

**TUESDAY WORK SESSION AGENDA**  
**October 10, 2023**  
**Courthouse Conference Room**

THE LOCATION OF THIS MEETING IS ADA ACCESSIBLE. PLEASE ADVISE THE BOARD OF COMMISSIONERS (503-623-8173)  
AT LEAST 24 HOURS IN ADVANCE IF YOU NEED SPECIAL ACCOMMODATIONS TO ATTEND OR TO PARTICIPATE IN THE  
MEETING VIRTUALLY.

**Approximate  
Time**

**AGENDA**

- |           |  |
|-----------|--|
| 9:00 a.m. | 1. CALL TO ORDER – PLEDGE OF ALLEGIANCE  |
|           | 2. COMMENTS (for items not on this agenda and limited to 3 minutes)              |
|           | 3. APPROVE MINUTES OF October 3, 2023  |
|           | 4. POLK COUNTY SHERIFF UPDATE – Mark Garton                                      |
|           | 5. POLK COUNTY’S TOTAL MAXIMUM DAILY LOAD IMPLEMENTATION PLAN –<br>Sidney Mulder |
|           | 6. 2023-2024 MWVHA Member Contributions – Greg Hansen                            |
|           | 7. NON-LISTED ITEMS (Pursuant to ORS 192.640)                                    |

Regular meetings of the Board of Commissioners are held on Tuesday and Wednesday each week. The meetings are held in the Board of Commissioners’ conference room, 850 Main Street, Dallas, Oregon. Each meeting begins at 9:00 a.m., and is conducted according to a prepared agenda that lists the principal subjects anticipated to be considered. Pursuant to ORS 192.640, the Board of Commissioners may consider and take action on subjects that are not listed on the agenda. The Board also holds a department staff meeting at 9:00 a.m. on Every Monday in the Commissioners Conference Room at 850 main Street, Oregon.

The Homeless Prevention Advisory Council will be meeting on October 11, 2023 from 12:00 pm to 1:30 pm located in the first floor conference room at 182 SW Academy St, Dallas Oregon, 97338.

The Polk Extension Service District will be meeting at 10:00 am on October 17, 2023. The meeting will be in the main conference room located on the first floor of 850 Main St Dallas OR 97338.

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**APPEARANCE OF INTERESTED CITIZENS**

The Board sets aside a time at each regular meeting for comment by the public on subjects not appearing on the Agenda. Individuals may come forward and make any statement they wish, but not to exceed three (3) minutes in length, except as is required to give concise answers to questions from Board members. If the subject will require a lengthier presentation, or merits inclusion as an item on the Agenda of a future meeting, the Board shall schedule it accordingly.

**POLK COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY MEETING MINUTES**  
**October 3, 2023**

1. At 9:00 a.m., Commissioner Pope declared the Tuesday meeting of the Polk County Board of Commissioners in session and led the Board and attending audience in the Pledge of Allegiance. Commissioner Mordhorst was present and Commissioner Gordon was absent.

**2. COMMENTS (for items not on this agenda):**

None

**3. MINUTES:**       **COMMISSIONER MORDHORST MOVED, COMMISSIONER POPE  
SECONDED TO APPROVE THE MINUTES OF September 19, 2023**

**MOTION PASSED BY UNANIMOUS VOTE OF THE QUORUM.**

**4. WEST VALLEY HOUSING AUTHORITY INTERVIEW:**

Douglas Daily appeared before the Board and staff to have a public interview for the West Valley Housing Authority Committee. Mr. Daily answered a series of questions from the Commissioners. The Commissioners thanked Mr. Daily for his time and stated that someone would be in contact with him at a future date.

**5. POLK COUNTY PERSONNEL RULE REVISIONS:**

Matt Hawkins, Admin Services Director, provided the Board and staff a memorandum along with the revisions that were made to the Polk County Personnel Rules. Mr. Hawkins provided background information on the process of the revisions and stated that these have been reviewed by the Commissioners, Administrative Officer and County Counsel. Mr. Hawkins is recommending the approval of the proposed revisions which will be under Resolution No. 23-14 on the 10/4/2023 BOC Consent Calendar.

**COMMISSIONER MORDHORST MOVED, COMMISSIONER POPE  
SECONDED TO MOVE FORWARD AND KEEP THE RESOLUTION  
ON THE 10/4/2023 CONSENT CALENDAR.**

**MOTION PASSED BY UNANIMOUS VOTE OF THE QUORUM.**

**6. 2023-2024 MWVHA MEMBER CONTRIBUTIONS:**

Greg Hansen, Administrative Officer, stated that the agenda item # 6 would be tabled until next week when Commissioner Gordon would be present.

**7. NON-LISTED ITEMS** - (Pursuant to ORS 192.640, the Board of Commissioners considered the below identified non-listed items.)

None.

Commissioner Pope adjourned the meeting at 9:18 a.m.



# POLK COUNTY

POLK COUNTY COURTHOUSE • DALLAS, OREGON 97338  
(503) 623-9237

COMMUNITY DEVELOPMENT

AUSTIN M<sup>c</sup>GUIGAN  
Director

## MEMORANDUM

**TO:** Board of Commissioners  
**FROM:** Sidney Mulder, Planning Manager  
**DATE:** October 2, 2023  
**SUBJECT:** Polk County's Total Maximum Daily Load (TMDL) Implementation Plan

### Tuesday Agenda – October 10, 2023

#### RECOMMENDATION:

Planning Staff recommends that the Board of Commissioners approve the updated Polk County Total Maximum Daily Load (TMDL) Implementation Plan.

#### ISSUE:

Should Polk County approve the attached TMDL Implementation Plan? The attached TMDL Implementation Plan has been updated by Planning Staff and was approved by the Oregon Department of Environmental Quality (DEQ) on June 9, 2023.

#### BACKGROUND:

Polk County is required to implement a Total Maximum Daily Load (TMDL) Implementation Plan in order to comply with State and Federal law. According to the Oregon Department of Environmental Quality (DEQ), the Willamette River and numerous tributaries do not currently meet several water quality standards including those regarding bacteria, mercury and temperature. These standards are intended to assure that beneficial uses of the river and tributaries, such as swimming, fish consumption and fish rearing are protected. When water quality standards are not met, the federal Clean Water Act requires a TMDL to be established. A TMDL determines how much pollution can be added to the river without exceeding water quality standards.

In September 2006, DEQ issued the Willamette Basin TMDL as an Order, which was approved by the Environmental Protection Agency (EPA). As part of the Willamette TMDL, DEQ developed a Water Quality Management Plan (WQMP) to describe the overall framework for implementing the Willamette Basin TMDL. The WQMP includes a description of activities, programs, legal authorities and other measures for which DEQ and other designated management agencies (DMAs) have regulatory responsibility. Along with other counties, cities, and agencies in the Willamette Basin, Polk County has been named by DEQ as a DMA in that it has legal authority over a sector or source contributing pollutants within those sections of Polk County outside of the city limits of Salem, Dallas, Monmouth, Independence, Falls City, and Willamina, and further excluding those properties under the jurisdiction of the Confederated Tribes of Grand Ronde.

Polk County's TMDL Implementation Plan was originally created in 2009 and was updated in 2013, and 2018. On November 22, 2019, a Willamette Basin Mercury WQMP was developed to meet the Oregon human health criterion for methylmercury in fish tissue and comply with OAR 340-041-8033. The Willamette Basin Mercury WQMP was then revised on February 4, 2021, and Polk County was given 18 months to develop a new Implementation Plan to incorporate the

new criteria. The revised Implementation Plan was submitted to DEQ on August 15, 2022 and was approved by DEQ on November 15, 2022.

In February of 2023, Planning Staff completed a third Implementation Plan update, which was approved by DEQ on June 9, 2023. This TMDL Implementation Plan consists of actions that would be taken by Polk County to reduce river and stream temperatures, and to reduce the levels of bacteria and mercury entering Polk County rivers and streams. The specific management strategies and timelines that make up the Plan are included in the TMDL Implementation Planning Matrix (Exhibits A and B to the TMDL Implementation Plan).

#### **DISCUSSION/ALTERNATIVES:**

1. Approve the TMDL Implementation Plan included as Attachment A; or
2. Other.

#### **FISCAL IMPACTS:**

Implementation of this Plan will incur administrative costs in the Community Development Department and the Public Works Department. These costs include staff time, mailing, and printing costs. Fiscal impacts will also include costs associated with implementation of the Plan's action items and enforcement. DEQ also charges an annual fee to cover their costs in administering this program.

#### **ATTACHMENT:**

Attachment A: TMDL Implementation Plan (2023)

- Exhibit A: TMDL Implementation Planning Matrix (Temperature and Bacteria)
- Exhibit B: Mercury TMDL Implementation Planning Matrix
- Exhibit C: Polk County Stormwater Management Plan (SWMP), (Current version dated February 2022).
- Exhibit D: Polk County Zoning Ordinance Chapter 182. Section 182.050(B) describes the riparian and wetland setback. Section 182.040(E) describes the management plan criteria.
- Exhibit E: Polk County Nuisance Abatement Ordinance Chapter 43. Section 43.057 describes enforcement of prohibited substances.
- Exhibit F: Polk County Building Code Ordinance. Chapter 80. Section 80.133 describes Erosion and Sediment Control protections and requirements of applicable building permits to obtain necessary permits from DEQ.
- Exhibit G: Polk County Enforcement of County Ordinances. Chapter 50 enforces Polk County ordinances.
- Exhibit H: Polk County Road Use Restrictions. Chapter 32 gives regulatory authority to Polk County.
- Exhibit I: Land Use Compatibility Statement.

## **Polk County Mercury Total Maximum Daily Load Implementation Plan (February 2023)**

### **Introduction**

Polk County is recognized as a designated management agency by the Department of Environmental Quality (DEQ) and as such, is required to address actions the County must take to reduce the impact of the pollutants with load allocations. This management plan implements the new Mercury Total Maximum Daily Load (TMDL) that was issued on November 22<sup>nd</sup>, 2019. Counties that are Municipal Separate Storm Sewer Systems (MS4) permit holders are required to implement four management programs to reduce mercury outside of the MS4 coverage area as required by OAR 340-042-0040(4)(I)(c). These management programs are meant to address non-point sources of mercury pollution within the County. Polk County's MS4 permit addresses point-sources of mercury pollution within the Salem urban growth boundary (UGB). Activities or BMPs from the 2021 TMDL (Exhibit A) that addresses temperature, mercury, and bacteria, our MS4 program, and the new mercury TMDL overlap in that some BMPs successfully address requirements from all of these permits. However, these plans will remain separate. Our SWMP document (Exhibit C) and TMDL planning matrices outline the specifics of activities or BMPs and where they overlap. A separate planning matrix for the updated 2019 Mercury TMDL (Exhibit B) has been created to identify the four management categories and implementation strategies that are specific to reducing mercury loading.

### **Background<sup>1</sup>**

The DEQ originally issued the Willamette Basin TMDL in September of 2006 to address temperature, bacteria, and mercury within the basin. The 2019 Willamette Basin Mercury WQMP was developed to meet the Oregon human health criterion for methylmercury in fish tissue and comply with OAR 340-041-8033. Mercury is a pollutant with widespread distribution in the environment. This is mostly due to atmospheric deposition onto the land by rain and snow. Most of this atmospheric mercury originates from trans-Pacific sources.

The majority of the mercury that is released into the environment is in an inorganic form that is transformed into its organic form, methylmercury, by microbial processes. In its methylated state, mercury then accumulates in fish from feeding or passing over their gills. Methylmercury is a potent neurotoxin in humans, and bioaccumulation can occur from consuming fish, shellfish, and water. As a designated management agency (DMA), Polk County is required to implement DEQ's 2021 Revised Willamette Basin Mercury TMDL and DEQ WQMP to further reduce loading of this pollutant. The management strategies identified in the Mercury TMDL planning matrix are targeted to reduce urban and rural runoff and implement erosion control strategies to reduce the total reservoir of mercury available to be methylated.<sup>2</sup> The at source percent reductions of total mercury for waterbodies in Polk County's jurisdiction per EPA's nps load allocations are as follows: an 88% reduction on HUC8-17090003, an 89% on HUC8-17090007, and an 88% reduction on HUC8-17090008.

## Receiving Bodies and Concerns Associated with Mercury

Receiving waterbodies within the jurisdiction of Polk County include the Willamette River, Luckiamute River, South Yamhill River, Rickreall Creek, Glenn Creek, Gibson Creek, Spring Valley Creek, Ash Creek, Hartman Slough, as well as tributaries to those waterbodies within the jurisdiction of Polk County under DEQ's TMDLs. As described above, the majority of the mercury that is released into the environment is in an inorganic form that is transformed into its organic form, methylmercury, by microbial processes. In its methylated state, mercury then accumulates in fish from feeding or passing over their gills. Methylmercury is a potent neurotoxin in humans, and bioaccumulation can occur from consuming fish, shellfish, and water. As a designated management agency (DMA), Polk County is required to implement the Revised Willamette Basin Mercury TMDL and WQMP to further reduce loading of this pollutant.

## Mercury TMDL Implementation

This Willamette Basin Mercury Total Maximum Daily Load (TMDL) Implementation Plan has been created to meet the requirements of OAR 340-042-0080(4), which states:

### ***OAR 340-042-0080(4):***

*Persons, including DMAs other than the Oregon Department of Forestry or the Oregon Department of Agriculture, identified in a WQMP as responsible for developing and revising sector-specific or source-specific implementation plans must:*

- (a) Prepare an implementation plan and submit the plan to the Department for review and approval according to the schedule specified in the WQMP. The implementation plan must:*
  - (A) Identify the management strategies the DMA or other responsible person will use to achieve load allocations and reduce pollutant loading;*
  - (B) Provide a timeline for implementing management strategies and a schedule for completing measurable milestones;*
  - (C) Provide for performance monitoring with a plan for periodic review and revision of the implementation plan;*
  - (D) To the extent required by ORS 197.180 and OAR chapter 340, division 18, provide evidence of compliance with applicable statewide land use requirements; and*
  - (E) Provide any other analyses or information specified in the WQMP.*
- (b) Implement and revise the plan as needed.*

Polk County will continue to implement goals 5, 6, and 7 of the Statewide Planning Goals. Polk County outlines its legal authority to carry out management strategies chosen to meet the TMDL load allocation through applicable ordinances discussed below.

