)	■
Steve Wegner	■

Staff	Present
Luke Westphal	■

Other/Guests	Present
Larry Ojua	■
John Runyon	■
Steve Day	■

#### 1) Call to Order:

JL Liddane called the meeting to order at 6:07pm. Introductions were made by/for the guests present: Steve Day, Fisheries intern with Mount Hood Community College; Larry Ojua, Executive Director Yamhill SWCD; John Runyon, Cascade Environmental Group

#### 2) Board Meeting Minutes: Review September Minutes

*Supporting Literature A1: September 2012 Board Meeting Minutes*

David Riedman noted that he had worked with JL and Luke numerous times to go over the information that was eventually presented to the Board at the September Board meeting. David expressed how proud he was of the GYWC Board members both for their participation at the last meeting and for staying committed to the Council in light of the current/past problems.

Erik Grimstad noted an error on Page 7, Item 4, Paragraph 2, Last sentence: "payroll frequency and". The sentence ends abruptly and the thought was not completed.

Luke will complete that sentence for the final minutes document.

Approved: \_\_\_\_\_

Date

Authorized Signer

## Board Meeting Minutes

Greater Yamhill Watershed Council Board of Directors Meeting

Thursday, November 8, 2012

Wings & Waves Waterpark, McMinnville, OR

Directors	Present
Erik Grimstad	■
Dave Hanson	■
Marci Humlie	■
Sonja Johnson	□
J. L. Liddane	■

Directors	Present
David Riedman	■
Leonard A. Rydell	■
Bruce Sigloh	■
Steve Wegner	□

Staff	Present
Luke Westphal	■

Other/Guests	Present
Tom Rupers	■

### 1) Call to Order:

JL Liddane called the meeting to order at 6:15pm.

Introductions were conducted for guests present: Tom Rupers, Mill Creek Watershed Resident/Landowner - Gooseneck Creek Restoration Project, Jenna Halsey, Wings & Waves Waterpark Education and Outreach.

### 2) Board Meeting Minutes: Review and Approve October Minutes

*Supporting Literature A1: October 2012 Board Meeting Minutes*

□ Vote Record – Approval of October 2012 Board Meeting Minutes					
	Yes/Aye	No/Nay	Abstain	Motion	Second
Erik Grimstad	■	□	□	□	□
Dave Hanson	■	□	□	□	□
Marci Humlie	■	□	□	□	■
Sonja Johnson	□	□	□	□	□
J. L. Liddane	■	□	□	□	□
David Riedman	■	□	□	■	□
Leonard A. Rydell	■	□	□	□	□
Bruce Sigloh	■	□	□	□	□
Steve Wegner	□	□	□	□	□
Comments: Motion/Seconded/Voted/Accepted: Approval of October 2012 Board Meeting Minutes as written .					



Approved: \_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Signer

## Board Meeting Minutes

### Greater Yamhill Watershed Council Board of Directors Meeting

Thursday, December 13, 2012

City of McMinnville Water Reclamation Center

Directors	Present
Erik Grimstad	<input checked="" type="checkbox"/>
Dave Hanson	<input checked="" type="checkbox"/>
Marci Humlie	<input checked="" type="checkbox"/>
Sonja Johnson	<input checked="" type="checkbox"/>
J. L. Liddane	<input checked="" type="checkbox"/>

Directors	Present
David Riedman	<input type="checkbox"/>
Leonard A. Rydell	<input checked="" type="checkbox"/>
Bruce Sigloh	<input checked="" type="checkbox"/>
Steve Wegner	<input checked="" type="checkbox"/>

Staff	Present
Luke Westphal	<input checked="" type="checkbox"/>

Other/Guests	Present

#### 1) Call to Order:

JL Liddane called the meeting to order at 6:25pm.

#### 2) Board Meeting Minutes: Review and Approve November Minutes

*Supporting Literature A1: November 2012 Board Meeting Minutes*

<input type="checkbox"/> Vote Record – Approval of November 2012 Board Meeting Minutes					
	Yes/Aye	No/Nay	Abstain	Motion	Second
Erik Grimstad	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dave Hanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marci Humlie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sonja Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. L. Liddane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Riedman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leonard A. Rydell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bruce Sigloh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Steve Wegner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Motion/Seconded/Voted/Accepted: Approval of November 2012 Board Meeting Minutes as written.					

## **APPENDIX 3 PUBLIC INVOLVEMENT**

**THIS PAGE INTENTIONALLY LEFT BLANK**

## **Appendix 3A Citizen Rate Review Committee**

**THIS PAGE INTENTIONALLY LEFT BLANK**

**CITY OF NEWBERG  
CITIZENS' RATE REVIEW COMMITTEE MINUTES  
WEDNESDAY, JANUARY 4, 2012  
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 7:11 P.M.

**II. ROLL CALL**

**Members**

Present:	Tony Rourke, Chair/Secretary	Ernie Amundson, Jr.	Helen Brown
	Mike Gougler	Charles Zickefoose	Mayor Bob Andrews, Ex-Officio

**Members**

Absent: Blair Didway (excused)

**Staff**

Present:	Daniel Danicic, City Manager	Janelle Nordyke, Finance Director
	Jay Harris, City Engineer/Engineering Manager	Jennifer L. Nelson, Deputy City Recorder

**Others**

Present:	Deb Galardi, Consultant	Larry Anderson, Citizen
----------	-------------------------	-------------------------

**III. COMMITTEE BUSINESS**

1. Committee and Staff Introductions (*updated membership list distributed at the meeting*)

Chair Rourke noted Mr. Blair Didway was unable to attend this evening. The members and staff introduced themselves and passed around the membership list for corrections and updates.

2. Elect Chair, Vice Chair and Secretary

Chair Rourke explained they have never elected a secretary for the Citizens' Rate Review Committee (CRRC) but the city manager noted this position was in the City's Charter.

Mr. Dan Danicic, city manager, stated that the secretary position is typically responsible for transcribing the meeting minutes and making sure that previous meeting minutes are signed and processed. Since the chair has been fulfilling that role, if the committee desires to not have the secretary position filled, they can do so with the understanding the Chair performs this duty. Mr. Danicic will talk with the City Council and Mayor about amending the code. Chair Rourke suggested just adding the duties to the chair position in the code.

**MOTION #1: Zickefoose/Gougler** to combine the duties of the chair and secretary and name the position as the "chair/secretary". Motion carried (5 Yes/0 No/1 Absent [Didway]/1 Vacant).

**MOTION #2: Zickefoose/Gougler** to re-elect the same officers to the next term. Motion carried (5 Yes/0 No/1 Absent [Didway]/1 Vacant).

#### IV. PUBLIC COMMENTS

Mr. Larry Anderson wished to discuss city policies for collection and reimbursement of System Development Charges (SDCs). He spoke of there not being enough money in the SDC fund to pay for improvements to an intersection in town. Those improvements were required of the developer when the property was annexed and homes were built. He wondered where all the money has gone since the City has had ten years of record pace development and SDC fee collection. He used the Orchard Lair Development as an example for his own estimates of SDC collection at around \$480,000.00 and asked why \$135,000.00 could not be put into the signal at Everest Road. He commented that the City seems to have the SDC collection part down, but there are problems with the spending and reimbursement. He felt there is a real safety issue with that intersection not being improved and was bothered that the City had \$1.4 million to spend on the Oxberg Lake Project and not this unsafe intersection. He spoke of the need for a more transparent reimbursement policy and well-defined procedures used so that the City would never use more than the value of the rate collected.

Mr. Mike Gougler spoke of his own experiences with his last SDC reimbursement process, which took two years. He said the documents he needed to provide to the City filled two large three-ring binders with actual expenses. He asked staff if the CRRC is responsible for setting SDC rates. Mr. Danicic replied it is not. Their charge is to set rates for water, wastewater, and stormwater or other fees assigned by Council, but traditionally this has not gone into SDC rates or calculations. Mr. Danicic said the points brought up by Mr. Anderson have to be discussed before Council and the Budget Committee at this point.

Chair Rourke recommended the city manager get together with Mr. Anderson to guide him through the process.

#### V. CONSENT CALENDAR

Approval of November 30, 2011 minutes (Pages 3-6)

**MOTION #3: Gougler/Zickefoose** approving the Citizens' Rate Review Committee minutes from November 30, 2011, as written. Motion carried (5 Yes/0 No/1 Absent [Didway]/1 Vacant).

#### VI. CONTINUED BUSINESS

##### 1. Conclude Stormwater Methodology Overview

Mr. Danicic stated this discussion was completed at the last meeting, but he placed it on the agenda in case there were any lingering questions.

Mr. Gougler referred to Planning Commission (PC) minutes and wondered about feasibility and enforcement to comply with the Total Maximum Daily Loads (TMDL) standards presented by Sonja Johnson, Environmental Technician, to adjust lot size and establish rules prohibiting car washing in driveways.