## **Mercury TMDL Implementation Management Strategies**

Polk County has a population of approximately 84,730. Management measures have been created to address reductions of mercury on county lands based on population estimates. The Mercury TMDL Implementation Planning Matrix, included as Exhibit B describes the management program strategies and timelines that Polk County will use to continue to implement existing efforts, as well as new strategies to address sources of Mercury and meet the combined load reductions for the Willamette Basin as required, outside of Polk County's MS4 Phase II permit area. The program and management strategies apply to County-owned lands, facilities, and roads where applicable. The management strategies and their implementation timelines have been developed to comply with OAR 340-042-0080(4)(a)(A)-(E). For example, Polk County will make efforts to reduce mercury from entering waterbodies by continuing to implement Polk County's riparian setback ordinance in order to promote vegetation growth and stabilize soils along County rivers and streams thereby reducing erosion and the release of sediment into rivers and streams across county lands. Polk County's riparian setback ordinance is considered a critical management category as it plays a major role in preventing or reducing soil erosion and the release of methylmercury into waterbodies of the County. Polk County has either created or built upon management strategies to implement the four management programs required for the 2019 Willamette Basin Mercury TMDL for counties with an MS4 permit to address non-point source pollution. The management programs that were created to address the NPS stormwater requirements are: Pollution Prevention and Good Housekeeping for County operations; Public Education and Outreach; Enforcement of Prohibited Substances; and Construction Site Runoff Control. Implementation deadlines from the time that the TMDL was issued are given in Table 1. Polk County is currently implementing all of the management programs.

Specific management categories have been created for culverts, roads, ditches, erosion control on hillsides, and bridges for the Pollution Prevention and Good Housekeeping program that specifically target the reduction of mercury on County owned and maintained properties. For example, the 'Bridge' management category describes activities being done to prevent or fix scour around bridges. Management strategies for ditches and roads describe what is being done currently to reduce sediment and pollution runoff to waterbodies, including best practices to reduce pesticide use, maintain vegetation, and slow stormwater velocities in ditches on steep slopes to prevent erosion. Culverts are currently upsized or replaced as needed to increase capacity or to ensure good working order. Hillsides near roads, ditches, and right-of-ways that are experiencing erosion are hydro seeded using native grasses with deep rooting systems to stabilize soil and prevent future soil erosion. Straw matting is used at inlets until vegetation is re-established. Polk County currently allows citizens to control dust on gravel roads using lignites. This is done through a contractor chosen by the individual that has been pre-approved by Public Works. Citizens must obtain a Dust Control Permit through Polk County Public works before road work begins. The County also prevents ongoing erosion and dust by improving gravel roads that are washboarding. Chapter 32 of Polk County code of ordinances gives regulatory authority to Public Works to carry out these management strategies, which is included as Exhibit H.

Polk County has an existing management program to address source control BMPs that prevent or reduce pollutants from entering stormwater on County lands. Existing procedures to ensure pollution prevention and good housekeeping as source controls include:

- Pipe cleaning for stormwater conveyance systems.
- Cleaning of culverts conveying stormwater in roadside ditches.
- Ditch maintenance.
- Road and bridge maintenance.
- Road repair and resurfacing including pavement grinding.
- Dust control for roads and municipal construction sites.
- Winter road maintenance, including salt or de-icing storage areas.
- Fleet maintenance and vehicle washing.
- Building and sidewalk maintenance including washing.
- Solid waste transfer and disposal areas.
- Municipal landscape maintenance.
- Material storage and transfer areas, including fertilizer and pesticide, Hazardous material, used oil storage, and fuel
- Maintenance of municipal facilities including public parks and open space, golf courses, airports, parking lots, swimming pools, marinas, etc.

Polk County regularly inspects structural controls for stormwater maintenance, including cleaning catchbasins, culverts, manholes, and other structural controls on County lands. Additional details for the pollution prevention and good housekeeping for County operations management categories can be found in the Mercury TMDL Planning Matrix. Most of the operations and maintenance (O&M) activities will be tracked with the Integrated Road Information Systems (IRIS) with the Polk County Public Works Department. Activities codes are entered into IRIS such as “B” for bridge to track activities. Activities can also be queried by equipment, labor hours, and notes taken by staff. Part of the cost analyses for the O&M activities will also be tracked through IRIS.

For public outreach and education, Polk County is maintaining their stormwater website as a way to provide information to the public. This includes strategies for home owners and construction operators to minimize erosion and sediment leaving properties into stormwater. The County also continues to have an Intergovernmental Agreement (IGA) with Marion County to allow Polk County Citizens to safely dispose of hazardous waste at the Marion County Transfer Station. Polk County increases awareness of household products containing mercury through its Adopt-A-Road program and an advertisement is published once a year in the local paper containing information about the program. Polk County is updating their public website to include information to encourage and facilitate reporting of sediment related issues. The majority of Polk County’s jurisdiction contains rural lands that are mainly farmland. To ensure that owners adjacent to roads and ditches in these areas are informed on sediments containing mercury and proper reporting channels, they will be directed to the Department of Agriculture’s website to report sediment related issues. The website will be updated with this information by 09/03/2022.

For the enforcement of prohibited substances program, Polk County has a comprehensive ordinance to prohibit the discharge of pollutants through Polk County Code of Ordinances (PCCO) 43.057 that prohibits the discharge of mercury containing sediments in all of the rivers and tributaries that are within Polk County boundaries (Exhibit E). In order to retain riparian buffers along rivers and streams and prevent erosion and the subsequent release of methylmercury on all rivers and streams within Polk County, Polk County will continue to implement its riparian setback ordinance PCZO 182.050(B), which requires riparian setbacks during planning and building reviews. PCZO 182.050(B) also requires that parks maintain riparian setbacks when maintaining parks (Exhibit D). The riparian and wetland requirements listed in



PCZO Chapter 182 provide protection to rivers and streams that are near construction sites of all sizes; including those of less than one acre and not covered by a DEQ 1200-C permit Chapter 50 of the PCCO enforces these ordinances that pertain to controlling the release of sediment containing mercury (PCCO 43.057, PCZO 182.050(B) discussed above) and enforces PCCO 80.133 (Exhibit F), which implements Polk County's Erosion and Sediment Control Protections (discussed below). The Polk County Code Enforcement Officer will follow up on all complaints that require the enforcement of ordinances. Code enforcement complaints are maintained and tracked both electronically and with physical documentation. If needed, technical assistance will be provided by Polk County Public Works or DEQ in order to prevent pollutants and sediments from entering waters of the state through a conveyance system or directly to a stream.

The construction site runoff control program has been created to control the potential runoff of sediment by requiring all building permit applicants to obtain all necessary Department of Environmental Quality (DEQ) permits before beginning construction. All building permits that disturb more than 1 acre of land for new development or redevelopment are required to obtain a 1200-C permit. Polk County will increase awareness of the need for 1200-C and 1200-Z permit requirements by training Planning staff about the permit requirements. Polk County will continue to implement its Erosion and Sediment Control Protections in PCCO 80.133 (Exhibit F), which is triggered by a land disturbance of one acre or more and requires the submittal of a Post-Construction Runoff Plan to Polk County Community Development. Development will be designed to maximize permeable areas, minimize the amount of water directed to impermeable areas, and include the use of retention structures to store stormwater during peak runoff and allow for reuse or slow release of stormwater for adequate infiltration. Additionally, Polk County hands out its Guide to Erosion and Sediment Control during Construction Activities guide with every building permit that is issued. This guide contains BMPs that promote the prevention of erosion and promotes sediment control measures.

Table 1. Implementation Deadlines from TMDL Issuance Date Management Program	Implementation Deadline
1. Pollution Prevention and Good House Keeping for County Operations	18 months
2. Public Education and Outreach	18 months
3. Enforcement of Prohibited Substances	3 years
4. Construction Site Runoff Control	4.5 years

### Land Use Compatibility

This TMDL Implementation Plan was created by Polk County Planning staff in coordination with the Public Works Department. Planning staff reviewed the Plan for consistency with the Polk County Comprehensive Plan, the Polk County Zoning Ordinance, and the Polk County Subdivision and Partition Ordinance, and found that the proposed TMDL Implementation Plan would be consistent with those documents. A land use compatibility statement is included as Exhibit I.

## **Performance Monitoring and Adaptive Management**

OAR 340-042-0080(4)(a)(C) requires that Polk County “provide for performance monitoring with a plan for periodic review and revision of the implementation plan.” The Mercury TMDL Implementation Planning Matrix (Exhibit X) describes performance measures for each management strategy. Polk County will track and monitor those measures and use that information to make changes to the Mercury TMDL Implementation Plans as necessary and appropriate. In order to comply with OAR 340-042-0080(4)(b), Polk County will also annually review progress toward implementing the management strategies described in Exhibit B. Polk County will send an annual progress report to DEQ by February 28<sup>th</sup> for the previous year. The reporting period for the previous year will be January 1<sup>st</sup> through December 31<sup>st</sup> to align with Polk County’s TMDL that is currently being implemented. The annual progress report will consist of a copy of the Mercury TMDL Implementation Planning Matrix, included in this plan (Exhibit B), with the status columns updated to reflect the year’s activities and any other relevant information. In these annual progress reports, Polk County will also include a description of any changes that have been made to the Plan as a result of data gathered through performance monitoring.

Every five years, Polk County will prepare and send to DEQ an evaluation and review report of the Implementation Plans that will summarize and evaluate the projects completed within the previous five years of the Plan’s implementation. The Implementation Plan review, submitted every fifth year, will substitute for the annual status report that year. It will also indicate what changes, if any, will be made to the Plans in response to any DEQ revisions of the TMDL. If matrix items are not completed by the specified timeline, Polk County will report on the progress that has been made and/or will report on an alternative strategy that has been implemented. Any delays or challenges that the County has had in implementing strategies will be included in the annual report. The Mercury TMDL will be posted on Polk County’s publicly accessible website by 9/2/2022. Yearly reports will be posted to the County’s website. Despite lacking 4 years of implementation of Polk County’s revised Mercury TMDL Plan, the County will participate in the 2023 five-year review.

With performance monitoring and adaptive management, Polk County anticipates identifying any gaps in continuing to implement these programs and strategies. The County will report on ways it deems appropriate to address gaps and strengthen program management. The County sees all of the management strategies in the programs as being critical, in that they all address reducing sources of Mercury on County lands to the extent that the County is capable of doing so.

## **Fiscal Analysis**

As required by OAR 340-042-0080(4)(a)(E) and the WQMP, Polk County is directed to conduct a fiscal analysis to determine what additional resources are needed to implement the management strategies and to identify possible sources of funding. Certain management strategies identified in the Mercury TMDL Implementation Planning Matrix expand upon, or

include, activities that will be conducted as part of the Polk County Stormwater Management Program (SWMP) and the original TMDL Planning Matrix. As such, no additional funding will be required to include those activities in the Mercury TMDL Implementation Plan. The other components of the plan will be added to the work load of Polk County staff. Implementation strategies that have would not require any additional funding sources are identified as “None” or “N/A” in the Mercury TMDL Implementation Planning Matrix (Exhibit B).

### **Exhibits**

- Exhibit A: TMDL Implementation Planning Matrix (No revisions proposed – DEQ approved this Matrix on November 15, 2022).
- Exhibit B: Mercury TMDL Planning Matrix (Revised February 2023).
- Exhibit C: Polk County Stormwater Management Plan (SWMP), (Current version dated February 2022).
- Exhibit D: Polk County Zoning Ordinance Chapter 182. Section 182.050(B) describes the riparian and wetland setback. Section 182.040(E) describes the management plan criteria.
- Exhibit E: Polk County Nuisance Abatement Ordinance Chapter 43. Section 43.057 describes enforcement of prohibited substances.
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<sup>1</sup> “Final Revised Willamette Basin Mercury Total ... - Oregon.” Willamette Basin Mercury 2019, 26 Nov. 2019, <https://www.oregon.gov/deq/wq/Documents/willHgtmdlwqmpF.pdf>.

<sup>2</sup> EPA. (2021, February 4). 31. Retrieved from UNITED STATES ENVIRONMENTAL PROTECTION: <https://www.epa.gov/sites/default/files/2021-02/documents/tmdl-willamette-mercury-final-02-04-2021.pdf>

Receiving Waterbodies: Willamette River, Luckiamute River, Rickreall Creek, Glenn Creek, Gibson Creek, Spring Valley Creek, Ash Creek, Hartman Slough, as well as tributaries to those waterbodies within the jurisdiction of Polk County

Polk County  
Mid & Upper Willamette

SOURCE	STRATEGY	HOW	MEASURE	TIMELINE	BENCHMARK	FISCAL ANALYSIS	
What suspected sources of this pollutant are under Polk County's jurisdiction	What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?	Specifically, how will this be done?	How will Polk County demonstrate successful implementation or completion of this strategy?	When will the strategy begin? Be completed?	What intermediate goals will be achieved, and by when, to know progress is being made?	Additional resources necessary to implement strategy & how resources will be obtained	
Solar radiation & stormwater runoff	Continue implementation of the riparian setbacks required by PCZO 182.050(B). Riparian vegetation provides shade over rivers and streams, which reduces river and stream temperatures. Riparian areas also act as a filter for pollutants including mercury and bacteria.	Require riparian setbacks during planning and building permit review. Maintain riparian setbacks when maintaining parks.	The Planning Division will maintain an accessible inventory of county riparian management plans. The inventory will contain the following information: location, affected water bodies, and an estimated size of riparian vegetation gain vs. loss.	Ongoing	N/A	None	N/A
Solar radiation & stormwater runoff	Explore grant funding for stream bank restoration in County road and park projects. Riparian vegetation provides shade over rivers and streams, which reduces river and stream temperatures. Riparian areas also act as a filter for pollutants including mercury and bacteria.	Planning and Public Works staff will explore grant opportunities in order to raise funds for stream restoration during County road and park projects	Number, type, location and size of restoration projects completed each year	Ongoing	N/A	Restoration projects may require additional funding	Riparian area restoration grants
Solar radiation & stormwater runoff	Maintain a stormwater website as a method to provide information to the public. This information will include strategies for home owners and construction operators to minimize the quantity and maximize the quality of stormwater that leaves their property.	Planning staff will maintain the stormwater website	Number of hits to the website	Ongoing	N/A	None	N/A

Polk County TMDL Implementation Management Strategies Tracking Matrix  
February 2021 (No Revisions for 2023)

Receiving Waterbodies: **Willamette River, Luckiamute River, Rickreall Creek, Glenn Creek, Gibson Creek, Spring Valley Creek, Ash Creek, Hartman Slough, as well as tributaries to those waterbodies within the jurisdiction of Polk County**

Polk County  
Mid & Upper Willamette

SOURCE	STRATEGY	HOW	MEASURE	TIMELINE	BENCHMARK	RISCAL ANALYSIS
	<i>What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?</i>	<i>Specifically, how will this be done?</i>	<i>How will Polk County demonstrate successful implementation or completion of this strategy?</i>	<i>When will the strategy begin? Be completed?</i>	<i>What intermediate goals will be achieved, and by when, to know progress is being made?</i>	<i>Funding Source of for additional resources necessary to implement strategy &amp; how resources will be obtained</i>
Septic systems	Enforce upon complaints of failing septic systems	Receive complaints from the public and direct to the Code Enforcement Officer	All complaints will be investigated	Ongoing	N/A	N/A
Septic systems	Require all applicable permits for the siting, construction, alteration, and repairs of septic systems	Polk County Environmental Health Specialist will review all site evaluation, construction, alteration, and repair permits and track system locations.	Polk County will expand their existing program that geocodes new septic system locations to also geocode all existing septic system locations that require an on-site inspection as part of the permitting process, such as repairs and alterations. Expanding the septic system inventory will allow older systems to be georeferenced as well as new septic systems, and provide information about installation, repair, and alteration dates. The inspector will be able to provide notes about their inspection and this information can be used to track a system's age, condition, and location in a digital mapped format.	Ongoing	Polk County will continue to record the GPS location and maintain the data for all new septic system locations. Polk County will begin to record the GPS location of existing septic systems that receive an on-site inspection by the end of 2019.	N/A

Polk County TMDL Implementation Management Strategies Tracking Matrix  
February 2021 (No Revisions for 2023)

Receiving Waterbodies: Willamette River, Luckiamute River, Rickreall Creek, Glenn Creek, Gibsun Creek, Spring Valley Creek, Ash Creek, Hartman Slough, as well as tributaries to those waterbodies within the jurisdiction of Polk County

Polk County  
Mid & Upper Willamette

SOURCE	STRATEGY	HOW	MEASURE	TIMELINE	BENCHMARK	FISCAL ANALYSIS
What suspected sources of this pollutant are under Polk County's jurisdiction	What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?	Specifically, how will this be done?	How will Polk County demonstrate successful implementation or completion of this strategy?	When will the strategy begin? Be completed?	What intermediate goals will be achieved, and by when, to know progress is being made?	Additional resources necessary to implement strategy & how resources will be obtained
County road, ditch, and bridge construction and maintenance	Implement erosion and sediment control BMPs during county road, ditch, and bridge construction and maintenance	Public Works staff will implement the BMPs in the Polk County O&M Plan as appropriate during Public Works operations	Public Works will hold weekly meetings when projects are scheduled that require the implementation of sediment and erosion control BMPs. Meeting topics will educate staff on proper sediment and erosion control BMP implementation. Public Works will also evaluate the O&M Plan on an annual basis to determine if revisions are advisable in order to minimize the Public Works Department's impact on County waterways	Ongoing	N/A	None
Stormwater runoff from County and Oregon State Parks properties	Maintain stormwater quality at public parks	Ensure availability of restroom facilities at County and Oregon State Parks properties. Maintain riparian areas.	Polk County will track the number of repairs or septic alterations at County and Oregon State Parks in order to track the functionality of park septic systems. Track the number of projects at public parks that require a riparian management plan.	Strategy will begin in 2019 and will be tracked annually.	N/A	None

Receiving Waterbodies: Willamette River, Luckiamute River, Rickreall Creek, Glenn Creek, Gibson Creek, Spring Valley Creek, Ash Creek, Hartman Slough, as well as tributaries to those waterbodies within the jurisdiction of Polk County

Polk County  
Mid & Upper Willamette

SOURCE	STRATEGY	HOW	MEASURE	TIMELINE	BENCHMARK	FISCAL ANALYSIS
What suspected sources of this pollutant are under Polk County's jurisdiction	What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?	Specifically, how will this be done?	How will Polk County demonstrate successful implementation or completion of this strategy?	When will the strategy begin? Be completed?	What intermediate goals will be achieved, and by when, to know progress is being made?	Funding Source of for additional resources
Stormwater runoff from construction sites and industrial sites.	Increase awareness of need for 1200-C and 1200-Z permit requirements	Train planning staff about 1200-C and 1200-Z stormwater permit requirements. Include findings and conditions in land use decisions when it is determined that a 1200-C or 1200-Z permit is required.	Number of Land Use Decisions issued, which involve a project that requires a 1200-C or 1200-Z permit prior to construction/operation.	Ongoing	N/A	N/A
Stormwater runoff from construction sites	Implement Polk County's Erosion and Sediment Control Protections in PCCO 80.133	Apply Polk County Code of Ordinances (PCCO) Section 80.133(1) which requires building permit applicants to obtain all necessary DEQ permits.	Application of PCCO 80.133(1) to all applicable building permits	Ongoing	N/A	Building permit fees
Stormwater runoff from construction sites	Implement Polk County's Erosion and Sediment Control Protections in PCCO 80.133	Apply PCCO 80.133 to all applicable building permits	Application of PCCO 80.133 to all applicable building permits	Ongoing	N/A	None

Polk County TMDL Implementation Management Strategies Tracking Matrix  
February 2021 (No Revisions for 2023)

Receiving Waterbodies: Willamette River, Luckiamute River, Rickreall Creek, Glenn Creek, Gibson Creek, Spring Valley Creek, Ash Creek, Hartman Slough, as well as tributaries to those waterbodies within the jurisdiction of Polk County

Polk County  
Mid & Upper Willamette

<b>SOURCE</b> <i>What suspected sources of this pollutant are under Polk County's jurisdiction</i>	<b>STRATEGY</b> <i>What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?</i>	<b>HOW</b> <i>Specifically, how will this be done?</i>	<b>MEASURE</b> <i>How will Polk County demonstrate successful implementation or completion of this strategy?</i>	<b>TIMELINE</b> <i>When will the strategy begin? Be completed?</i>	<b>BENCHMARK</b> <i>What intermediate goals will be achieved, and by when, to know progress is being made?</i>	<b>FISCAL ANALYSIS</b> <i>Funding Sources of for additional resources required</i>
Non-stormwater discharges to the storm drainage system	Implement Polk County's unauthorized discharge restrictions in PCCO 43.057	The Polk County Code Enforcement Officer will follow up on all complaints of potential unauthorized discharges into the storm sewer system as described in PCCO 43.057	Investigation into all complaints of violations in PCCO 43.057	Ongoing	N/A	N/A
Stormwater runoff in the Salem UGB	Implement SWMP for the area within Polk County and the City of Salem UGB.	Adhere to the implementation schedule in the SWMP	Completion of projects as specified in the SWMP	Timelines specified in the SWMP	Benchmarks specified in the SWMP	Fees & General Fund
Household hazardous waste. Example: At the October 2018 HHW event, a 5 gallon container (1 pound) of mercury was submitted for proper disposal. Other common household items such as batteries, fluorescent lights and thermometer exchanges are accepted as these events, which contain mercury.	Continue Implementation of the Polk County Household Hazardous Waste Program	Hold one event per year and/or maintain an Intergovernmental Agreement (IGA) to allow Polk County citizens to safely dispose of hazardous waste at the Marion County Household Hazardous Waste Facility.	One Household Hazardous Waste event held each year and/or maintain an IGA with Marion County	Ongoing	N/A	N/A



**Polk County**  
**Mid & Upper Willamette**  
**Receiving Waterbodies: Willamette River, Luckiamute River, Rickreall Creek, Glenn Creek, Gibson Creek, Spring Valley Creek, Ash Creek, Hartman Slough, as well as tributaries to those waterbodies within the jurisdiction of Polk County**

<b>SOURCE</b> <i>What suspected sources of this pollutant are under Polk County's jurisdiction</i>	<b>STRATEGY</b> <i>What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?</i>	<b>HOW</b> <i>Specifically, how will this be done?</i>	<b>MEASURE</b> <i>How will Polk County demonstrate successful implementation or completion of this strategy?</i>	<b>TIMELINE</b> <i>When will the strategy begin? Be completed?</i>	<b>BENCHMARK</b> <i>What intermediate goals will be achieved, and by when, to know progress is being made?</i>	<b>FISCAL ANALYSIS</b> <i>Funding Source of for additional resources necessary to implement strategy &amp; how resources will be obtained</i>	<b>FISCAL ANALYSIS</b> <i>Funding Source of for additional resources</i>
Solar radiation & stormwater runoff	Continue implementation of Polk County's Targeted Education and Outreach Program	Polk County Community Development staff has generated a mailing list of targeted properties that contain riparian waterways along fish bearing streams and are primarily managed for agricultural crop production. Staff created a brochure intended to be send to these targeted properties with information about riparian area setback requirements, management plan criteria, and local resources available for riparian restoration.	Approximately 100 brochures will be sent per year until all of the targeted properties have received the outreach materials.	The educational brochure will be sent to the entire TEOPS mailing list by the end of 2019.	N/A	Costs associated with printing and mailing. Staff time.	Fees & General Fund
Roadside litter- Many household products found along roadside ditches contain mercury (i.e. batteries, light bulbs and electronics)	Increase awareness and solicit participation for Polk County's Adopt-A-Road program.	Provide information about Polk County's Adopt-A-Road program on the Polk County stormwater web page. Post an advertisement in a local newspaper once per year containing information on the program.	Update Polk County's stormwater website. Provide an advertisement in the local newspaper once per year.	Ongoing	The Polk County stormwater website will be updated and the first annual ad will be published in the local newspaper by the end of 2018.	Costs associated with publishing an ad in the local newspaper. Staff time.	Fees & General Fund

Polk County  
Mid & Upper Willamette  
Receiving Waterbodies: Willamette River, Luckiamute River, Rickreall Creek, Glenn Creek, Gibson Creek, Spring Valley Creek, Ash Creek, Harlman Slough, as well as tributaries to those waterbodies within the jurisdiction of Polk County

SOURCE	STRATEGY	HOW	MEASURE	TIMELINE	BENCHMARK	FISCAL ANALYSIS
<i>What suspected sources of this pollutant are under Polk County's jurisdiction</i>	<i>What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?</i>	<i>Specifically, how will this be done?</i>	<i>How will Polk County demonstrate successful implementation or completion of this strategy?</i>	<i>When will the strategy begin? Be completed?</i>	<i>What intermediate goals will be achieved, and by when, to know progress is being made?</i>	<i>Funding Sources of for additional resources necessary to implement strategy &amp; how resources will be obtained</i>
Animal Feces	Increase awareness and/or accessibility to properly dispose of animal waste at County Parks.	Install a sign and/or an animal waste receptacle at County Parks	Number of signs and/or animal waste receptacles installed.	Prioritize which parks are most likely to have animal feces (i.e. hiking trails, public input) by the end of 2019. Use that prioritized list to begin installing signs and/or animal waste receptacles by the end of 2022.	Coordinate with other County Departments by the end of 2019 to create priority parks list.	General Fund
N/A, public participation	Increase public involvement opportunities	A draft copy of the TMDL Implementation Plan and report will be posted on Polk County's Website.	Date that the report is posted on the Stormwater webpage.	At least 2 weeks prior to the annual report being submitted to DEQ	N/A	None N/A

Sept 2022-Dec 2027 5 yr 2028 - Rev

Mercury  
DMA Name:  
Subbasin:

Polk County  
Mid & Upper Willamette

Receiving Waterbodies:

Willamette River, Luckiamute River, South Yamhill River,  
Rickreall Creek, Glenn Creek, Gibson Creek, Spring Valley Creek, Ash Creek  
Hartman Slough, as well as tributaries to those waterbodies within the jurisdiction of Polk County

Management Category	Strategy	Measure	Timeline	Benchmark	Cost Analysis	Tracking and Assessment
	<b>Pollution Prevention and Good Housekeeping for County Operations</b>					
	What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?	How will Polk County demonstrate successful implementation or completion of this strategy?	When will the strategy begin? Be completed?	What intermediate goals will be achieved, and by when, to know progress is being made?	Additional resources necessary to implement strategy & how resources will be obtained.  Funding Source for additional resources.	How will the County track the implementation of activities?
1	Ditches  Prevent erosion by maintaining vegetation in ditches. For example, ditches are mowed to control overgrowth and keep ditches in good working order.	Number of hours of mowing and ditch maintenance that was performed.	Ongoing	N/A	Public Works Operational Budget	Track activities using IRIS. Report measures in TMDL annual report.
2	Ditches  Add riprap as needed to slow the velocity of water and prevent erosion in ditches.	Track staff hours & number of projects that used riprap.	Ongoing	N/A	Public Works Operational Budget	Track activities using IRIS. Report measures in TMDL annual report
3	Ditches  Install rock weirs on slopes to control flow velocity and prevent erosion.	Track staff hours & number of projects that used riprap.	Ongoing	N/A	Public Works Operational Budget	Track activities using IRIS. Report measures in TMDL annual report.
4	Culverts  Culverts are upsized and replaced as needed to increase capacity or to ensure good working order. The newly installed culvert is then back filled with 1" minus aggregate to prevent erosion.	Number of culverts installed per year	Ongoing	N/A	Inventory Cost and staff hours.	Track activities using IRIS. Report measures in TMDL annual report.
6	Culverts  Pit runs are installed as standard operating procedure to armor inlets of culverts and prevent erosion.	Number of culverts that are installed with pitrun.	Ongoing	N/A	Inventory Cost and staff hours.	Track activities using IRIS. Report measures in TMDL annual report.