Chair Rourke wondered how this impacts the rates and questioned what the City is required to monitor. He felt that most of the items were non-issues for Newberg and that if we were required to enforce some of the restrictions; it would be a significant cost to the developers in Newberg. He said this process has gone through many man hours to put together and does not affect our budget. There was concern with whether the cost of consequences was worth the cost to enforce. Mr. Danicic stated costs are controlled by stormwater management and rely on the best management practices to deal with temperature by encouraging placing more trees along zones; he said there is little in the plan that are hard costs other than staff time to the City and the

program is designed that way realizing small towns like Newberg cannot do what cities like Gresham can. He anticipated implementing this with existing staff to the extent possible.

Mr. Gougler, under these rules, if he builds a house then a project summary, design flow calculations and stormwater facilities will be required. He asked what a citizen is to do when this gets too expensive and there is no cash flow coming into the City for building. He wondered how much control builders will have on monies they are obligated to spend. He said this is why infill in Portland stalled. He sees this as a big cost issue that needs to be handled as a community. Mr. Danicic said he understands his concerns and is trying to think of the next step to address this. He suggested the CRRC formulate a motion to alert the Council further investigation needs to be conducted before adoption of increased stormwater rates that may not work in the future.

Chair Rourke said he still failed to see how this affects rates. Mr. Gougler replied the expense is primarily to the City if they happen to violate DEQ code in respect to turbidity. If the City pays, chances are the citizens will pay also.

**MOTION #4:** Gougler/Zickefoose the CRRC understands Council will soon be considering a revised stormwater management system to comply with the TMDL and recommends Council understand the impacts to stormwater rates and that they will likely be higher.

Chair Rourke asked if this is what they do every two years, look at the time frame and recommend for that time frame and revisit because things always change.

Mr. Gougler said they also have to mandate when they make rate increase recommendations, this committee catches heat and they do have fiduciary responsibility to worry about the effects of action the City has taken on our rates. We will have to look at this in two years when discussed and understand what should be done now; the same logic applied when they discussed fixed percentages for water fees.

Mayor Andrews asked Mr. Gougler if he brought these pertinent issues to the Planning Commission about impacts. Mr. Gougler said he did so in a letter.

**VOTE #4:** To recommend Council consider impacts to stormwater rates while considering the revised stormwater management system for TMDL. Motion carried (5 Yes/0 No/1 Absent [Didway]/1 Vacant).

Ms. Helen Brown said this is a good step in the right direction of transparency when those in knowledge can make others aware, it is not like a ton of bricks being dropped. She said she never thought about this and it is nice to clear things up by bringing up things the average city member does not know about. She thanked Mr. Gougler.



2. Planning Commission Report on Stormwater Management Plan (*for information only*) (Pages 7-24)

This is in discussion that took place in the previous section above.

## **VII. NEW BUSINESS**

1. Presentation on Wastewater Methodology, Rate Comparisons and CIP (Pages 25-42)

Ms. Deb Galardi presented the staff report including a PowerPoint (please see official meeting packet starting on page 31 for the full report). She discussed rate methodology for the rate of discharge with residential vs. commercial in terms of their concentrated wastes and costs to treat higher volumes and how this was similar to water in terms of the fixed vs. volume basis for establishing rates. Wastewater fixed costs are much higher than water because it is not only based on meters, billing and replacement costs like water, it is also based on a long standing policy and industry practice to include those costs along with cost for increasing capacity and regulating infiltration and inflow (I&I). She continued by explaining the wastewater cost allocation process.

Ms. Galardi continued her report discussing the costs recovered through volume rates and fixed charges and the winter month averaging basis. Mayor Andrews asked if fixed costs are not being recognized. Ms. Galardi stated the portion of cost that is truly fixed was more like 75% in terms of consistency. Industry standards are balancing more discharge or more costs to the City, moving away from flat rates to variable ones. It is true more than 24% is fixed, but there are concerns for small volume users and what other communities are doing to balance.

Chair Rourke asked why the winter average is from December to March rather than being spread out further from November to April. Mr. Danicic stated there is no science behind it, the rates were created the way they are and the City has been comfortable with it. Ms. Janelle Nordyke, Finance Director, added they are the lowest four months of year and there can be consumption increases in April.

Mayor Andrews asked about the average annual growth of 9.3%. Ms. Galardi replied historically, costs charged to the wastewater system from 2008 to 2011 averaged a growth of 9.3%; part of this may be the allocation of staff or significant operation and maintenance (O&M) expenses. Mayor Andrews asked how much growth there was in wastewater funded staff. Mr. Danicic said there were some staff increases for wastewater leading up to 2007 to keep up with O&M requirements. In addition, on occasion staff salaries are shifted between funds to help with inflation and merit increase costs.

Ms. Galardi continued with her presentation regarding the preliminary 5-year Capital Improvement Plan (CIP) speaking first of the Oregon DEQ State Revolving Fund (SRF) loan obtained by the City with good interest rates. Within the last two years, rates were increased to pay back the loan, however construction of the wastewater treatment improvements has been delayed. Since DEQ doesn't require pay back until the completion of the project, we do not anticipate additional debt service, which buys time and flexibility for additional rate increases.

Mayor Andrews asked for the definition of "RRE" related to the wastewater treatment plant (WWTP). Mr. Danicic stated it is the abbreviation for Repair, Rehabilitation, and Expansion (RRE), which covers a whole suite of improvements. Mayor Andrews asked if expansion is necessary for future growth and Mr. Danicic replied we are at the beginning stage of the overall project which starts with addressing existing needs.

Chair Rourke asked if they are using money for the WWTP improvements. Ms. Galardi said the City draws from this as needed and some has been started with estimates made for how it will be drawn; the debt service

will not hit until the FY 2014-2015 at interest only for six months before paying on the principal. This allows payments to be put off until the rates are structured to handle it.

Mr. Chuck Zickefoose asked if the loan was broken into segments. Ms. Galardi replied the first authorization was for \$11.4 million; once that portion is spent and the project is completed, repayment will begin before the next \$14 million. It was assumed as three separate loans.

Mr. Ernie Amundson, Jr., asked if there was a connection between the increase in full-time equivalent (FTE) staff transferred over because there is more money here than the other funds. Mr. Danicic said yes, there will be an increase in the cost of wastewater staffing in order to allocate staff appropriately. In the past there was 50/50 split for convenience. Chair Rourke asked if this was shown in the FY 2010-11 operations & maintenance (O&M) or in FY 2011-12. Mr. Danicic replied it would not be effective until the FY 2012-13 budget and is shown in future projections. Chair Rourke referred to the rate comparison in the packet and stated Newberg is right behind the most expensive.

## 2. Finance Director Memorandum and City Manager 11/12 Budget Message (Pages 43-47)

Mr. Danicic explained this was more for the committee's information in response to previous questions about cuts and demonstrates that the City has been cutting all along. Two positions have been eliminated in the public works department since the budget was completed and an additional three cuts occurred in the last fiscal year; so five FTE have been removed, not accounting for the year before.

Chair Rourke said they will be meeting next week to discuss the final staff recommendation of the proposed rate increases for the next two years. Mr. Danicic added they will look at bill comparisons too. Mr. Zickefoose asked if there was a way to compare Newberg to other communities. Mr. Danicic said he would call on a few other cities and review their utility bills.

## VIII. ADJOURNMENT

The meeting adjourned at 8:53 PM.

**Approved by the Citizens' Rate Review Committee on this 19<sup>th</sup> day of June 2012.**

---

Jennifer L. Nelson, Deputy City Recorder

---

Tony Rourke, CRRC Chair/Secretary

**THIS PAGE INTENTIONALLY  
LEFT BLANK**

**CITY OF NEWBERG  
CITIZENS' RATE REVIEW COMMITTEE MINUTES  
WEDNESDAY, JANUARY 18, 2012  
7:00 P.M. MEETING**

CITY HALL MAIN FLOOR CONFERENCE ROOM (414 EAST THIRD STREET)

**I. CALL MEETING TO ORDER**

Chair Tony Rourke called the meeting to order at 7:02 P.M.

**II. ROLL CALL**

**Members**

Present:	Tony Rourke, Chair	Ernie Amundson, Jr. Vice-Chair	Helen Brown
	Mike Gougler	Mayor Bob Andrews, Ex-Officio	Blair Didway
	Chuck Zickefoose (arrived at 7:05 p.m.)		

**Staff**

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

**Others**

Present: Deb Galardi, Consultant Jim Cooper, Sunny Acres Water Company

**III. PUBLIC COMMENTS**

Jim Cooper, who is in attendance as a representative for the Sunny Acres Water Company, stated he will pose questions to the Citizens' Rate Review Committee (CRRC) at the Town Hall Meeting, February 8, 2012.

**VI. CONSENT CALENDAR**

No Items.

**V. CONTINUED BUSINESS**

No Items.

**VI. NEW BUSINESS**

Review of Proposed Utility Rates:

Mr. Dan Danicic, City Manager, referred to the proposed utility meeting handout for Fiscal Year (FY) 2012-13 and 2013-14 and explained the proposal is a 17.5% increase in rates for the next two years for stormwater with an anticipation of the same percentage in FY 2014-15 and 2015-16. There will be no increase in the wastewater fund in FY 2012-13; an increase of 3.0% in FY 2013-14 and a projected increase of 5% FY 2014-15 and 2015-16. There will be no increase in water rates for 2012-13; an increase of 3.0% in FY 2013-14; and an increase of 3.5% FY 2014-15 and 2015-16. The water rates methodology modifies the fixed allocation from 9% to 15% in FY 2012-13 and to 20% in FY 2013-14.