Polk County (Mercury) TMDL Implementation Management Strategies Tracking Matrix  
(Revised February 2023)

7	Erosion control on hillsides near roads and ditches.	Bare slopes are hydroseeded to prevent sediment runoff into ditches and right-of-ways. Short grasses with deep rooting systems are selected to stabilize soil and prevent soil erosion.	Number of projects that require hydroseeding. Services are contracted through Aklin Vegetation Management.	Ongoing	N/A	Public Works Operational Budget	Number of Aklin invoices per year.
8	Erosion control on hillsides near roads.	Hillsides near roads that have erosion are repaired and hydroseeded. Straw matting is used at inlets in ditches until hillside vegetation has re-established.	Number of projects that require hydroseeding. Services are contracted through Aklin Vegetation Management.	Ongoing	N/A	Public Works Operational Budget	Number of Aklin invoices per year and tracking of projects through IRIS.
9	Roads	Prevent ongoing erosion and dust by improving gravel roads that are washboarding.	Track number of miles of road with washboarding that is fixed.	Ongoing	N/A	Public Works Operational Budget	Track activities using IRIS. Report measures in TMDL annual report.
10	Roads	Herbicides/ Pesticides near roads- the County only uses chemicals to control roads that are eroding due to vegetation. The County limits its use of chemical where they can easily enter SW systems or waterways.	Continue to follow protocol limiting use of herbicides and pesticides. Services are contracted through Aklin Vegetation Management. Services twice per year.	Ongoing	N/A	Public Works Operational Budget	Track activities using IRIS. Report measures in TMDL annual report.
11	Roads	Polk County allows citizens to control dust on gravel roads using lighters. This is done through a contractor chosen by the individual that has been pre-approved by Public Works. Citizens must obtain a Dust Control Permit through Polk County Public works before road work begins.	Number of Dust Control Permits issued.	Ongoing	N/A	Public Works Operational Budget	Track activities using IRIS. Report measures in TMDL annual report.
12	Bridges	Erosion control measures are fixed or established as needed at the backwall of bridges. Riprap is placed at the base of the bridge to prevent scour.	Staff hours and number of projects that use riprap/ tonnage of material.	Ongoing	N/A	Cost of materials and staff hours.	Track activities using IRIS. Report measures in TMDL annual report.
13	O&M program for operational source control BMPs on County-owned lands, properties, facilities, and roads as applicable.	Continue to conduct O&M activities in a manner that reduces the discharge of pollutants to rivers and streams within Polk County.	Track O&M source activities through IRIS and report	Ongoing	N/A	Public Works Operational Budget	Track activities using IRIS. Report measures in TMDL annual report.

Polk County (Mercury) TMDL Implementation Management Strategies Tracking Matrix  
(Revised February 2023)

14	O&M Program to regularly inspect and ensure proper operation of structural controls - stormwater maintenance including cleaning catchbasins, culverts manholes, and other source controls on county lands.	Conduct preventative maintenance to keep structural controls in good working order.	Number of projects/ activities that required structural stormwater maintenance and/ or cleaning.	Ongoing	N/A	Staff Time.	Track activities using IRIS. Report measures in TMDL annual report.
<b>Public Education and Outreach</b>							
15	<b>Management Category</b> <i>ex. Outreach activities.</i>	<b>Strategy</b> <i>What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?</i>	<b>Measure</b> <i>How will Polk County demonstrate successful implementation or completion of this strategy?</i>	<b>Timeline</b> <i>When will the strategy begin? Be completed?</i>	<b>Benchmark</b> <i>What intermediate goals will be achieved, and by when, to know progress is being made?</i>	<b>Cost Analysis</b> <i>Additional resources necessary to implement strategy &amp; how resources will be obtained. Funding Source for additional required resources.</i>	<b>Tracking and Assessment</b> <i>How will the County track the implementation of activities?</i>
16	Stormwater Sediment Runoff- Stormwater Website	Maintain a stormwater website as a method to provide information to the public. This information will include strategies for home owners and construction operators to minimize the quantity of sediment and maximize the quality of stormwater that leaves their property.	How will Polk County demonstrate successful implementation or completion of this strategy?	Ongoing	N/A	Staff Time	Number of hits to the website.

Polk County (Mercury) TMDL Implementation Management Strategies Tracking Matrix  
(Revised February 2023)

17	Intergovernmental agreement with Marion County to allow Polk County Citizens to dump hazardous waste at Marion County Transfer Station	Maintain intergovernmental agreement with Marion County to allow Polk County citizens to dispose of hazardous waste.	Track the number of cars that come through dump site. Tracked by zip code.	Ongoing	N/A	The G.A. is funded by a 25 cent tax on all residential garbage services. Citizens are required to give their zip code when they drop their waste at the Marion County Transfer Station.	Report the number of cars that come through the Marion County Transfer Station in the annual report.	
18	Roads - Roadside litter. Many household products found along roadside ditches contain mercury (i.e. batteries, light bulbs and electronics)	Increase awareness and solicit participation for Polk County's Adopt-A-Road program.	Provide information about Polk County's Adopt-A-Road program on the Polk County stormwater web page. Post an advertisement in a local newspaper once per year containing information on the program.	Annually	Update Polk County's stormwater website. Provide an advertisement in the local newspaper once per year.	\$450.00 per advertisement.	Keep SW website up to date. Post ad in the paper once per year.	
19	Reporting of Sediment related issues near County roads.	Updated stormwater website will encourage and facilitate the reporting of sediment related issues by directing Polk County citizens to the appropriate Department of Agriculture website.	Website will be updated with appropriate information by implementation date.	Website to be updated with reporting information by 09/03/2022	N/A	Staff time.	Number of hits to website	
<b>Enforcement of Prohibited Substances</b>								
20	Management Category <i>ex. Roads, ditches, outreach activities.</i>	<b>Strategy</b> <i>What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?</i>	<b>Measure</b> <i>How will Polk County demonstrate successful implementation or completion of this strategy?</i>	<b>Timeline</b> <i>When will the strategy begin? Be completed?</i>	<b>Benchmark</b> <i>What intermediate goals will be achieved, and by when, to know progress is being made?</i>	<b>Cost Analysis</b> <i>Additional resources necessary to implement strategy &amp; how resources will be obtained. Funding Source for additional resources.</i>	<b>Tracking and Assessment</b> <i>How will the County track the implementation of activities?</i>	

Polk County (Mercury) TMDL Implementation Management Strategies Tracking Matrix  
(Revised February 2023)

21	Ordinance to prohibit discharge of pollutants, including sediment.	Implement Polk County's unauthorized discharge restrictions in PCCO 43.057 County wide.	The Polk County Code Enforcement Officer will follow up on all complaints of potential unauthorized discharges as described in PCCO 43.057	Ongoing	N/A	Investigation into complaints of non-compliance with PCCO 43.057 will be absorbed within the Code Enforcement Program.	Number of Code Enforcement complaints received each year related to illicit discharge.
22	Ordinance for Riparian Setbacks in Polk County.	Continue implementation of the riparian setbacks required by PCZO 182.050(B) across Polk County. Riparian vegetation stabilizes soils and helps to prevent the degradation and release of sediments containing mercury into rivers and streams. This reduces the amount of methylated mercury that is absorbed by fish as it passes over their gills.	The Planning Division will maintain an accessible inventory of county riparian management plans. The inventory will contain the following information: location, affected water bodies, and an estimated size of riparian vegetation gain vs. loss.	Ongoing	N/A	Application Fees.	Track applications that require riparian management plans.
	Enforcement of Ordinances	Chapter 50 of Polk County's Code of Ordinances gives Polk County the legal authority to enforce ordinances.	The Polk County Code Enforcement Officer will follow up on all complaints that required the enforcement of county ordinances.	Ongoing	N/A	N/A	Number of Code Enforcement complaints received each year related to illicit discharge.
23	<b>TMDL Implementation Site Runoff Control</b>						
	<b>Management Category</b>	<b>Strategy</b>	<b>Measure</b>	<b>Timeline</b>	<b>Benchmark</b>	<b>Cost Analysis</b>	<b>Tracking and Assessment</b>
24	ex. Erosion/ sediment control...	What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?	How will Polk County demonstrate successful implementation or completion of this strategy?	When will the strategy begin? Be completed?	What intermediate goals will be achieved, and by when, to know progress is being made?	Additional resources necessary to implement strategy & how resources will be obtained. Funding Source for additional required resources.	How will the County track the implementation of activities?

Polk County (Mercury) TMDL Implementation Management Strategies Tracking Matrix  
(Revised February 2023)

25	Increase awareness of 1200-C and 1200-Z permit requirements.	Train planning staff about 1200-C and 1200-Z stormwater permit requirements. Include findings and conditions in land use decisions when it is determined that a 1200-C or 1200-Z permit is required.	Number of Land Use Decisions issued, which involve a project that requires a 1200-C or 1200-Z permit prior to construction/operation.	Ongoing	N/A	N/A	Number of land use decisions issued that contain findings related to a 1200-C or 1200-Z Stormwater Permit.
26	Implement Polk County's Erosion and Sediment Control Protections in PCCO 80.133 with every building permit within Polk County	Apply PCCO 80.133 to all applicable building permits to minimize construction site runoff.	Application of PCCO 80.133 to all applicable building permits (New and re-development that is 1 acre and greater.)	Ongoing	N/A	N/A	Number of building permits that triggered the application of PCCO 80.133.
27	Promote use of erosion and sediment control BMPs for development that is less than one acre.	Every building permit that is issued will include a web link to Polk County's document titled Guide to Erosion and Sediment Control during Construction Activities.	Track number of building permits that are issued that include this web link.	Ongoing	N/A	N/A	Number of building permits issued.



# **EXHIBIT C**

**POLK COUNTY, OREGON**  
**STORMWATER MANAGEMENT PROGRAM (SWMP)**  
**TO MEET NPDES PHASE II MS4 GENERAL PERMIT COMPLIANCE**  
**FIVE YEAR PROGRAM: March 1, 2019 – June 30, 2024**

February 2022 Version

Polk County  
850 Main Street  
Dallas, Oregon 97338

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## **Appendices**

Appendix A – MS4 Mapping Standards

## 1.0 INTRODUCTION

This Stormwater Management Program (SWMP) was created for the area of Polk County, Oregon located within the City of Salem Urban Growth Boundary (UGB), and outside city limits. This program has been developed to meet the Municipal Separate Storm Sewer System (MS4) permit requirements of the National Pollutant Discharge Elimination System (NPDES). The MS4 program for small jurisdictions is often called "Phase II." The program outlined in this document was developed for a five year implementation period referred to as "Permit Years".

The area within the Salem UGB in Polk County is managed by Polk County based on criteria in the *Intergovernmental Agreement between City of Salem and Polk County Regarding the Urban Growth Boundary and Management of the Urbanized Area* (September 11, 1991). Although this SWMP has been developed specifically for Polk County, some of the efforts outlined in this program will be coordinated with the City of Salem. The area within the Salem UGB is expected to be annexed into the City of Salem. At such time that annexation to the City of Salem occurs, annexed properties would no longer fall within the jurisdiction of Polk County and would no longer be covered by Polk County's Phase II NPDES MS4 General Permit and SWMP.

This SWMP is arranged by the six stormwater management program control measures specified in Polk County's Phase II NPDES MS4 General Permit. At the beginning of each section is a summary table listing each proposed activity associated with the measure. The last five columns of the table indicate which year(s) during the five year permit period that the activity is scheduled to be completed. The summary tables are followed by descriptions of the best management practices (BMPs), measurable goals, responsible parties, and other implementation information for each activity.

The measurable goals proposed for each activity represent what seem reasonable for each situation, based on past experience and common practices for stormwater management. From a practical sense, not all activities can be performed in permit year one, so a conscientious attempt was made to spread them out over the five year permit term. The implementation schedule also follows the requirements found in the MS4 Phase II General Permit. Each goal and its frequency/schedule will be evaluated during the annual reporting effort.

Polk County first developed a SWMP in November 2006 in order to comply with the Phase II NPDES MS4 rules. On November 30, 2018, a Phase II NPDES MS4 General Permit was issued to Polk County, which became effective on March 1, 2019 and was revised on March 12, 2021. This current SWMP focuses on the implementation and further refinement of those programs, and is intended to comply with all requirements specified in the MS4 Phase II General Permit. This SWMP makes reference to "permit years" when scheduling implementation. Those permit years correspond to the following time periods:



Permit Year 1:	March 1, 2019 – June 30, 2020
Permit Year 2:	July 1, 2020 – June 30, 2021
Permit Year 3:	July 1, 2021 – June 30, 2022
Permit Year 4:	July 1, 2022 – June 30, 2023
Permit Year 5:	July 1, 2023 – June 30, 2024

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**2.0 PUBLIC EDUCATION AND OUTREACH PROGRAM**

Polk County will implement a public education and outreach program for the permit area. The following presents the components of the five year program, how they will be achieved, and the implementation schedule.

BMP Activity / Description	Permit Year				
	1	2	3	4	5
2.1 Publish an Ad in the Newspaper for Litter and Trash Control BMP's					
2.2 Stormwater Brochure for Home Owners & Construction Site Operators					
2.3 FAQ Brochure for County Staff					
2.4 Stormwater Display/Exhibit					
2.5 Household Hazardous Waste Program					
2.6 Septic System Brochure					

 Activity scheduled for permit year  
 No activity scheduled for permit year

**2.1 Publish an Advertisement in the Local Newspaper to Further Promote BMP's for Litter and Trash Control**

In an effort to provide educational stormwater information to the general public, Polk County will customize and publish an advertisement with the local newspaper. The purpose of the advertisement will be to educate the general public about best management practices for litter and trash control and the negative impacts associated with stormwater related pollution. The advertisement may also further promote Polk County's Adopt-A-Road program and the Household Hazardous Waste Program.

**Rationale for BMP:** This BMP was chosen because a local newspaper advertisement provides a method to present educational stormwater information to a high percentage of those residing in the permit area.

**Measurable Goal:** One advertisement will be published within a local newspaper that serves the permit area in Permit Years 2, 3, 4 and 5.

- o **Completion Date:** Permit Years 2, 3, 4, and 5.
- o **Rationale for Goal:** An advertisement in the local newspaper will ensure widespread distribution throughout the permit area of an educational message.
- o **Targeted Audience:** The general public.
- o **Targeted Topic:** Best management practices for litter and trash control.
- o **Responsible Party:** Polk County Community Development.

**2.2 Stormwater Brochure for Home Owners and Construction Site Operators**

Polk County has developed a brochure titled: *Guide to Erosion Prevention and Sediment Control During Construction Activities*. This brochure provides technical information detailing how to employ construction entrances that minimize offsite sediment transport, temporary sediment fences, straw bale sediment barrier/bio-filter bags, undisturbed vegetative buffers, temporary grasses and permanent vegetative cover, straw mulch, erosion and matting blankets, plastic sheet

covering, and storm drain inlet protection. Polk County will distribute this brochure, or another appropriate brochure, with all new building permits issued in the permit area.

**Rationale for BMP:** Construction activities have the potential to add pollutants to stormwater runoff; therefore, a targeted brochure that provides home owners and construction operators with preventative methods to reduce stormwater pollution will be beneficial.

**Measurable Goal:** Include an erosion control brochure with all new building permits issued in the permit area.

- **Completion Date:** Each Permit Year
- **Rationale for Goal:** Brochure distribution with building permit applications for construction within the permit area will allow targeted distribution of stormwater educational material.
- **Targeted Audience:** Home owners; construction site operators.
- **Targeted Topic:** BMP's for construction sites including erosion and sediment control measures.
- **Responsible Party:** Polk County Community Development.

### **2.3 Develop a Brochure for Polk County Staff to use as Guidance for Frequently Asked Questions Related to Stormwater Issues.**

Compile a list of frequently asked questions that the public frequently asks Land Use Planners and Permit Technicians. Create a brochure that contains answers to these frequently asked questions (FAQ) to be used as guidance for County Staff to more effectively answer stormwater related questions.

**Rationale for BMP:** Polk County's Land Use Planners and Permit Technicians are often times the first point of contact for stormwater related questions. Developing a FAQ Brochure will help educate County Staff to ensure that consistent and accurate information is being conveyed to the public.

**Measurable Goal:** Develop a FAQ brochure for County Staff by the end of Permit Year 4, which will then be updated as needed.

- **Completion Date:** Permit Year 4.
- **Rationale for Goal:** This goal will assist Staff to quickly provide accurate information to the public. It will also be a resource to ensure that County Staff knows where to find all applicable ordinances and policies related to stormwater requirements.
- **Targeted Audience:** Land Use Planners; Building Permit Technicians
- **Targeted Topic:** How to report illicit discharge complaints, references to stormwater related ordinances and policies, other stormwater related topics.
- **Responsible Party:** Polk County Community Development.

### **2.4 Stormwater Display/Exhibit**

Polk County will provide a stormwater exhibit during annual events, such as the Polk County Fair.

**Rationale for BMP:** This BMP was chosen because it provides an opportunity for the County to provide information to the general public at public gatherings and to increase public awareness about stormwater issues in the permit area.

**Measurable Goal:** Display stormwater exhibits at annual events.

- **Completion Date:** Permit Years 1, 4, and 5
- **Rationale for Goal:** Displays offered at public events will promote public awareness of stormwater issues.
- **Targeted Audience:** General public.
- **Targeted Topic:** Watershed awareness and how storm drains lead to local creeks and rivers, and potentially impacts to fish and other wildlife.
- **Responsible Party:** Polk County Community Development.

## 2.5 Polk County's Household Hazardous Waste Program

Polk County has developed a Household Hazardous Waste Program, which historically included a minimum of one collection event each year that was open to all county residents. This program has evolved to focus on year-round collection rather than collection event(s). To accomplish this, Polk County funds the disposal of certain hazardous materials, to be disposed of at the Marion County facility, which is available for Polk County residents and businesses. The Marion County facility is located at 3250 Deer Park Drive SE, Salem, Oregon, and accepts pesticides, cleaners, and fuels. Polk County will publish at least one advertisement in the local newspaper annually to promote this program.

**Rationale for BMP:** The Household Hazardous Waste Program offers a method for individuals to dispose of waste that might otherwise be dumped illegally into the storm sewer system. Promoting this program raises awareness of proper ways to dispose of hazardous waste.

**Measurable Goal:** Continue to provide funding for this program and publish at least one advertisement in the local newspaper annually to promote this program.

- **Completion Date:** Permit Years 1, 4, and 5.
- **Targeted Audience:** General Public; Businesses.
- **Targeted Topic:** Raise awareness about proper ways to dispose of hazardous waste.
- **Rationale for Goal:** Reduce the risk of hazardous waste being improperly disposed of in local waterways.
- **Responsible Party:** Polk County Environmental Health Supervisor.

## 2.6 Septic System Brochure

Polk County includes a brochure titled: "Getting to Know Your Septic System" with every septic permit and authorization.

**Rationale for BMP:** Educational materials are needed to ensure that individuals/ businesses understand how their septic system works and proper maintenance.

**Measurable Goal:** Polk County educated the general public and businesses on septic tank maintenance, working mechanisms, do's and don'ts, and signs of a failing septic system.

**Targeted audience:** General public; Businesses; Contractors

**Targeted Topic:** Raise awareness of how a septic system works and proper maintenance.

**Responsible Party:** Polk County Environmental Health Supervisor.

**Implementation:** Polk County will continue to include these brochures with every septic permit and authorization.



### 3.0 PUBLIC INVOLVEMENT AND PARTICIPATION PROGRAM

Polk County will implement a public participation process that will provide opportunities for members of the public to participate in program development and implementation. The following describes the five year program.

TABLE 3. PUBLIC INVOLVEMENT AND PARTICIPATION PROGRAM BMPS					
BMP Activity / Description	Permit Year				
	1	2	3	4	5
3.1 Publically Accessible Stormwater Website					
3.2 Promote and Improve Polk County's Adopt-A-Road Program					

- Activity scheduled for permit year
- No activity scheduled for permit year

#### 3.1 Publically Accessible Stormwater Website

Polk County will maintain a website focused on providing practical information to the public about stormwater related issues. Polk County will use the webpage for uses such as providing electronic copies of stormwater brochures, advertising stormwater related training opportunities for construction operators, and for providing information to homeowners looking to reduce their stormwater impacts. The website will provide links to stormwater related websites including the City of Salem's Stormwater web site.

**Rationale for BMP:** This BMP was chosen as a method to provide information to citizens 24 hours a day.

**Measurable Goal 1:** Provide guidance to homeowners on practical activities that can reduce household stormwater impacts.

- o **Completion Date:** Each Permit Year
- o **Rationale for Goal:** Achieving this goal will implement this BMP.
- o **Responsible Party:** Polk County Community Development and Information Services.

**Measurable Goal 2:** Maintain a list of known stormwater training opportunities for construction operators.

- o **Completion Date:** Each Permit Year
- o **Rationale for Goal:** Achieving this goal will implement this BMP.
- o **Responsible Party:** Polk County Community Development and Information Services.

**Measurable Goal 3:** Provide information about how to report illicit discharge complaints.

- o **Completion Date:** Each Permit Year
- o **Rationale for Goal:** Achieving this goal will implement this BMP.
- o **Responsible Party:** Polk County Community Development and Information Services.

**Measurable Goal 4:** Provide draft SWMP documents for public comment.

- o **Completion Date:** Each Permit Year

- **Rationale for Goal:** Achieving this goal will implement this BMP.
- **Responsible Party:** Polk County Community Development and Information Services.

**3.2 Promote and Improve Polk County’s Adopt-A-Road Program**

Polk County currently has an adopt-a-road program that is indented to reduce litter and pollutants along County roads. Polk County will continue to hold two cleanup days per year. To encourage additional participation, Polk County will also publish one advertisement annually in the local newspaper to increase awareness about the program.

**Rationale for BMP:** Within the County, stormwater primarily flows down roadside ditches. Reducing the amount of litter and other pollutants along roadsides and ditches would reduce the amount of litter and pollution the ends up within MS4 waterways.

**Measurable Goal 1:** Schedule two cleanup days per year where garbage bag collection and supplies will be provided.

- **Completion Date:** Permit Years 2, 3, 4, and 5.
- **Rationale for Goal:** Achieving this goal will implement this BMP.
- **Responsible Party:** Polk County Public Works.

**Measurable Goal 2:** Public one advertisement in the local newspaper each year to promote additional participation.

- **Completion Date:** Each Permit Year.
- **Rationale for Goal:** Achieving this goal will implement this BMP.
- **Responsible Party:** Polk County Community Development.

**4.0 ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM**

In order to meet requirements of Schedule A.3.c of the NPDES MS4 Phase II permit, Polk County has implemented a program to eliminate illicit discharges into the municipal separate storm sewer system (MS4), to the extent allowable by state laws. The County has also created an escalating enforcement protocol to ensure compliance in order to meet these requirements.

An illicit discharge is any discharge to an MS4 that is not composed entirely of stormwater. Conditional exceptions are identified in Schedule A.1.d of the permit. The following presents the requirements for the program, how they are being achieved and the implementation schedule.

TABLE 4. ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM BMPS					
BMP Activity / Description	Permit Year				
	1	2	3	4	5
4.1 Digital MS4 Map Inventory					
4.2 Ordinances					
4.3 Enforcement Procedures					
4.4 Detect and Eliminate Illicit Discharge					
4.5 Dry Weather Screening					
4.6 IDDE Training and Education					

Activity scheduled for permit year

No activity scheduled for permit year

#### 4.1 Digital MS4 Map Inventory

In accordance with Schedule A.3.c.ii of the MS4 Phase II General Permit, Polk County has updated our MS4 map and digital inventory. This inventory includes:

1. The location of outfalls and outfall inventory, conveyance system, and stormwater controls that is owned by Polk County. Chronic illicit discharges are tracked and monitored in the MS4 map using survey 123 as well as any ongoing dry weather flows. Physical documentation of both chronic illicit discharge and dry weather flows are kept as a secondary documentation.
2. Stormwater outfall inventory will be maintained. The location of all known outfalls have been given a unique alphanumeric number, and streets, manholes, and a linear referencing system are include to locate outfalls. Receiving waters of outfall locations have also been identified on the MS4 map.
3. Conveyance system and stormwater control locations have been given a unique identifier and a linear referencing system for easy location in the field.
4. Polk County has created a system to geo-locate and track chronic illicit discharges to our MS4 map using Survey 123.
5. Polk County's MS4 map has been delineated by storm sewer drainage basin within the MS4 area.

**Rationale for BMP:** Having a digital inventory of all outfall locations, the conveyance system, and structural stormwater controls will help identify, track and enforce illicit discharge offenses and dry weather flows within the MS4 area.

**Measurable Goals:** Maintain an up to date GIS mapping layer of Polk County's stormwater drainage system. Provide a copy of the MS4 map to DEQ.

**Responsible Party:** Polk County Public Works and Information Services.

**Implementation:** Maintain and update MS4 map as needed. Track and respond to chronic illicit discharges.

#### 4.2 Ordinances

In accordance with Schedule A.3.c.iii of the MS4 Phase II General Permit, Polk County will continue to prohibit non-stormwater discharges into the MS4 (except those conditionally allowed by permit Schedule A.1.d) through enforcement of Polk County Code of Ordinances (PCCO) 43.057, 43.056 and 43.050, to the extent allowable under state law. The County has implemented an escalating enforcement procedure to ensure compliance that is outlined in our SERP document.

**Rationale for BMP:** Ordinances and/or other regulatory measures need to be in place in order for Polk County to be able to enforce compliance of the Illicit Discharge Detection and Elimination Program.

**Measurable Goals:** Ensure Polk County Code of Ordinances (PCCO) 43.056, 43.050, and 43.057 continue to prevent and eliminate any illicit discharges into the MS4.

**Responsible Party:** Polk County Community Development.

**Implementation:** Polk County will prohibit illicit discharge into the MS4 using its code of ordinances. Polk County will use its SERP document to enforce compliance. Illicit discharge will be tracked and monitored using Survey 123.

### 4.3 Enforcement Procedures

In accordance with Schedule A.3.c.iv of the MS4 Phase II General Permit, Polk County has developed and implemented a Stormwater Enforcement Response Plan (SERP) that includes an escalating enforcement, a timeline for compliance, and response procedures to achieve compliance. Enforcement procedures consider factors such as the amount and type of pollutant discharged and whether the discharge was intentional or accidental.