The lower rates were accomplished through FTE (full time employee) reductions; 4 overall in the proposed budget and that also represents the reduction of 8 fewer employees in the span of 4 years. Staff went through the FTE allocations which were heavy in water and shifted those to the wastewater, stormwater and transportation funds which mitigated the rate impacts. Line item inflation factors were reassessed and reduced significantly. Each line item in the rate model has an inflation factor associated with it which ranges from 0% to 10%. Many of the materials and services line items were reduced to 0% inflation factors. Transfer reserves are at 1% which had been as high as 58% in FY 2009-10.

Some items that are not addressed in the overall rates are the non-potable and the Springs classes. The non-potable class is the reuse water and the only customer at this time is the golf course. Five years ago the Springs were broken out of the City water system as a separate customer class altogether. The City continues to maintain the system which was the original water source for the City of Newberg. The Springs customers experienced a high rate increase when this was done and they asked the City Council to consider implementing it over a period of time which the City Council chose to do. The City Council is now in the process of assessing whether the City should keep the Springs customers and continue maintaining the line. Customers outside the City limits who are not on the Springs system are charged 1.5 times more for water use. That is a policy decision not a decision that is made because it costs 50% more to provide water.

Mr. Danicic stated a concern of the CRRC has been in regards to the increase in the percentage of the fixed cost allocation of 15% in FY 2012-13 and 20% in FY 2013-14 and how those increases will affect the lower water volume users more than the high water volume users. Janelle Nordyke provided a chart which showed the customer classes, cubic feet, increases to utility bills; giving the committee an indication of how it will affect the low-volume citizens. Deb Galardi stated there will be decreases as well because overall the changes are revenue neutral. In order to increase the percent of fixed costs, the fixed rate goes up and volume rate goes down. A large volume user could see a reduction in their bill. For many there will be a zero change.

Mr. Danicic stated the cost of water is seven-tenths of a penny per gallon. He then referred to the Monthly Utility Bill Comparison for January, 2012 on page 2 of the meeting packet and explained traditionally towns around Newberg have been included in the comparison, but this time the criteria he used were towns that are approximately the size and population of Newberg and own and operate their own wastewater facilities. These include Lake Oswego, Wilsonville, Klamath Falls, and Grants Pass as comparables. The utility bill was compared in its entirety and showed that Newberg is not the highest in comparison. He asked the committee for their input on this approach to rate comparisons.

Chair Tony Rourke asked why Klamath Falls & Grants Pass are so much cheaper in regard to water. Helen Brown replied Grants Pass has the oldest river rights on the Rogue River and they also use Ultraviolet lights instead of chlorine to kill bacteria. Mr. Danicic will have staff research that before the Town Hall Meeting so it is made clear to the public why those costs are less on the utility bills.

Mike Gougler asked if Wilsonville, Grants Pass, and Klamath Falls have grants and do not budget for necessary capital expenditures. If they are not budgeting to replace their water plant or wastewater plant, that information needs to be made clear to the public. Chuck Zickefoose stated Wilsonville will see an increase due to capital expansion in the near future. Ms. Galardi stated Lake Oswego will see a large impact on water in the next few years. Chair Rourke stressed the importance of this information being communicated to the public. It should also be clear that the 1% allocated to water reserves is not even close to adequate, however, in recognition to the situation the City is in, we need to continue and not raise that percentage. Hopefully the economy will be in a better condition in two years.

Mr. Danicic reviewed the notification plans to include a notice in the Newberg Graphic, on the City website, and a postcard will be sent to all addresses in the City, as well as postings at the Library, City Hall, and Public Safety Building regarding the Town Hall Meeting on February 8, 2012. After the Town Hall Meeting, the CRRC reconvenes on February 15, 2012 to see if any further changes are needed.

Blair Didway asked if staff has a sample of the notice to be sent out to the public. Mr. Danicic will email the notice to the CRRC for them to review before it is sent to the printer. The committee members can then respond and make suggestions. He will also share the outline of the presentation with the CRRC beforehand by e-mail.

Helen Brown stated she is hoping the City Council will understand the time and energy the CRRC and City Staff have put into this. She is in agreement with what has been presented and discussed.

Mr. Didway stated with what he has observed, the actual rate increases are evenly spread across the board which will make it more reasonable.

The CRRC was in favor of what will be presented to the citizens of Newberg.

**MOTION #1: Amundson/Gougler** to accept the proposal from staff for the next 2 years to be presented to the citizens at the Town Hall Meeting to be held on February 8, 2012. Motion carried. (7 Yes/0 No/0 Absent)

## **VII. ADJOURNMENT**

The meeting adjourned at 7:55 P.M.

**Approved by the Citizens' Rate Review Committee on this 19<sup>th</sup> day of June 2012.**

---

DawnKaren Bevill, Minutes Recorder

---

Tony Rourke, CRRC Chair/Secretary

**THIS PAGE INTENTIONALLY  
LEFT BLANK**

**CITY OF NEWBERG CITIZENS' RATE REVIEW COMMITTEE  
TOWN HALL MINUTES  
WEDNESDAY, FEBRUARY 8, 2012  
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 7:05 p.m.

**Committee and Staff Introductions:**

Chair Rourke introduced himself as did all committee members; City of Newberg staff and Deb Galardi, Consultant. *(See sign-in sheet for complete list of attendants.)*

**Overview of Rate Setting Process:**

Dan Danicic, City Manager, stated the Citizens' Rate Review Committee (CRRC) meets every year to year and a half. The committee reviews utility funds; in this case water, wastewater, and stormwater and the rate methodology by reviewing the current state of the budget and what staff is proposing for future expenses. Through the course of many months the committee meets on a regular basis to review each of the utility funds which brings them to this Town Hall Meeting to present the rates that are being considered. The committee will meet again next week, February 15, 2012m at the Public Safety Building for their final public hearing. At that time they will take the comments from this Town Hall Meeting and discuss them with staff. The CRRC will make a formal motion to adopt, modify or change the rate proposal. At that point it will go to the City Council Hearing which is currently scheduled for March 19, 2012 at the Public Safety Building and at that time they will consider the CRRC's recommendation and make a decision. The City Council has the authority to accept the rates as proposed or may reduce the rates if they choose. If they desire to increase the rates it will then come back to the CRRC for consideration.

**II. PRESENTATION BY CITY MANAGER**

Copies of the Town Hall presentation were made available to those in attendance; as well as the line-items located in the Utility Rate Presentation Supplemental Information; utility debt details, and full-time equivalents.

The CRRC was established by code in 1992. It was created in response to a petition from the citizens to place the question of rate increases before the voters.

Mr. Danicic reviewed the rate methodology beginning with stormwater. The main functions are: collection, which is culverts and catch basins that are in the system; a small water quality component; and customer billing which is seen throughout the utilities. The City of Newberg is considered a National Pollutant Discharge Elimination System (NPDES) – Phase II. It is the water quality criteria for discharges to the river from the stormwater system. It was originally started in the early 1990's and targeted large cities. Phase II requires the City of Newberg to set Best Management Practices such as street sweeping, cleaning catch basins; encourage planting trees along creeks, and rules and regulations regarding construction practices. The rate structure is assessed by Equivalent Dwelling Units (EDU). One EDU = 2,877 square feet of Impervious Area. Residential properties are defined as one EDU. Impervious areas are identified on every lot by using aerial maps of the City. Impervious areas are sidewalks, parking lots, and buildings which are areas that impede water entering into the ground.

The basic functions of wastewater are: collection, which are the sewer pipes coming from the home to the treatment plant; pumping; treatment; and customer billing. Not every customer has the same impact on the



treatment system which removes solids. Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS) are what define the criteria for these “solids”. Residential customers have a certain load that is associated with those two elements. Industry standards are used in deciding how to separate customer classes. The component that is split in two is the infiltration and inflow. The volume charge is based on winter water usage for the months of December through March and customer class. The volume of water used is averaged over the four months.

Hank Grum, citizen, was concerned about how the wastewater usage is calculated as he believes he has not been charged correctly on his bills. Janelle Nordyke, Finance Director stated the new number is recalculated and applied in April and gets applied to the months following, including November. Mr. Danicic stated if there are questions regarding the utility bills there is a number located on the bill that customers can call or they may come to City Hall for assistance. City staff routinely looks for anomalies in the billings.

Some of the concerns voiced by audience members included the frequency of cleaning open ditches and who is responsible for cleaning them; flooding of a citizen’s home on two occasions due to a culvert filled with debris; and flooding on College Street for several years in a row until it was repaired recently. Why are there no visible signs of maintenance when customers are paying fees for them? Pat Haight, citizen, stated there is a drain on Illinois Street that has been covered up with no way for water to drain. Mr. Danicic stated the City is maintaining the system and will review the level of service being provided.