Polk County's enforcement strategy for Illicit Discharge Detection and Elimination may be informal and/or formal depending on the risk level and cooperation of the responsible party. In many cases, illicit connections and discharges are accidental, and the responsible parties are willing to work with the County to resolve the issue as efficiently as possible. In these cases, the County uses an informal approach to facilitate the abatement of the illicit discharge while providing education and technical assistance to prevent future illicit discharges.

In cases where a responsible party intentionally discharged pollutants or is uncooperative with the County's efforts to abate the illicit connection or discharge, the County will employ a formal approach through the escalating enforcement procedures outlined below:

1. Verbal warning and education of responsible party. The discharge must be stopped immediately and the inspector shall document the discharge on an Illicit Discharge Detection and Elimination (IDDE) inspection form.
2. Written warning and issuance of a fine per Polk County's Nuisance and Abatement Ordinance, PCCO Section 43.160.
3. A follow up inspection will be performed to ensure compliance after a written warning has been sent and may result in additional fines.
4. If the connection/ discharge has not been corrected, the incident will be referred to internally to the County Engineer or other appropriate staff for further review.

Further details and documentation for Polk County's escalating enforcement can be found in Polk County's SERP document.

**Rationale for BMP:** An escalating enforcement and response procedure is needed to describe how the Polk County will use enforcement techniques to ensure compliance.

**Measurable Goals:** Polk County will respond to reports of illicit discharge complaints in a timely manner and utilize all necessary enforcement procedures put in place to do so.

**Responsible Party:** Polk County Community Development and Public Works.

**Implementation:** Polk County will use its SERP document as a means to enforce compliance to prohibit and eliminate illicit discharge to its MS4. There will be ongoing tracking of complaints and documentation of incidents.

### 4.4 Detection and Eliminate Illicit Discharge Program

In accordance with Schedule A.3.c.v of the MS4 Phase II General Permit, Polk County's Illicit Discharge Detection and Elimination Program includes detection and elimination procedures.

Polk County's detection program for non-stormwater discharges and illicit connections relies heavily on County staff, the public, and those doing business in the County to recognize and report suspected illicit discharges, connections, and spills. Detection is achieved by training staff, having an informed and attentive public, and through field screening.

Polk County has publicized a phone number and webpage that the public can use to report illicit discharges. The complaint/reporting communication channel is set up to be answered and

responded to by trained staff during normal business hours. An afterhours answering system has been setup to capture complaints or reports during non-business hours.

Polk County will respond to all complaints or reports of illicit discharges to the permitted MS4, as soon as possible, or within two working days from the initial time of the County's knowledge of the complaint or report, unless there is a threat to human health, welfare, or the environment. For discharges, including spills, which constitute a threat to human health, welfare, or the environment, the County will respond within 24 hours of the County's knowledge of the threat. Spills, or other illicit discharges, that may endanger human health or the environment must be reported in accordance with all applicable federal and state laws, including notification to the Oregon Emergency Response System (800-452-0311).

The County's response and associated investigation will at a minimum, use the following timelines set for in the County's SERP document:

- Initial Investigation or Evaluation – The County will conduct an initial investigation or evaluation within an average of five working days or refer the complaint to the appropriate agency.
- Ongoing Illicit Discharges – If the elimination of the illicit discharge will take more than 15 working days due to technical, logistical, or other reasonable issues, the County will, within 20 working days upon identifying the source of an illicit discharge, initiate procedures to eliminate the illicit discharge. Upon confirmation of an illicit connection, the County will use the Enforcement Procedures in a documented effort to eliminate the illicit connection within six months to the extent allowable under state law.
- Ongoing Illicit Discharges Involving Capital Improvements - If the elimination of the illicit discharge involves the repair or replacement of the County's wastewater or storm sewer conveyance systems, the County must remove the source of the illicit discharge within three years of the date of its identification.

If the illicit discharge originates outside the County's jurisdictional authority, the County will notify the jurisdictional authority within five working days of becoming aware of the illicit discharge.

Complaints will be tracked using complaint forms with the necessary information required by DEQ. Complaint/ reporting information will be input into Survey 123 to for easy tracking and proper enforcement procedures that may be needed. Polk County's Illicit Discharge reporting form will be included in the 3<sup>rd</sup> annual report.

**Rationale for BMP:** Polk County must maintain a procedure or system to report, document and respond to all complaints or reports of illicit discharges into and from the MS4.

**Measurable Goals:** The County has added a "Report A Spill" link on the County website which directs users to a phone number that will connect them with the Public Works department who are trained in taking these calls. After hours callers may leave a voice message which are listened to the following business day. The County has developed a procedure outlined in the SERP document describing the necessary protocols for complaint documentation, enforcement, and tracking.

**Responsible Party:** Polk County Community Development and Public Works.

**Implementation:** Staff will be trained annually on taking calls reporting illicit discharges. Staff will be trained annually on investigating complaints of illicit discharge in the field, and new hires will be trained within 30 days on taking calls and conducting field investigations. Reports will be documented and monitored using Survey 123.

#### 4.5 Dry Weather Screening

In accordance with Schedule A.3.c.vi of the MS4 Phase II General Permit, Polk County will conduct dry weather screenings of public outfall locations, and annual field screening of priority locations. Polk County has only 22 known outfalls, which can typically be inspected in 1-2 days.

Priority locations (if applicable) will, when possible, be located at an accessible location downstream of any source of suspected illegal or illicit activity or a location as identified by the County. Priority locations will be based on an equitable consideration of hydrological conditions, total drainage area of the location, population density of the location, traffic density, age of the structures or buildings in the area, history of the area, land use types, personnel safety, accessibility, historical complaints or other appropriate factors as identified by the County.

Dry weather field screening activities will occur after an antecedent dry period of at least 72-hours. Polk County's dry-weather field screening activities and documentation include:

- **General Observations** – General observations include visual presence of flow, turbidity, oil sheen, trash, debris or scum, condition of conveyance system or outfall, color, odor and any other relevant observations related to the potential presence of non-storm water or illicit discharges.
- **Field Screening and Analysis** - If flow is observed, and the source is unknown, a field analysis is conducted to determine the cause of the dry-weather flow. The field analysis includes sampling for pollutant parameters that are likely to be found based upon the suspected source of discharge or by other effective investigatory approaches or means to identify the source or cause of the suspected illicit discharge. Where appropriate, field screening pollutant parameter action levels identified by Polk County will be considered.
- **Pollutant Parameter Action** - The County has developed pollutant parameter action levels to be used as part of field screening. These action levels and their rationale can be found in Polk County's SERP document in appendix D, and will be included as documentation in the next annual report to DEQ.
- **Laboratory Analysis** - If general observations and field screening indicate an illicit discharge and the presence of a suspected illicit discharge cannot be identified through other investigatory methods, the County will collect a water quality sample for laboratory analysis. The water quality sample will be sent to WATERLAB located in Salem to help determine the source of the illicit discharge.

**Rationale for BMP:** Routine dry weather screenings are a proactive approach to finding sources of non-stormwater pollutants by trained staff using Polk County's identified pollutant parameter action levels.

**Measurable Goals:** The County has developed a dry weather screening program, including pollutant parameter action levels and accompanying rationales for each parameter.

**Responsible Party:** Polk County Community Development and Public Works.

**Implementation:** The County will conduct dry weather screenings annually and will update pollutant parameter action levels as needed. Staff will be trained annually on conducting dry weather screenings. New hires will be trained within 30 days of employment by the County.

#### 4.6 Illicit Discharge Detection and Elimination Training and Education

In accordance with Schedule A.3.c.vii of the MS4 Phase II General Permit, Polk County has created a program to train staff members on identifying, investigating, and eliminating illicit discharge and illicit connections into its MS4.

All staff directly responsible for conducting dry weather screening activities or responding to reports of illicit discharges and spills into the MS4 have been properly trained to conduct such activities.

The County will provide orientation and training to all new staff working to implement the IDDE program within 30 days of their assignment to this program. All staff responsible for implementing IDDE will receive training at least once during the permit term, and the County will provide follow-up training as procedures or technology utilized in this program change.

**Rationale for BMP:** Achieving this goal will implement this BMP.

**Measurable Goals:** A program to train and educate employees on identifying, investigating, and eliminating, illicit discharge has been created.

**Responsible Party:** Polk County Community Development and Public Works.



**Implementation:** Staff will be trained annually on IDDE procedures and protocols. New hires working with the IDDE program will be trained within 30 days of assignment to this program. Procedures, protocols, and testing equipment used will be updated as needed.

**5.0 CONSTRUCTION SITE RUNOFF CONTROL PROGRAM**

In order to meet requirements of Schedule A.3.d of the NPDES MS4 Phase II permit, Polk County must implement and enforce a construction site runoff control program to reduce discharges of pollutants form construction sites in its coverage area.

The County’s existing construction site runoff program will continue to be implemented as the activities described in this section are developed with the changes occurring by February 28th, 2023 per Article A.3.d.i.(A) of the permit.

BMP Activity / Description	Permit Year				
	1	2	3	4	5
5.1 Ordinances					
5.2 Compliance with Other NPDES Permits					
5.3 Erosion and Sediment Control Plans					
5.4 Erosion and Sediment Control Plans Review					
5.5 Construction Site Inspections					
5.6 Enforcement Procedures					
5.7 Construction Runoff Control Training and Education					

 Activity scheduled for permit year  
 No activity scheduled for permit year

**5.1 Ordinances**

In accordance with Schedule A.3.d.ii of the MS4 Phase II General Permit, Polk County will require erosion controls, sediment controls, and waste materials management controls to be used and maintained at all qualifying construction projects from initial clearing through final stabilization to reduce pollutants in stormwater discharges to the MS4 from construction sites through enforcement of County code, to the extent allowable under state law.

For construction projects that result in a land disturbance of 10,890 square feet (1/4 acre) or more, the County will require construction site operators to complete and implement an Erosion and Sediment Control Plan (ESCP).

The County will use appropriate enforcement procedures and actions to ensure compliance.

**Rationale for BMP:** Ordinances and/or other regulatory measures need to be in place in order for Polk County to be able to enforce compliance of the Construction Site Runoff Control Program.

**Measurable Goal 1: Develop and implement Polk County Ordinance for Construction Site Runoff Control definitions and enforcement procedures.**

- **Completion Date:** By February 28th, 2023.
- **Rationale for Goal:** Achieving this goal will implement this BMP.
- **Responsible Party:** Polk County Community Development and Public Works.

## 5.2 Compliance with Other NPDES Permits

In accordance with Schedule A.3.d.iii of the MS4 Phase II General Permit, Polk County will ensure compliance with other NPDES Permits.

For construction projects that disturb one or more acres (or that disturb less than one acre, (or that disturb less than one acre, if it is part of a “common plan of development or sale” disturbing one or more acres), Polk County will refer project sites to DEQ, or the appropriate DEQ agent, to obtain NPDES Construction Stormwater Permit coverage. The NPDES Construction Stormwater General Permit requirements are in addition to the County’s construction site runoff control requirements identified in Schedule A.3.d.iv (Erosion Control Plan Requirements).

**Rationale for BMP:** Polk County must ensure compliance of construction projects within the County coverage area with other NPDES Permits.

**Measurable Goal 1: Refer all construction projects that disturb one or more acres (or that disturb less than one acre, if it is part of a “common plan of development or sale” disturbing one or more acres) to DEQ to obtain a NPDES Construction Stormwater Permit. Enforce PCCO 80.133, which does not allow building permits to be issued until all applicable construction stormwater permits from DEQ are obtained.**

- **Completion Date:** By February 28th, 2023
- **Rationale for Goal:** Achieving this goal will implement this BMP.
- **Responsible Party:** Polk County Community Development

## 5.3 Erosion and Sediment Control Plans

In accordance with Schedule A.3.d.iv of the MS4 Phase II General Permit, Polk County will maintain written specifications that address the proper installation and maintenance of such controls during all phases of construction activity occurring in the County coverage area. The written specifications must include an Erosion Sediment Control Plan template, worksheet or similar document for construction site operators to document how erosion, sediment, and waste material management controls will be implemented at the construction project site. At a minimum, through ordinance or other regulatory mechanism the County will:

1. Provide the construction site operator an Erosion and Sediment Control Plan template prior to beginning construction/land disturbance;
2. Require construction site operator to complete a site-specific Erosion and Sediment Control Plan prior to beginning construction/land disturbance;



3. (C) Require the Erosion and Sediment Control Plan be maintained and updated as site conditions change, or as needed; and
4. (D) Require Erosion and Sediment Control Plans to be kept on site and made available for review by the County, DEQ, or another administrating entity.

The Erosion and Sediment Control Plan must, at a minimum consist of sizing criteria, performance criteria, design specifications, and guidance on selection and placement of controls, and specifications for long term operation and maintenance, including appropriate inspection interval and self-inspection checklists for use by the construction site operator.

**Rationale for BMP:** Polk County must maintain written specifications that address the proper installation and maintenance of such controls during all phases of construction activity occurring in the County coverage area.

**Measurable Goal 1:** The County will develop written specifications and enforce the use of the Erosion Sediment Control Plan site specific plan using the Erosion Sediment Control Plan template.

- o **Completion Date:** By February 28th, 2023 for all project sites.
- o **Rationale for Goal:** Achieving this goal will implement this BMP.
- o **Responsible Party:** Polk County Community Development and Public Works.

#### 5.4 Erosion and Sediment Control Plan Reviews

In accordance with Schedule A.3.d.v of the MS4 Phase II General Permit, Polk County will review Erosion and Sediment Control Plans from construction projects that will result in land disturbance of one or more acres (or that disturb less than one acre, if it is part of a “common plan of development or sale” disturbing one or more acres) using a checklist or similar document to determine compliance with the ordinance or other regulatory mechanism required.

Erosion and Sediment Control Plan review procedures must include consideration of the construction activities’ potential water quality impacts, and, in accordance with applicable state and local public notice requirements.

**Rationale for BMP:** Polk County must review Erosion and Sediment Control Plans from construction projects.

**Measurable Goal 1:** Develop and Maintain a report of all Erosion and Sediment Control Plans.

- o **Completion Date:** A report of all Erosion and Sediment Control Plans reviewed will be provided with permit Year 4 and 5 annual reports
- o **Rationale for Goal:** Achieving this goal will implement this BMP.
- o **Responsible Party:** Polk County Community Development and Public Works.

#### 5.5 Construction Site Inspections

In accordance with Schedule A.3.d.vi of the MS4 Phase II General Permit, Polk County will inspect construction sites to ensure compliance with the Construction Site Runoff Control Program.

Minimum Triggers for Inspection - At a minimum, the County will inspect construction sites if:

1. The construction activity will result in land disturbance of one or more acres (or that disturb less than one acre, if it is part of a “common plan of development or sale” disturbing one or more acres). Each site will be inspected at least once during the permit term;

2. Sediment is visible or reported in stormwater discharge or dewatering activities from the construction site; or
3. A complaint or report is received. At a minimum, the County will respond to the initial complaint if more than one report or complaint is received.

Minimum Inspection Documentation Requirements - If the County inspects a construction site, at a minimum the site inspection will include and document the following:

1. A review and evaluation of the Erosion and Sediment Control Plan to determine if the described control measures were installed, implemented and maintained properly.
2. An assessment of the site's compliance with the County's ordinances or requirements, including the implementation and maintenance of required control measures.
3. Visual observations and documentation of any existing or potential non-stormwater discharges, illicit connections, and/or discharge of pollutants from the site. Documentation of recommendations to the construction site operator for follow-up.
4. If necessary, education or instruction provided to the construction site operator related to additional stormwater pollution prevention practices to comply with the approved Erosion and Sediment Control Plan.
5. A written or electronic inspection report, including documentation of all necessary follow-up actions (i.e., re-inspection, enforcement) to ensure compliance with the applicable requirements.

**Rationale for BMP:** Polk County must inspect construction sites to ensure compliance with the Construction Site Runoff Control Program.

**Measurable Goal 1: Develop and Maintain a report of all construction sites inspected.**

- o **Completion Date:** A report of all construction sites inspected will be provided with the 4<sup>th</sup> and 5<sup>th</sup> annual reports.
- o **Rationale for Goal:** Achieving this goal will implement this BMP.
- o **Responsible Party:** Polk County Community Development and Public Works.

## 5.6 Enforcement

In accordance with Schedule A.3.d.vii of the MS4 Phase II General Permit, Polk County will develop, implement and maintain a written escalating enforcement and response procedure for all qualifying construction sites.

The procedure will address repeat violations through progressively stricter response, as needed, to achieve compliance. The escalating enforcement and response procedure will describe how the County will use enforcement techniques to ensure compliance. The enforcement procedures must include timelines for compliance and, when formulating response procedures, must consider factors such as the amount of pollutant discharged, the type of pollutant discharge, and whether the discharge was intentional or accidental.

**Rationale for BMP:** Polk County must develop, implement and maintain a written escalating enforcement and response procedure for all qualifying construction sites.

**Measurable Goal 1: Develop an escalating enforcement procedure.**

- o **Completion Date:** Must be submitted with the third Annual Report, November 1, 2022.
- o **Rationale for Goal:** Achieving this goal will implement this BMP.
- o **Responsible Party:** Polk County Community Development and Public Works.

**5.7 Construction Runoff Control Training and Education**

In accordance with Schedule A.3.d.viii of the MS4 Phase II General Permit, Polk County will ensure that all staff responsible for Erosion and Sediment Control Plan reviews, site inspections, and enforcement of the County’s requirements are trained or otherwise qualified to conduct such activities.

Polk County will provide orientation and training to all new staff working to implement the Construction Runoff Control program within 30 days of their assignment to this program. Program staff will be properly trained and knowledgeable in the technical understanding of erosion, sediment, and waste material management controls to conduct such Erosion and Sediment Control Plan reviews and inspections. All staff must receive training at least once during the permit term. Polk County must provide follow-up training as procedures and/or technology utilized in this program change.

**Rationale for BMP:** Polk County must ensure that all staff responsible for Erosion and Sediment Control Plan reviews, site inspections, and enforcement of the County’s requirements are trained or otherwise qualified to conduct such activities.

**Measurable Goal 1:** Develop training plan and document Construction Runoff Control training for staff.

- o **Completion Date:** Training plan implemented by February 28th, 2023.
- o **Rationale for Goal:** Achieving this goal will implement this BMP.
- o **Responsible Party:** Polk County Community Development and Public Works.

**6.0 POST-CONSTRUCTION SITE RUNOFF FOR NEW/RE-DEVELOPMENT PROGRAM**

In order to meet the requirements of Schedule A.3.e of the NPDES MS4 Phase II permit, Polk County will continue to implement the current post-construction site runoff program as new programs and procedures are developed, implemented, and enforced to meet the requirements of Schedule A.3.e to reduce discharges of pollutants and control stormwater runoff from new development and redevelopment project sites within the County.

All activities described in this section must be implemented by February 28<sup>th</sup>, 2023 per Schedule A.3.c.i.(A) of the permit.

TABLE 6. POST-CONSTRUCTION SITE RUNOFF FOR NEW/RE-DEVELOPMENT PROGRAM BMPS					
BMP Activity / Description	Permit Year				
	1	2	3	4	5
6.1 Ordinance and/or Other Regulatory Mechanism					
6.2 Prioritization of Low Impact Development Requirements					
6.3 Post-Construction Stormwater Management Requirements					
6.4 Post-Construction Site Runoff Plan Review					
6.5 Long-Term Operation and Maintenance (O&M)					
6.6 Training and Education					

Activity scheduled for permit year

No activity scheduled for permit year

### 6.1 Ordinance and/or Other Regulatory Mechanism

Through ordinance or other regulatory mechanism, to the extent allowable under state law, Polk County will require the following for project sites discharging stormwater to the MS4 that create or replace 10,890 square feet or more of new impervious surface area:

1. The use of stormwater controls at all qualifying sites.
2. A site-specific stormwater management approach that targets natural surface or predevelopment hydrological function through the installation and long-term operation and maintenance of stormwater controls.
3. Long-term operation and maintenance of stormwater controls at project sites that are under the ownership of a private entity.

**Rationale for BMP:** Ordinances and/or other regulatory measures need to be in place in order for Polk County to be able to enforce compliance of the Post Construction Site Runoff for New/Re-development Program.

**Measurable Goal 1:** Develop and implement Polk County Ordinance for Post Construction Site Runoff for New/Re-development Program and enforcement procedures.

- o **Completion Date:** Ordinance will be submitted with the 4<sup>th</sup> annual report.
- o **Rationale for Goal:** Achieving this goal will implement this BMP.
- o **Responsible Party:** Polk County Community Development and Public Works.

### 6.2 Prioritization of Low Impact Development Requirements

In accordance with Schedule A.3.e.iii of the MS4 Phase II General Permit, Polk County will identify, minimize or eliminate ordinance, or code and development standard barriers within their legal authority that inhibit design and implementation techniques, such as Low Impact Development and Green Infrastructure, intended to minimize impervious surfaces and reduce stormwater runoff. Consideration of such modifications to ordinance, or codes are only required to the extent the modifications are permitted under federal and state laws.

**Rationale for BMP:** Polk County must identify, minimize or eliminate ordinance, or code and development standard barriers within their legal authority that inhibit design and implementation techniques intended to minimize impervious surfaces and reduce stormwater runoff.

**Measurable Goal 1:** Polk County will review ordinance, code and development standards for barriers by September 1, 2023. If an ordinance, code or development standard barrier is identified at any time subsequent to September 1, 2023, the applicable ordinance, code or development standard will be modified within three years.

- o **Completion Date:** The results of this review will be reported with the 4<sup>th</sup> year annual report. Any required revisions to ordinance, code, or development standard will be proposed and reported on in the subsequent annual reports.
- o **Rationale for Goal:** Achieving this goal will implement this BMP.
- o **Responsible Party:** Polk County Community Development and Public Works.

### 6.3 Post-Construction Stormwater Management Requirements

In accordance with Schedule A.3.e.iv of the MS4 Phase II General Permit, Polk County will develop enforceable post-construction stormwater management requirements in ordinance or other regulatory mechanism that, at a minimum, including the following technical standards:

1. Site Performance Standard.

Polk County will establish a site performance standard with a numeric stormwater retention requirement to target natural surface or predevelopment hydrologic function to retain rainfall on-site and minimize the offsite discharge of precipitation utilizing stormwater controls that infiltrate and evapotranspiration stormwater.

This retention requirement must use one of the following:

- Volume-based method.
- Storm event percentile-based method.
- Annual average runoff-based method.

For projects complying with the retention requirement, Polk County can allow for an exception of this retention requirement in the site performance standard in instances where full compliance with this requirement cannot be achieved based on factors of technical infeasibility (see General Permit Schedule A.3.iv.D).

2. Treatment Standard.

For projects that are unable to fully meet the retention requirement, the remainder of the rainfall/runoff associated with this retention requirement will be treated prior to discharge with a structural stormwater control. This stormwater structural control will be designed to remove, at minimum, 80 percent of the total suspended solids. In treating the stormwater discharge offsite, Polk County will give priority to using green infrastructure before considering other structural stormwater controls. This runoff discharged offsite will target natural surface or predevelopment hydrologic function.

3. Structural Stormwater Control Design and Specifications.

Polk County will provide a description of all allowable structural stormwater controls including site-specific design requirements, design requirements that do not inhibit maintenance, conditions where each control applies, and operation and maintenance standards for each control. Polk County will identify conditions where the implementation of green infrastructure or equivalent approaches may be impracticable.

Polk County may adopt specifications created by another entity that complies with this requirement.

4. Allowance for Alternative Compliance.

Polk County may allow alternatives for projects to comply with the retention requirement at a project site based on factors of technical infeasibility or site constraints. Such feasibility or constraint factors may include, but are not limited to, shallow bedrock, high groundwater, groundwater contamination, soil instability as documented by geotechnical analysis, or a land use that is inconsistent with capture, reuse and/or infiltration of stormwater. The determination that full compliance cannot be achieved at the project site must be based on review criteria considering multiple factors and cannot be based solely on the difficulty or cost.

For project sites requesting alternative compliance, Polk County will require and subsequently review the written technical justification as to evaluate the technical infeasibility or site constraints, which prevent the onsite management of the runoff amount stipulated in the stormwater retention requirement or a portion thereof. Where alternative compliance is utilized, runoff must comply with the treatment standard. The written technical justification will be in the form of a site-specific hydrologic or design analysis conducted and endorsed by an Oregon registered Professional Engineer or Oregon Certified Engineering Geologist.

If Polk County agrees that alternative compliance with the retention requirement is necessary, Polk County will require that the site operator use one or more of the stormwater mitigation options outlined in the Stormwater Mitigation Options below.

#### 5. Stormwater Mitigation Options.

Before allowing alternative compliance with the retention requirement, Polk County will establish stormwater mitigation options for alternative compliance, including institutional standards and management systems to value, estimate, and account for how these mitigation projects retain the unmet volume of the stormwater specified in this retention requirement. The mitigation project or site must be within the same subwatershed as the site undergoing development. Stormwater mitigation options will include one or more of the following for alternative compliance:

- a. **Offsite Mitigation:** includes meeting the retention requirement at another location, the use of a stormwater mitigation bank program, or the use of stormwater payment-in-lieu program.
- b. **Groundwater Replenishment Projects:** include implementing a project that the County has determined to provide an opportunity to replenish regional groundwater supplies.
- c. **Treatment Equivalent to the Retention Requirement:** establishes treatment requirements that attain the equivalent water quality benefits as onsite retention of stormwater from new development or redevelopment sites using a continuous simulation hydrologic model or other evaluation tool.

**Rationale for BMP:** Polk County must develop enforceable post-construction stormwater management requirements in ordinance or other regulatory mechanism that include specified technical standards.

**Measurable Goal 1:** Update post-construction stormwater management requirements in ordinance that include above referenced technical standards.

- o **Completion Date:** This update along with the RVSDM will be submitted with the 4<sup>th</sup> Year Annual Report and each subsequent report thereafter.
- o **Rationale for Goal:** Achieving this goal will implement this BMP.
- o **Responsible Party:** Polk County Community Development and Public Works.

#### 6.4 Post-Construction Site Runoff Plan Review

In accordance with Schedule A.3.e.v of the MS4 Phase II General Permit, Polk County will include in ordinance or other regulatory mechanism, procedures for the County's review and approval of structural stormwater control plans for new development and redevelopment projects.

At a minimum, Polk County will review and approve plans for structural stormwater control at new development and redevelopment sites that result from a land disturbance of one or more acres (or that disturb less than one acre, if it is part of a "common plan of development or sale" disturbing one or more acres); and sites that use alternative compliance to meet the retention requirement, before the start of the project. Polk County will review plans for consistency with the ordinance/regulatory mechanism and specifications required by Schedule A.3.e.vi of the General Permit. The County will not approve or recommend for approval any plans for structural controls that do not meet minimum requirements to meet Schedule A.3.e.iv and Schedule A.3.e.vi of the General Permit.

**Rationale for BMP:** Polk County must include procedures for the County's review and approval of structural stormwater control plans for new development and redevelopment projects in ordinance or other regulatory mechanisms.

**Measurable Goal 1:** The County will provide a list of all building permits and public improvement projects reviewed for compliance and which projects implemented an Operations and Maintenance Plan with the County code.