Mr. Danicic explained the wastewater customer classes include: Single Family Residential, Multifamily, Commercial-1, Commercial-2, Commercial-3, Industrial, and Outside City Users (customers connected to the distribution system.) Reuse and Springs are separate classes and are not part of this rate review because the City does a separate calculation for those two groups. An audience member asked why the Springs and reuse are not included in the rate review. Mr. Danicic explained three years ago the Springs were disconnected from the City’s system. The reuse system takes the effluent from the wastewater treatment plant, treats it to a higher level, and distributes it to be used for irrigation or non-contact processed water. The golf course is currently using reuse water.

The water system functions include: supply, treatment, pumping, storage, distribution, customer billing, and meter management. The characteristics are average demand, peak day demand, and peak hour demand; customer billing and meter size. The peak need of the different customer classes affects the system differently.

Mr. Danicic reviewed the utility budget and explained the water fund would have needed a double-digit rate increase to provide current services, thus staff did a reallocation of staff salaries to balance. There is no debt in the stormwater fund as there is no money allocated for system replacement reserves through Fiscal Year (FY) 2013/14. The contingency line item is a budget for unanticipated needs such as an environmental catastrophe. There is some replacement reserve set aside in wastewater. Deb Galardi explained the reason the wastewater has a larger contingency is due to delays in capital projects and that money shown will be used in the next five years to fund the wastewater treatment plant improvements. The water budget shows a reduction in costs but there is also debt in this fund to improve and increasing capacity to the water system.

An audience member asked for clarification regarding contingency and stated it seems high. Contingency is a mixture of capital reserves as well as true operating and emergency contingency. Ms. Galardi explained the City transfers money to the capital project fund as needed and until then the money sits in the contingency account. Mr. Danicic stated the line item for capital projects shows what will actually be spent on capital projects next year.

Mr. Danicic reviewed the 5-year Capital Improvement Projects as follows:

- Stormwater 5-year CIP: Master Plan update in FY 2012/13.

- Wastewater 5-year CIP: The WWTP design, construction, and capacity improvement. The Hess Creek pre-design study FY 2011/12; Wyooski pump station property purchase FY 2012/13; and multi-funded projects for South Springbrook Road.
- Water 5-year CIP: Upcoming projects include Springs improvements, reservoir upgrades, water plant expansion land purchase and South Springbrook Road.

Mr. Danicic reviewed the significant budget changes as follows:

- 4 FTE (Full-Time Equivalent) reductions (total of 8 since 2010 = 15%).
- Adjusted FTE budget allocation between funds.
- Reduced line items and corresponding inflation rate.
- Changed effective date for rate changes from July to January.
- Modified fixed allocation within water rate model.

Estimated infrastructure values are: water \$120 million; wastewater \$160 million; and stormwater \$23 million.

Mr. Danicic explained the fixed cost for water is at 9% and will increase to 15% in 2013 and 20% in 2014.

The proposed rate changes are as follows: January, 2013 has a 0% increase for water and wastewater; stormwater will be 17.5%. In January, 2014 water and wastewater will have an increase of 3% and stormwater will remain at 17.5%.

Mr. Danicic reviewed the utility bill comparison which shows anticipated increases in the next two years with similar agencies: Lake Oswego, Wilsonville, Klamath Falls, and Grants Pass. Grants Pass has not increased rates for several years and the water plant was built far above needed capacity. They are still within capacity today. Their Master Plan is out of date and will include significant changes in the future.

Audience members stated the need for further cuts in staff and salaries, as well as reducing employee health coverage that is paid by the City. Many cannot afford an increase in rates due to the economy. Perhaps the rates could be based on what the customer is able to pay.

Mr. Danicic stated a budget of \$20,000 is set aside annually to provide utility payment assistance. The Utility Bill Assistance Program includes YCAP Voucher Program, Military Credit, Grants to Non-Profits, and Low Income Credit. Audience members stated there needs to be an increase in low income assistance.

Looking toward the future:

- The WWTP rehab and expansion cost will be debt financed to develop capacity to 2040.
- An expected rate increases of 5% in 2014 and 2015.
- The aging infrastructure – 14% of the wastewater and water systems are over 75 years old (\$27m).  
Water and wastewater plant will now have 20 to 25 years of life.

Mike Gougler stated the committee is very concerned with the well being of the less fortunate. Each point has been addressed with staff. Ernie Amundson constantly raises the issue for people who cannot pay and consistently asks for cutbacks to keep from raising rates. Mr. Gougler is troubled, however, with additional reductions in staff or cutting hours which causes less service for the community when others who can donate money on their water bill to help the less fortunate, do not. Very little has been donated to date. There have been many CRRC meetings held in the past months with very little in attendance. All of this in addition to the fact that for 10 years there was no money set aside to pay for the replacement of the wastewater treatment plant.

Audience members stated the need for better notification on when and where the CRRC meetings are held. Chair Rourke stated it was on the website, in the Newberg Graphic, and sent out in mailings to all customers.

Other audience questions were: Is there something else that can be done to cut back? Why the need to pay extra on the utility bill for Police and Fire services when citizens pay taxes to cover those departments already? Ernie Amundson stated cutbacks cannot be done because of the union agreements. Mr. Danicic said the Police and Fire Departments are union, other staff is not. Chair Rourke stated the Budget Committee meetings are about to begin and are open for public comment regarding that issue.

An audience member stated he had personally laid out an economic scenario to try to understand the future is not what is in the past. He suggested to City Council to use funding for capital improvements, realizing a Federal Obligation Bond can push the cost out to 20 to 25 years. At the same time, the Federal Government has bonds for opportunities to fund capital improvement. He went to the CRRC and suggested affordability – people who make more pay more, those who make less pay less. He also stated that he had brought forth two sound ideas in the past to eliminate rate increases which were not taken into consideration. Other factors are retirement and health. Fifty percent of the cost of labor is health insurance. Across the country, municipalities have done something about that. He would hope the committee would understand that citizens want something different to mitigate costs throughout the future. Mr. Gougler stated the committee did listen and considered his ideas. To assume that City staff has not looked into every avenue for funding is a mistake.

Another audience member stated that staffing cuts need to be made like any business. Mr. Gougler suggested attending the Budget Committee meetings because they determine those cuts; the CRRC does not.

Ian McDonough thanked the CRRC members for voluntarily serving (with no pay). In regards to City staff, he has had much interaction with staff and the City of Newberg exceeds the service of any municipality he has dealt with. Unfortunately, homeowners cannot get lending assistance and every year dues have had to be raised. He found it interesting in this presentation, slide #10 compared to page 8 of the supplemental information. He sees the contingencies raised and buried are the capital projects. He may not understand it all, but is there a way to ratchet back contingencies until we see an increase in the housing recovery and an increase in the market? He has 5 elderly neighbors who are on the edge. He also has not attended the CRRC meetings before because this is the first time he had received a postcard in the mail.

### **III. PUBLIC COMMENTS**

All comments were allowed during the presentation.

### **IV. NEXT STEPS IN PROCESS**

As noted in the presentation discussion.

- CRRC Public Hearing February 15, 2012
- City Council Public Hearing March 19, 2012

### **V. ADJOURNMENT**

The Citizens' Rate Review Town Hall Meeting adjourned at 9:46 p.m.

**Approved by the Citizens' Rate Review Committee on this 19<sup>th</sup> day of June 2012.**

---

DawnKaren Bevill, Minutes Recorder

---

Tony Rourke, CRRC Chair/Secretary

**CITY OF NEWBERG  
CITIZENS' RATE REVIEW COMMITTEE MINUTES  
WEDNESDAY, FEBRUARY 15, 2012  
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 7:03 P.M.

**II. ROLL CALL**

**Members**

Present:	Tony Rourke, Chair	Blair Didway	Helen Brown (arrived 7:09 p.m.)
	Mike Gougler	Chuck Zickefoose	Mayor Bob Andrews, Ex-Officio

**Members**

Absent: Ernie Amundson, Jr., Vice-Chair (excused)

**Staff**

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

**Others**

Present: Deb Galardi, Consultant

Chair Rourke asked the committee members for any abstentions, conflicts of interests, or objections to jurisdiction. None were brought forward.

**III. PUBLIC COMMENTS**

Mr. Hank Grum, citizen, referred to the information that was made available at the Town Hall Meeting on February 8, 2012. On page 17 under the Wastewater Financed CIP's Total Revenues – Interim WWTP CWSRLF (Clean Water State Revolving Loan Fund) totaling \$9,626,844.00 adopted FY 2011/12 and stated he would like to know what he is paying for in those amounts, as well as the proposed revenue amounts FY 2012/13 and 2013/14. He has determined in the past that the amount for maintenance, expansion, replacement, and rehabilitation includes old water and sewer pipes that need to be replaced and is unsure what percent or how many of those pipes are still in need of replacement as well as the cost to replace them. Also, a few months ago the Yamhill County Commissioners rejected growth figures, as reported in the Newberg Graphic, and he would like to know what growth figure the budget is being based upon and has it been adjusted due to the decision of the Commissioners. There was an article in the Newberg Graphic today that stated the grade school enrollment has dropped 3% which shows people are moving out of Newberg. It has been mentioned a few times in passing without any great attention, that the state and federal governments issue unfunded mandates, but the taxpayers end up paying for it. He asked what percentage in the budget is due to what the City has been told they must do. Without that information he cannot exercise his right as a tax payer to take any political action if he does not agree with those mandates. Also, there is a present indebtedness for effluent reuse and he is unsure how much of that is still hanging on from putting in the equipment to water the golf course and how much is being budgeted to expand the effluent reuse system. In the City's loan application to the state for clean water funds, a holding reservoir is listed in that plan in the northeast; a wetland to hold the effluent reuse because it cannot be used all at once. There is a statement that

there is a hope of other effluent reuse customers such as the Friend's Cemetery, the George Fox athletic fields, the Park District fields, and the Airport. Mr. Grum would like to know the status of those plans and if they are figured into the proposed budget. He spoke to the city manager last week and mentioned these same items but has not received an answer.

Mike Gougler asked if Mr. Grum had requested a cost break-down of the government mandates. Mr. Grum replied he had spoken to Dan Danicic last week and a few months ago asked Chair Tony Rourke for an address to email comments and Mr. Grum was told he would need to contact the city manager directly.

Ian McDonough, Chairman of the Homeowners Association of Spalding Oak Condominiums, thanked the members of the CRRC, understanding the sacrifices they make as well as the due diligence of the staff of the City of Newberg. He is not speaking against a rate increase per say and would support justifiable reasons for such a rate increase, however subsequent to the meeting of last week as an additional item of information, the Association is being hit with an new master insurance rate increase of 34% which will result in payments of individual homeowners of an additional \$5 per owner, per month. Mr. McDonough stated that in the last three budgets for the Homeowner's Association, they have asked for modest dues increases for the same reasons the CRRC is considering raising rates, which is to capture reserves and plan for future maintenance and reconstruction. However, in each case they have had to carefully balance the need for building reserves and repairs versus the ability of the homeowners to pay. In each case, those dues increases have been at a percentage rate of approximately 2.3% or \$5 per owner, per month. As the CRRC considers the recommendations from staff, he asked for the CRRC to also consider that in this economy many owners are in their 80's, are on a very limited income, and due to other governmental regulations, find they are virtually unable to sell their homes. Any one of these increases or fees could very well be the straw that breaks the camels back of some of the elderly residents and owners.

Mike Gougler appreciates the comments Mr. McDonough brought forth. The CRRC has always held that particular issue at the forefront. He asked Mr. McDonough if he would suggest the City hold the rates and incurs the costs for deferring them. He is unsure how long it can be put off. There is pressure from the Federal Government and he is unsure how problems will be solved without doing an increase now. Mr. McDonough stated he understands and has agonized having to raise dues to build the reserves necessary because if the repairs are not done, the value of the property decreases. He empathizes with the CRRC as the Association has had to make decisions that have been painful for individuals and actually had to force one resident to relocate. He asked for the rate increases to be held at the minimum.

Chair Rourke closed the public testimony at 7:23 p.m. and asked staff if any written testimony had been received. Dan Danicic read the letter that was received from Bonnie Hulett who could not be present at the meeting.

#### **IV. CONSENT CALENDAR**

No items.

#### **V. CONTINUED BUSINESS**

##### **1. Staff Recommendation Regarding Rates:**

Mr. Danicic stated that through the rate review process the committee and staff have looked at the water, wastewater and stormwater budgets which have been increasing consistently since 2001 to keep up with demand and maintain the current system. Requests from the public have been heard to maintain and not

increase the rates. Mr. Danicic commended staff for bringing the proposed rates down to a 0% increase for next year which has taken a great deal of change within the organization and a reduction in staff and the amount of time spent in repair and replacement. To do any less would do a disservice to the community.

Staff proposes and recommends the committee consider the utility rates for water in January, 2013 at a 0% increase with a 3% increase in January, 2014. For wastewater 0% increase in January, 2013 with a 3% increase in January, 2014; and for Stormwater a 17.5% increase in January, 2013 with a 17.5% increase in January, 2014. Ms. Galardi asked for clarification regarding the change in rate structure for water. Mr. Danicic stated in addition, the rate water methodology in 2013 for the fixed portion will be 15% and in 2014 the fixed portion of the cost will be at 20%. Also included in the proposal is the change of the implementation date from July to January.

Chair Rourke closed the public hearing at 7:29 p.m.

## 2. CRRC Deliberation (including comments from Town Hall)

Chair Rourke referred to Mr. Grum's comments and asked for clarification on the maintenance costs and growth projections. Mr. Danicic is unclear as to Mr. Grum's concerns regarding the maintenance costs. The maintenance numbers are for the existing system and Mr. Danicic stated he did not have the information on the old system with him at the meeting.

Mr. Grum misstated a bit in regards to the population estimates. The Yamhill County Commissioners did not approve Newberg's requests for population estimates which did not include the entire county because Commissioner Leslie Lewis was concerned that the county figures were not high enough. The Commissioners asked for it to be reviewed and are having a formal study done. Thus, no new population estimates have been adopted but are operating off of population growth estimates that are based on the master management plans for all three facilities.

The WWTP expansion is necessary today regardless of the population increase or decrease. Mr. Danicic does not have the numbers with him regarding the percentage of costs on regulatory and proposed mandates but he would guess 80% is for some regulatory requirement. Every drop of water is regulated due to mandates.

Mr. Danicic indicated he had responded in writing to Mr. Grum regarding how the reuse system is not part of any of the debt money the City currently has and he does not anticipate obtaining in the future. He clarified that no capital projects are planned in the next two years that are specifically tied to reuse. Reuse was instituted for temperature purposes and the temperature criteria required a \$2.5 million project investment. He apologized in that he did not realize Mr. Grum's recent comments to him were intended to be written and submitted to the CRRC for their consideration.

Blair Didway suggested having it clearly stated on utility bills, the opportunity to round up the amount due to the nearest dollar as an attempt to help support the Billing Assistance Program in the future. Even a small contribution can make a positive impact. He would also like to see more advertising regarding the program.

Chair Rourke asked for clarification regarding a suggestion made by a citizen at the Town Hall Meeting and the potential of using General Obligation Bonds to fund capital projects for the City of Newberg. Mr. Danicic explained the bonds mean you are obligating the full faith and credit of the City as repayment of the loan or a bond which means pledging property tax payer's money. The individual at the Town Hall who suggested it seemed to think there is money out there that is less expensive and may be a better route than the State funds used to debt finance some of the projects. Mr. Danicic does not believe that is the case since the interest rate



at the state level funding is low and allows the City to use the utility rates as a source of backing the debt payments.

Mike Gougler believes there is no other way to make any more adjustments. A higher fixed percentage of the water fee is a good thing and changing the rate structure in this way will help in the future especially during depressed economic times.

Chuck Zickefoose concurs. After much deliberation the results are far better then he thought they would be.

Mr. Didway has only been on the CRRC since January, 2012, but from what he has seen the committee has done a remarkable job. He likes the rate structure and how keeping the rate structure more fixed will help citizens budget that into their monthly expenses. He agrees and concurs with the proposal. It is well prepared and executed.

Helen Brown believes many of the citizens at the Town Hall Meeting realized the CRRC is not just raising rates for the fun of it, but this has to be done. Perhaps the CRRC needs to sponsor a quarterly town hall meeting since it is an education process.

Chair Rourke reminded the CRRC that they began by looking at 10% increases for January. Going from that percentage to a 0% increase is significant and he hopes it does not reflect poorly on the maintenance of the system in the next two years. He believes staff did much work and Ernie Amundson pushed for staff reductions and that has been reflected in the proposal.

Mr. Gougler believes it is important on behalf of the committee to express thanks to staff for the incredible amount of preparation and one of the highest levels of presentations he has ever seen. He appreciates Mayor Andrews attending all of the meetings as well as the minute takers who have been present. He also noted that although the Newberg Graphic has been quoted by citizens who have attended, no reporter has attended the CRRC meetings, which is unfortunate.

3. Recommend Proposed Rates to City Council for Consideration (or direct staff to prepare additional analysis)

**MOTION #1:** Gougler/Zickefoose moved to implement the rate increases from July to January beginning 2013; to modify the fixed portion of the water rate from its current 9% to 15% in 2013 and to 20% in 2014; to implement the rates that have been proposed at 0% increase for water in January, 2013 and a 3% increase in January, 2014; for wastewater 0% increase in January, 2013 and a 3% increase in January, 2014; and for stormwater a 17.5% increase in January, 2013 and a 17.5% increase in January, 2014.  
Motion carried (5 Yes/0 No/ 1 Absent [Admundson])

## VI. ADJOURNMENT

The meeting adjourned at 8:01 P.M.

**Approved by the Citizens' Rate Review Committee on this 19<sup>th</sup> day of June 2012.**

---

DawnKaren Bevill, Minutes Recorder

---

Tony Rourke, CRRC Chair/Secretary

## **Appendix 3B Planning Commission**



**THIS PAGE INTENTIONALLY LEFT BLANK**

## 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  $\frac{1}{2}$  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

Commissioner Stuhr suggested a member of the Planning Commission attend the City Council meeting to speak about the concerns before Sonja Johnson makes the presentation to City Council.

Chair adjourned the meeting at 9:45 p.m.

*Thomas C. B...*  
Planning Commission Chair



**THIS PAGE INTENTIONALLY LEFT BLANK**

## **Appendix 3C City Council**

**THIS PAGE INTENTIONALLY LEFT BLANK**



**CITY COUNCIL WORK SESSION  
JUNE 4, 2012  
6:00 P.M.  
NEWBERG PUBLIC SAFETY BUILDING  
401 EAST THIRD STREET**

WORK SESSIONS ARE INTENDED FOR DISCUSSION. NO ACTION WILL BE TAKEN ON THE AGENDA ITEMS AND NO DECISIONS WILL BE MADE. NO ORAL OR WRITTEN TESTIMONY WILL BE HEARD OR RECEIVED FROM THE PUBLIC.

**I. CALL MEETING TO ORDER**

**II. ROLL CALL**

**III. REVIEW OF COUNCIL AGENDA AND MEETING**

Presentation from Operations Division on the proposed Stormwater Management Program.

**IV. COUNCIL HOUSEKEEPING ITEMS**

**V. ADJOURNMENT**

**ACCOMMODATION OF PHYSICAL IMPAIRMENTS:**

*In order to accommodate persons with physical impairments, please notify the City Recorder's Office of any special physical accommodations you may need as far in advance of the meeting as possible and no later than 48 business hours prior to the meeting. To request these arrangements, please contact the city recorder at (503) 537-1283. For TTY service please dial 711.*



**MEMORANDUM**  
**PUBLIC WORKS DEPARTMENT**  
Operations Division

**TO:** Newberg City Council

**FROM:** Sonja Johnson, Public Works Environmental Specialist

**SUBJECT:** Measures to Control Construction Site Runoff, Illicit Discharges into the Stormwater System, and Post-Construction Stormwater

**DATE:** June 4, 2012

The June 4, 2012, work session will include a presentation on a proposed ordinance required by the City's Willamette River TMDL (Total Maximum Daily Load) Implementation Plan. The purpose of the work session is to present the history of the Plan, the municipal code language required by it, and the code review that has been completed to date. It is also an opportunity to answer questions and listen to your recommendations before the first reading of the ordinance on June 18, 2012.

### **Background**

The primary force behind all TMDL Plans is Section 303(d) of the Clean Water Act. Under this authority the US Environmental Protection Agency ordered the Oregon Department of Environmental Quality (DEQ) to identify its rivers and streams that were not attaining water quality standards and determine the total maximum daily load that could be discharged and still maintain their water quality and beneficial uses.

In 2006, after EPA-approval of the TMDLs for the Willamette River, the DEQ sent a letter to the City stating that procedures and methods needed to be determined for controlling the temperature, bacteria, and mercury that was discharged into the Willamette River by Hess Creek, Chehalem Creek, and Springbrook Creek.

In 2008, the City and DEQ agreed on these methods and procedures. They are detailed in the City of Newberg's Willamette River TMDL Implementation Plan (the "Plan"). The City was given until 2013 to complete and implement the methods and procedures and has currently completed or implemented 50% of them.

The Plan includes tasks to adopt additional municipal code for controlling illicit discharges, construction site runoff, and post-construction stormwater. Reviews of the DEQ's Willamette River TMDL Plan, the City's Plan, and the municipal code of comparable cities provided the building blocks used by staff to create the initial version of the proposed municipal code.

On May 16, 2011, the City Council convened the Stormwater Ad-hoc Committee to review and refine the municipal code developed by staff. Using the requirements of the Plan, the Stormwater Ad-hoc Committee reviewed and refined the code every 2 weeks from May 26 to October 6 when they recommended the code to the Planning Commission.

A workshop for the Planning Commission was held on October 13, 2011, to discuss the reasons for the municipal code and to review the code. On November 10, 2011, the Planning Commission heard public testimony regarding the municipal code and refined it. On January 12, 2012, the Planning Commission heard further public testimony before recommending the municipal code to the City Council.

### **TMDL Implementation Plan and Municipal Code Requirements**

The procedures and methods in the Plan reflect the DEQ's focus on reducing bacteria, mercury, and stream temperatures through the control of illicit discharges, erosion, and stormwater. Bacteria and mercury are controlled through the management of illicit discharges, stormwater, and construction site runoff. Stream temperatures are primarily controlled through protection of streambank vegetation and shading.

The municipal code required by the Plan provides legal authority and enforcement mechanisms for implementing the Plan's procedures and methods. Adoption and subsequent implementation of the code will result in the City meeting 85% of the Plan's tasks.

#### **A. Illicit Discharge Detection and Elimination**

An illicit discharge is any discharge to a stormwater system that is not composed entirely of stormwater. Our TMDL Implementation Plan requires the City to:

1. Prohibit non-stormwater discharges into the stormwater system.  
Under the proposed code, only stormwater is allowed in the system. Illicit connections and illegal dumping are prohibited.
2. Address specific discharge categories as either exempt or exempt with conditions.
3. Prohibit individual non-stormwater discharges if they affect water quality.  
Facilities must follow state spill notification procedures and prevention requirements.

#### **B. Construction Site Runoff**

Construction site practices in the Plan include review of construction site plans, city staff inspection of construction sites that are less than 1 acre, placement of erosion controls regardless of construction site size, and proper disposal of construction waste. The municipal code requires implementation of these measures.

The Plan also required the City to consider the adoption of DEQ's 1200-C permit program for construction sites larger than 1 acre. While the municipal code requires a

copy of the 1200-C permit for documentation purposes, the administration of the 1200-C permit program will remain with the DEQ.

**C. Post-Construction Runoff**

Post-construction runoff refers to the management of urban stormwater. The Plan requires the City to institute stormwater management practices and facilities that minimize or prevent water quality impacts. It also requires the City to conduct site plan reviews, include structural and non-structural facilities, and ensure adequate long-term operation and maintenance of stormwater facilities.

The proposed municipal code provides tiered requirements based on the amount of new impervious area created by a project. Projects that create less than 500 sq ft of additional impervious area are exempt from the municipal code. Projects on duplex or single family residential lots are also exempt if they are serviced by an existing stormwater facility.

To ensure long-term operation and maintenance of stormwater facilities, the owner of a stormwater facility is required to submit an annual report to the City attesting to the proper functioning, maintenance, and safety of the stormwater facility.

**Summary**

The City's Willamette River TMDL Implementation Plan requires the City to address mercury, bacteria, and stream temperatures in Chehalem Creek, Hess Creek, and Springbrook Creek. The Plan accomplishes this by minimizing illicit discharges, erosion, and stormwater volumes through best management practices and additional municipal code. The municipal code required by the Plan provides legal authority for the City to implement and enforce the methods and procedures agreed upon in the Plan.

The City's Willamette River TMDL Implementation Plan is in its 4<sup>th</sup> year of a 5-year cycle with a little over 50% of the tasks completed. With the adoption of municipal code, the City will have completed 85% of the tasks within the Plan.

**Attachments:**

- A. Presentation**
- B. Proposed Municipal Code**

**CITY OF NEWBERG COUNCIL MINUTES****JUNE 18, 2012****7:00 P.M. MEETING****PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

A work session was held prior to the meeting. A presentation from the Police Department and demonstration of the new police vehicles was given. All Councilors and the Mayor were present; no action was taken and no decisions were made.

**I. CALL MEETING TO ORDER**

Mayor Bob Andrews called the meeting to order at 7:00 PM.

**II. ROLL CALL****Members**

Present:	Mayor Bob Andrews	Denise Bacon	Ryan Howard	Stephen McKinney
	Bart Rierson	Marc Shelton	Wade Witherspoon	

**Staff**

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Norma I. Alley, City Recorder
	Sonja Johnson, Environmental Specialist	Jennifer Nelson, Deputy City Recorder
	Jason Wuertz, Project Manager	

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. CITY MANAGER'S REPORT**

Mr. Daniel Danicic, City Manager, spoke about the Newberg Farmers' Market and Tunes on Tuesday, encouraging everyone to attend. He discussed the League of Oregon Cities (LOC) legislative priorities and the intention to discuss them during an upcoming work session to submit their top four priorities for Newberg. The Local Government Dinner hosted by the City of Dayton will be held this Thursday, June 28, 2012, as well as Public Works Day at the Library and the Library's Summer Reading Kick-off will be held on June 20, 2012.

**V. PUBLIC COMMENTS**

Mayor Andrews opened and closed the public testimony; no citizens appeared.

**VI. CONSENT CALENDAR**

1. Consider a motion approving **Resolution No. 2012-3007** authorizing the city manager to execute an Intergovernmental Agreement with CPRD to allow for inclusion of city streets in the Heritage Trail system for the purpose of signage.
2. Consider a motion accepting the Chamber of Commerce's 3<sup>rd</sup> Quarter Report for the Visitor Information Center.

**MOTION:** **Bacon/Rierson** approving the Consent Calendar including **Resolution No. 2012-3007** and the Chamber of Commerce's 3<sup>rd</sup> Quarter Report for the Visitor Information Center. Motion carried (7 Yes/0 No).



**VII. PUBLIC HEARINGS**

1. Consider a motion adopting **Ordinance No. 2012-2751** adopting revised findings for the South Industrial UGB amendment and revisions to the Economic Opportunities Analysis.

TIME – 7:05 PM

Mayor Andrews introduced the legislative hearing in the fifth reading and called for any conflicts of interest or abstentions; none appeared.

Mr. Barton Brierley, Planning and Building Director, presented the staff report and recommended adoption (see official meeting packet for full report).

Mr. Terry Mahr, City Attorney, said a request was received from 1000 Friends of Oregon for additional time to respond to documents and two council members informally requested additional time to review documents. He added if new evidence is introduced they are obligated to reopen the record for a week. He suggested postponing the hearing until the August 6, 2012, to allow staff time to include information for the packet and because he will not be attending the second Council meeting in July.

Councilor Shelton said the material has been repackaged and asked if it is mostly what the Council has looked at before. Staff replied yes, other than the double underlined items; there are changes beyond pages 19-20, but yes all has been seen by Council.

Councilor Bart Rierson said if the information is mostly a reconsolidation, he recommends leaving it out of the record. If it is just a summary of what they have looked at before, he would like to move this process forward; otherwise more written testimony will be submitted every time staff puts in something they want to respond to. He would prefer to leave out the most recent staff report so they do not have to accept the request and delay the process any longer.

Councilor Stephen McKinney said with such a late date of receipt and some Council not being able to peruse all 250 pages he is prepared to postpone.

Councilor Ryan Howard agreed there is a lot in the repackaging but there were several substantive changes and he would understand the need and desire for more time, so he would be willing to accept that.

Councilor Shelton replied he felt the need to limit the response to the double-underlined issues because the content of letters was not new; one was just reprinted from a previous date. He also felt the response should be limited to give the city a chance to respond.

Mayor Andrews said he was willing to accept the letter.

**MOTION: Howard/Bacon** to accept the letter requesting additional response. Motion carried (6 Yes/1 No [Shelton]).

**MOTION: McKinney/Rierson** to postpone the hearing on **Ordinance No. 2012-2751** until August 6, 2012, leaving the record open for response to be submitted until June 25, 2012 by the close of business. Motion carried (6 Yes/1 No [Shelton]).

2. Consider a motion approving **Ordinance No. 2012-2754** adopting a Stormwater Management Program requiring measures to control construction site runoff, illicit discharges, and post-construction stormwater.

TIME – 7:19 PM

Mayor Andrews introduced the legislative hearing in the first reading and called for any conflicts of interest or abstentions; none appeared.

Ms. Sonja Johnson, Environmental Specialist, presented the staff report and recommended adoption (see official meeting packet for full report).

Councilor Howard asked where did the proposed language come from.

Ms. Johnson replied they took examples with comparable city codes from McMinnville, West Linn, Keizer, Woodburn, and the cities from 15,000 up to 33,000 in population. They meshed them together for the initial code and brought it before the Stormwater Ad-hoc Committee and Planning Commission.

Councilor Howard expressed concern with the exemption for increases in impermeable surfaces in areas less than 500 square feet. He asked if there was anything to prevent a parking lot from being put in 500 square feet at a time. Ms. Johnson replied there was one part of the code stating if it is part of a larger project, then it will adhere to regulations as if it was whole, so it cannot be piecemealed.

Mayor Andrews opened and closed the public testimony as no citizens appeared to testify. Staff recommended adopting the code. Mayor Andrews asked if the Council wished to consider the ordinance in the first reading.

**MOTION: McKinney/Rierson** to waive the second reading and go into discussion. Motion carried (7 Yes/0 No).

**MOTION: Rierson/Bacon** approving **Ordinance No. 2012-2754** adopting a Stormwater Management Program requiring measures to control construction site runoff, illicit discharges, and post-construction stormwater, read by title only. Motion carried (7 Yes/0 No).

4. Consider a motion approving **Resolution No. 2012-2994** adopting new monthly water rates effective January 1, 2013.

TIME – 7:34 PM

Mayor Andrews introduced the administrative hearing as a series of resolutions dealing with water, wastewater, and stormwater rates and called for any conflict of interest or abstentions; none appeared.

Mr. Danicic presented the staff report and recommended adoption of all three rates (see official meeting packet for full report).

Mayor Andrews thanked the Citizens' Rate Review Committee (CRRC) for the great deal of discussion and new insights brought to the committee. He said they had a good, sound product benefiting the city and laying groundwork for the future.

**MOTION: Shelton/Bacon** approving **Resolution No. 2012-2994** adopting new monthly water rates effective January 1, 2013. Motion carried (7 Yes/0 No).

5. Consider a motion approving **Resolution No. 2012-2995** adopting new monthly wastewater rates effective January 1, 2013.

TIME – 7:40 PM

**MOTION: Bacon/Witherspoon** approving **Resolution No. 2012-2995** adopting new monthly wastewater rates effective January 1, 2013. Motion carried (7 Yes/0 No).

6. Consider a motion approving **Resolution No. 2012-2996** adopting new monthly stormwater rates effective January 1, 2013.

TIME – 7:41 PM

**MOTION: Rierison/Bacon** approving **Resolution No. 2012-2996** adopting new monthly stormwater rates effective January 1, 2013. Motion carried (7 Yes/0 No).

3. Consider a motion approving **Resolution No. 2012-3008** adopting the 2012-2013 Budget and including election to participate in the State Revenue Sharing Program.

TIME – 7:42 PM

This item was heard out of agenda order. Mayor Andrews introduced the administrative hearing and called for any conflicts of interest or abstentions; none appeared.

Ms. Janelle Nordyke, Finance Director, presented the staff report and recommended adoption (see official meeting packet for full report).

Mayor Andrews opened and closed the public testimony as no citizens appeared to testify. Staff recommended approval.

**MOTION: Shelton/McKinney** approving **Resolution No. 2012-3008** adopting the 2012-2013 Budget and including election to participate in the State Revenue Sharing Program. Motion carried (7 Yes/0 No).

## VIII. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2012-3010** accepting an interim financing loan from Clean Water State Revolving Fund in the amount of \$14,484,130.00 for the Wastewater Treatment Plant Repair, Renovation and Expansion Project.

TIME – 7:50 PM

Mr. Jason Wuertz, Project Manager, and Ms. Nordyke presented the staff report; passed out an updated chart regarding the repair, renovation, and expansion of the Wastewater Treatment Plant; and recommended adoption of the resolution (see official meeting packet for full report).

Councilor McKinney asked what the length of these loans is. Ms. Nordyke replied 20 years.

Mayor Andrews asked if it was based on revenue and it is really a line of credit. Staff replied this was correct.

Mayor Andrews asked staff if they wish to have Exhibit “A” in the resolves since it was referred to in the recitals. Ms. Nordyke replied they do not; it is incorporated and does not need to be adopted.

**MOTION: Shelton/Howard** approving **Resolution No. 2012-3010** accepting an interim financing loan from Clean Water State Revolving Fund in the amount of \$14,484,130.00 for the Wastewater Treatment Plant Repair, Renovation and Expansion Project. Motion carried (7 Yes/0 No).

2. Consider a motion approving **Resolution No. 2012-3011** authorizing the city manager to negotiate Change Order #2 for the construction of Fire Station #20 Remodel Project.

TIME – 7:58 PM

Mr. Wuertz presented the staff report and recommended approval (see official meeting packet for full report).

Councilor Shelton asked staff for a reminder of the previous change order. Mr. Wuertz said Change Order #1 was approved before unforeseen site conditions were discovered post demolition. Scope was added to increase the value because the bid was lower than originally budgeted. As of late, necessary architectural clarification to the plans occurred, which the contractor could not financially assume. Staff discussed the value of the project with the additional grant money. Councilor Shelton appreciated the value, but was concerned with low bids really being competitive when they are not actually saving money.

**MOTION:** **Howard/Bacon** approving **Resolution No. 2012-3011** authorizing the city manager to negotiate Change Order #2 for the construction of Fire Station #20 Remodel Project. Motion carried (7 Yes/0 No).

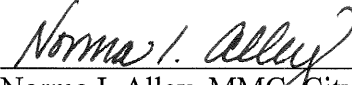
## **IX. COUNCIL BUSINESS**

None.


## **XII. ADJOURNMENT**

The meeting adjourned at 8:09 PM.

**ADOPTED** by the Newberg City Council this 6<sup>th</sup> day of August, 2012.

  
\_\_\_\_\_  
Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 9<sup>th</sup> day of August, 2012.

  
\_\_\_\_\_  
Bob Andrews, Mayor

**THIS PAGE INTENTIONALLY LEFT BLANK**

## **Appendix 3D Municipal Code for Erosion Control, Illicit Discharges, and Stormwater Management**

**THIS PAGE INTENTIONALLY LEFT BLANK**



## ***ORDINANCE No. 2012-2754***

---

### **AN ORDINANCE REQUIRING MEASURES TO CONTROL CONSTRUCTION SITE RUNOFF, ILLICIT DISCHARGES INTO THE STORMWATER SYSTEM, AND POST-CONSTRUCTION STORMWATER**

---

#### **RECITALS:**

1. The Oregon Department of Environmental Quality (DEQ) ordered the City of Newberg on October 17, 2006, to create a Willamette River Total Maximum Daily Load (TMDL) Implementation Plan, which was subsequently approved by the Oregon DEQ on October 17, 2008, and adopted by the City Council on December 1, 2008, through Resolution No. 2008-2820.
2. The Willamette River TMDL Implementation Plan requires the City to enact municipal code, which controls construction site runoff, illicit discharges, and post-construction stormwater.
3. On May 16, 2011, the City Council adopted Resolution No. 2011-2947 convening the Stormwater Ad-hoc Committee. From May 26, 2011, to October 6, 2011, the Stormwater Ad-hoc Committee reviewed and refined municipal code developed by staff.
4. On October 13, 2011, a Planning Commission workshop was held to discuss the requirements of the Willamette River TMDL Implementation Plan and the proposed municipal code. On November 10, 2011, a public hearing was held by the Planning Commission to refine the municipal code. On January 12, 2012, the Planning Commission adopted Planning Resolution No. 2012-296 recommending the proposed code to the City Council.
5. On June 4, 2012, a City Council work session was held to discuss the requirements of the Willamette River TMDL Implementation Plan and the proposed municipal code.

#### **THE CITY OF NEWBERG ORDAINS AS FOLLOWS:**


The Newberg City Council does hereby adopt the new municipal code to fulfill the requirements of the Willamette River TMDL Implementation Plan, as attached in Exhibit "A", which is hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: July 18, 2012.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 18<sup>th</sup> day of June, 2012, by the following votes: **AYE: 7    NAY: 0    ABSENT: 0    ABSTAIN: 0**

  
 \_\_\_\_\_  
 Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 21<sup>st</sup> day of June, 2012.

  
 Bob Andrews, Mayor



## **Exhibit “A” to Ordinance No. 2012-2754**

### **Chapter 13.25 STORMWATER MANAGEMENT**

#### **Sections:**

#### **Article I. General Provisions**

- 13.25.010 Interpretation
- 13.25.020 Definition of terms.

#### **Article II. Erosion Control**

- 13.25.030 Purpose and intent.
- 13.25.040 Scope.
- 13.25.050 Exemptions.
- 13.25.060 Erosion and sediment controls.
- 13.25.070 Erosion and Sediment Control (ESC) Plans.
- 13.25.080 Erosion and Sediment Control Plan Revisions.
- 13.25.090 Inspections.

#### **Article III. Illicit Discharge Detection and Elimination**

- 13.25.100 Purpose and intent.
- 13.25.110 Scope.
- 13.25.120 General.
- 13.25.130 Exempt Discharges.
- 13.25.140 Conditionally-exempt discharges.
- 13.25.150 Illicit connections.
- 13.25.160 Illegal dumping.
- 13.25.170 Riparian destabilization.
- 13.25.180 Discharges in violation of NPDES permit.
- 13.25.190 Commercial and industrial discharges.
- 13.25.200 Spill prevention plans.
- 13.25.210 Spill notification.
- 13.25.220 Inspection authority.
- 13.25.230 Suspension of discharge access.
- 13.25.240 Remediation.

#### **Article IV. Stormwater Discharges**

- 13.25.250 Purpose and intent.
- 13.25.260 Scope.
- 13.25.270 Stormwater treatment.
- 13.25.280 Facility Design.

## Exhibit “A” to Ordinance No. 2012-2754

13.25.290 Facility Responsibility.  
13.25.300 Maintenance.  
13.25.310 Inspections.  
13.25.320 Variances.

### Article V. Enforcement and Penalties

13.25.330 General.  
13.25.340 Concealment.  
13.25.350 Notice of violation.  
13.25.360 Stop work order.  
13.25.370 Summary abatement.  
13.25.380 Appeal procedure.  
13.35.390 Penalties.

**Cross-references:** Citizens’ rate review committee, see **NMC 2.15.120** et seq.; stormwater system, see **NMC 13.20**; system development charges, see **NMC 13.05**, Article I.

### Article I. General Provisions

#### 13.25.010 Interpretation

- A. 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 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.

#### 13.25.020 Definition of terms.

“Applicant” means the owner or authorized agent acting on behalf of the owner.

## Exhibit “A” to Ordinance No. 2012-2754

**“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.

## Exhibit “A” to Ordinance No. 2012-2754

**“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.

## Exhibit “A” to Ordinance No. 2012-2754

**“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.

## Exhibit “A” to Ordinance No. 2012-2754

**“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 receives 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

## Exhibit “A” to Ordinance No. 2012-2754

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.

## Article II. Erosion Control

### 13.25.030 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.

### 13.25.040 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 13.25.050**. 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.

## Exhibit “A” to Ordinance No. 2012-2754

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 13.25.060**; 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.

### **13.25.050 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 a floodplain or the Newberg stream corridor overlay sub-district; or



## **Exhibit “A” to Ordinance No. 2012-2754**

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.

### **13.25.060 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. 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;
  2. Inspect erosion and sediment controls weekly and after rain events; and
  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,

**Exhibit “A” to Ordinance No. 2012-2754**

erosion, or sedimentation;

5. Is identified by the city to potentially generate stormwater that would create a violation of DEQ water quality standards;
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;

**13.25.070 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 1200-C documents submitted and approved by DEQ.
  1. No permits shall be issued until the ESC plan is approved by the city or the applicant has provided a copy of the documents submitted to the DEQ for its 1200-C permit.
  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 13.25.070.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 completed on a single lot, disturbing more than 500 square feet, and located on duplex or single family 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;

## **Exhibit “A” to Ordinance No. 2012-2754**

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;
12. Name and 24-hour emergency contact information for the person responsible for maintaining and inspecting erosion and sediment controls; and
13. Any other provisions required by the erosion and sediment control manual for small sites and projects.

### **13.25.080 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

## **Exhibit “A” to Ordinance No. 2012-2754**

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.

### **13.25.090 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.

## **Exhibit “A” to Ordinance No. 2012-2754**

### **Article III. Illicit Discharge Detection and Elimination**

#### **13.25.100 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.

#### **13.25.110 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.

#### **13.25.120 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.

#### **13.25.130 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;

## **Exhibit “A” to Ordinance No. 2012-2754**

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.

### **13.25.140 Conditionally-exempt discharges.**

The following discharges are allowed if they meet their respective restrictions and are not identified by the director as a significant pollution source:

- 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.

### **13.25.150 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.

### **13.25.160 Illegal dumping.**

- A. No person may cause or contribute to pollution of watercourses or the stormwater system.

## **Exhibit “A” to Ordinance No. 2012-2754**

- 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.

### **13.25.170 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 stream bank 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.

### **13.25.180 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 lying within the city limits.

### **13.25.190 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 sheet flow to the stormwater system or watercourses within city limits is expressly prohibited unless listed as exempt or conditionally exempt in these requirements.

### **13.25.200 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.

### **13.25.210 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:
  - 1. Activate alarms or otherwise warn persons in the immediate area;

## Exhibit “A” to Ordinance No. 2012-2754

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.

### **13.25.220 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.

### **13.25.230 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.

### **13.25.240 Remediation.**



**Exhibit “A” to Ordinance No. 2012-2754**

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.

**Article IV. Stormwater Management****13.25.250 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.

**13.25.260 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:

## Exhibit “A” to Ordinance No. 2012-2754

1. Duplex and single family residential projects on single lots that are already serviced by a properly functioning stormwater facility; or
2. Emergency measures taken to alleviate an immediate threat to the public, environment, or downstream stormwater facilities.

### **13.25.270 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.

### **13.25.280 Facility Design.**

- A. Prior to an applicant receiving a permit for a project, 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. The submitted material shall be used by the director to determine whether the proposed stormwater facilities are subject to **NMC 13.25.280.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

**Exhibit “A” to Ordinance No. 2012-2754**

manual. The material shall be used by the director to determine whether stormwater facilities are required for the project and subject to **NMC 13.25.280.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.

**13.25.290 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.

**13.25.300 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.

**Exhibit "A" to Ordinance No. 2012-2754**

- 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.

**13.25.310 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.

**13.25.320 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

## **Exhibit “A” to Ordinance No. 2012-2754**

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; and
  3. Providing the city with a conservation easement within the watershed of the receiving watercourse.

### **Article V. Enforcement and Penalties**

#### **13.25.330 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.

#### **13.25.340 Concealment.**

Causing, permitting, aiding, abetting, or concealing a violation of any provision of these requirements shall constitute a violation of these regulations.

## **Exhibit “A” to Ordinance No. 2012-2754**

### **13.25.350 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.

### **13.25.360 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.

### **13.25.370 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.

### **13.25.380 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
  - 4. Specific grounds on which the appeal is filed.

**Exhibit “A” to Ordinance No. 2012-2754**

- 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.

**13.35.390 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.

## **Exhibit “A” to Ordinance No. 2012-2754**

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**.



**THIS PAGE INTENTIONALLY LEFT BLANK**