- **Completion Date:** Update Ordinances By February 28<sup>th</sup>, 2023. Submitted list with each annual report thereafter.
- **Rationale for Goal:** Achieving this goal will implement this BMP.
- **Responsible Party:** Polk County Community Development and Public Works.

### 6.5 Long-Term Operation and Maintenance (O&M)

In accordance with Schedule A.3.e.vi of the MS4 Phase II General Permit, Polk County will maintain an inventory and implement a strategy to ensure that all stormwater controls are operated and maintained to meet the site performance standard in Schedule A.3.e.iv of the General Permit. This strategy will, at minimum, include the following:

1. Legal authority allowing Polk County to inspect and require effective operation and maintenance of new privately owned and operated stormwater controls.
2. Inspection procedures and an inspection schedule ensuring compliance with the O&M requirements of each stormwater control operated by Polk County and by other private entities.
3. A tracking mechanism for documenting inspections and the O&M requirements for each stormwater control. This tracking mechanism must document enforcement actions and compliance response. For stormwater controls that include vegetation, the O&M requirements must at minimum include requirements to maintain and/or replace vegetation to ensure the functionality of this control. For stormwater controls that include soils in the treatment process, O&M requirements must at minimum include requirements to maintain soil permeability.
4. Reporting requirements for privately owned and operated stormwater controls that document compliance with the O&M requirement in Schedule A.3.f.
5. The location of all public and private stormwater controls installed in compliance with this permit must be included with the MS4 Map.

**Rationale for BMP:** Polk County must maintain an inventory and implement a strategy to ensure that all stormwater controls are operated and maintained to meet the site performance standard in Schedule A.3.e.iv of the General Permit.

**Measurable Goal 1:** The County will update the MS4 map will include private and public stormwater facilities.

- **Completion Date:** All public and private stormwater facilities will be included in the MS4 Map by February 28<sup>th</sup>, 2023.
- **Rationale for Goal:** Achieving this goal will implement this BMP.
- **Responsible Party:** Polk County Community Development and Public Works.

**Measurable Goal 2:** The County will require private facilities to have an O&M which includes a signed and recorded Declaration of Covenants allowing the County to inspect the facility and enforce the O&M.

- **Completion Date:** By February 28<sup>th</sup>, 2023.

- **Rationale for Goal:** Achieving this goal will implement this BMP.
- **Responsible Party:** Polk County Community Development and Public Works.

**Measurable Goal 3:** The County will develop a SOP outlining inspection procedures, inspection schedules, and documentation requirements: the inventory of private and public facilities: reports showing inspections completed, enforcement actions and compliance response.

- **Completion Date:** An SOP covering inspection procedures, inspection schedules, reporting requirements, along with a documentation system will be developed and in place by February 28<sup>th</sup>, 2023.
- **Rationale for Goal:** Achieving this goal will implement this BMP.
- **Responsible Party:** Polk County Community Development and Public Works.

## 6.6 Training and Education

In accordance with Schedule A.3.e.vii of the MS4 Phase II General Permit, Polk County will ensure that staff responsible for performing post-construction runoff site plan reviews, administrating the post-construction program requirements and performing O&M practices or evaluating compliance with long-term O&M requirements are trained or otherwise qualified to conduct such activities.

The County will provide orientation and training to all new staff working to implement the post-construction runoff control program within 30 days of their assignment to this program. All staff working to implement the post-construction runoff control program must receive training at least once during the permit term. The County will provide follow-up training as procedures and/or technology utilized in this program change.

**Rationale for BMP:** Polk County must ensure that staff responsible for performing post-construction runoff site plan reviews, administrating the post-construction program requirements and performing O&M practices or evaluating compliance with long-term O&M requirements are trained or otherwise qualified to conduct such activities.

**Measurable Goal 1:** Develop training plans for staff responsible for the O&M of public facilities: for staff responsible for performing post-construction runoff site plan reviews, administrating the alternative compliance program, and evaluating compliance with long-term O&M requirements, and document Post-Construction Runoff for New/Re-Development Program trainings held.

- **Completion Date:** Training plan implemented by February 28th, 2023. At a minimum, these trainings will be provided once every five years and when new staff are assigned to these programs.
- **Rationale for Goal:** Achieving this goal will implement this BMP.
- **Responsible Party:** Polk County Community Development and Public Works.

## 7.0 POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR COUNTY OPERATIONS PROGRAM

In order to meet the requirements of Schedule A.3.f of the NPDES MS4 Phase II permit, Polk County will properly operate and maintain its facilities, using prudent pollution prevention and good housekeeping to reduce the discharge of pollutants through the MS4 to waters of the state.

All activities described in this section must be implemented by February 28<sup>th</sup>, 2022 per Schedule A.3.f.i.(A) of the permit.



**TABLE 7.  
POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR COUNTY  
OPERATIONS PROGRAM BMPS**

BMP Activity / Description	Permit Year				
	1	2	3	4	5
7.1 Operation and Maintenance Strategy for Existing Controls			■	■	■
7.2 Inspection and Cleaning of Catch Basins			■	■	■
7.3 Pollution Prevention in Facilities and Operations			■	■	■
7.4 County Owned NPDES Industrial Storm Water Permit Facilities			■	■	■
7.5 Requirements for Pesticide and Fertilizer Applications			■	■	■
7.6 Litter Control			■	■	■
7.7 Materials Disposal			■	■	■
7.8 Stormwater Infrastructure Staff Training			■	■	■
7.9 Tracking and Assessment			■	■	■

■ Activity scheduled for permit year  
 □ No activity scheduled for permit year

**7.1 Operation and Maintenance Strategy for Existing Controls**

There is currently one (1) privately owned bio-swale serving 3 tax lots within the permit area. This control was installed in 2017, prior to these permit requirements. The Architectural Control Committee (ACC) is under contract to “facilitate the maintenance, repair, or improvement of the Stormwater Facilities such that they are kept in good working order, condition, repair, clear of debris, and in compliance with all local rules pertaining to such facilities.” A non-exclusive easement grants ACC and its agents, designees, and contractors ingress and egress onto the owner’s property in order to perform inspections, repairs, maintenance, and any other improvements. There are no Polk County-owned controls within the permit area. It is unlikely that any will be installed in the future because subdivisions are prohibited and the permit area is zoned almost entirely for single-family dwelling residential use.

If in the future it is necessary for Polk County Public Works to gain access to this facility for an inspection to ensure compliance, a notice will be sent to the property owner in order to obtain access to the stormwater control and perform the necessary inspection(s), and assess the improvements or updates the facility may need. Tracking of inspections and maintenance is performed by the ACC. The stormwater control has been added to the MS4 map in accordance with section A.3.e.vi.

**Rationale for BMP:** Polk County must develop and implement an operation and maintenance strategy and inspection schedule for existing stormwater controls both County owned and privately owned.

**Measurable Goals:** Polk County currently has inspections for the single existing stormwater control in its permit area covered under contract with a third party that is required to inspect the control annually and perform maintenance as needed. The stormwater control has been added to the MS4 map in compliance with section A.3.e.vi of the permit. Tracking of maintenance for this stormwater control is done by the Architectural Control Committee (AOC).

**Responsible Party:** Polk County Public Works.

**Implementation:** Polk County will continue to ensure that existing stormwater controls are inspected and maintained by the AOC and its agents.

## 7.2 Inspection and Cleaning of Catch Basins

In accordance with Schedule A.3.f.iii of the MS4 Phase II General Permit, Polk County will inspect at least 50 percent of the County-owned or operated catch basins and inlets within the permit area at least once every five years and take all appropriate maintenance or cleaning action based on those inspections to ensure the catch basins and inlets continue to function as designed.

Polk County inspects and cleans (if necessary) all of the catch basins in its MS4 area annually. A vacuum truck was purchased in 2021 for routine maintenance. The County currently maintains catch basin inspection records and cleaning records using IRIS.

**Rationale for BMP:** Polk County must inspect County-owned or operated catch basins and inlets and maintain inspection and cleaning records.

**Measurable Goals:** The County currently inspects and cleans catch basins annually and maintains records.

**Responsible Party:** Polk County Public Works.

**Implementation:** Polk County will continue to inspect and clean catch basins annually and will continue to maintain records for these activities.

## 7.3 Pollution Prevention in Facilities and Operations

In accordance with Schedule A.3.f.iv of the MS4 Phase II General Permit, Polk County currently conducts its O&M activities in a manner that reduces the discharge of pollutants through the MS4 to protect water quality. Existing procedures to ensure pollution prevention and good housekeeping practices include the following activities required by section A.3.f.iv of the permit:

1. Pipe cleaning for stormwater conveyance systems.
2. Cleaning of culverts conveying stormwater in roadside ditches.
3. Ditch maintenance.
4. Road and bridge maintenance.
5. Road repair and resurfacing including pavement grinding.
6. Dust control for roads and municipal construction sites.
7. Winter road maintenance, including salt or de-icing storage areas.
8. Fleet maintenance and vehicle washing.
9. Building and sidewalk maintenance including washing.
10. Solid waste transfer and disposal areas.
11. Municipal landscape maintenance.
12. Material storage and transfer areas, including fertilizer and pesticide, Hazardous material, used oil storage, and fuel
13. Maintenance of municipal facilities including public parks and open space, golf courses, airports, parking lots, swimming pools, marinas, etc.

Polk County's community service crews maintain the one public park (Eola Heights) in its MS4 area. The County does not have any other municipal facilities within its MS4 area.

**Rationale for BMP:** Polk County must conduct its municipal O&M activities in a manner that reduces the discharge of pollutants through the MS4 to protect water quality.

**Measurable Goals:** The County has updated its existing procedures for inspection and maintenance to ensure pollution prevention and good housekeeping practices are conducted for the activities listed above.

**Responsible Party:** Polk County Community Development and Public Works.

**Implementation:** The County will continue to conduct its O&M activities in a manner that reduces the amount of pollutants to its MS4.

#### 7.4 County-Owned NPDES Industrial Storm Water Permit Facilities

In accordance with Schedule A.3.f.v of the MS4 Phase II General Permit, Polk County owned or operated facilities with industrial activity as defined in 40 CFR §122.26(b)(14) discharging stormwater to the waters of the state must have coverage under DEQ's NPDES Industrial Stormwater General Permit. The County may use the actions required in the NPDES Industrial Stormwater Permit to address the applicable facility requirements in Schedule A.3.f.v of the General Permit.

**Measurable Goals:** The County does not have any facilities with industrial activity as defined in 40 CFR §122.26(b)(14).

**Responsible Party:** Polk County Public Works.

**Implementation:** The County will get coverage under DEQ's NPDES Industrial Stormwater Permit to address the applicable facility requirements in schedule A.3.f.vi if there is ever industrial activity as defined in 40 CFR §122.26(b)(14) in its MS4 area.

#### 7.5 Requirements for Pesticide and Fertilizer Applications

In accordance with Schedule A.3.f.vi of the MS4 Phase II General Permit, Polk County currently implements practices to reduce the discharge of pollutants to the MS4 associated with the County's application and storage of pesticides and fertilizers. The County currently has one park in its MS4 area that is maintained by the community service crew. The County has a contract with Amlin Vegetation Management for maintenance within Polk County. All contractors, employees, and the community service crew are required to follow label requirements, which includes application methods, rates, number of applications allowed, and the proper disposal of pesticides, fertilizer, and rinsate.

The BMPs for this section can be found in Polk County's Operations and Maintenance Plan.

**Rationale for BMP:** Polk County must implement practices to reduce the discharge of pollutants to the MS4 associated with the County's application and storage of pesticides and fertilizers.

**Measurable Goals:** The County has reviewed their SOPs for application and storage of pesticides and found that all contractors and employees applying pesticides are following label requirements, including those regarding application methods, rates, number of applications allowed, and disposal of pesticide, fertilizer, and rinsate. Polk County's Operations and Maintenance Plan has been updated to clarify that the County is meeting the permit requirements.

**Responsible Party:** Polk County Community Development and Public Works.

**Implementation:** The County will continue to implement practices that reduce the discharge of pollutants to its MS4 with regards to the application of pesticides and fertilizers.

#### 7.6 Litter Control

In accordance with Schedule A.3.f.vii of the MS4 Phase II General Permit, Polk County currently implements methods to reduce litter within its jurisdiction. The County has no major public events within its permit area. The County does work cooperatively with other departments to reduce litter and the discharge of pollutants to its MS4 in other permit areas.

**Rationale for BMP:** Polk County must implement methods to reduce litter within its jurisdiction.

**Measurable Goals:** The County has reviewed its policies and procedures and found that there is currently cooperation with other departments to reduce litter within its permit area.

**Responsible Party:** Polk County Public Works.

**Implementation:** Polk County will continue to take measures to reduce litter within its jurisdiction.

### 7.7 Materials Disposal

In accordance with Schedule A.3.f.viii of the MS4 Phase II General Permit, all collected material or pollutants removed in the course of Polk County's maintenance, treatment, control of stormwater, or other wastewaters are managed and disposed of in a manner such as to prevent such pollutants from entering the waters of the state in accordance with state and federal rules.

**Rationale for BMP:** Polk County must ensure all collected material or pollutants removed in the course of maintenance, treatment, control of stormwater, or other wastewaters must be managed and disposed of in a manner such as to prevent such pollutants from entering the waters of the state in accordance with state and federal rules.

**Measurable Goals:** The County has reviewed its policies and procedures for materials disposal and currently disposes of materials in compliance with state and federal rules.

**Responsible Party:** Polk County Public Works.

**Implementation:** Polk County will continue to dispose of collected materials and pollutants in a manner that prevents the discharge of pollutants into waters of the state.

### 7.8 Storm Water Infrastructure Staff Training

In accordance with Schedule A.3.f.ix of the MS4 Phase II General Permit, Polk County will ensure that staff responsible for evaluating O&M practices, evaluating compliance with long-term O&M requirements or ensuring pollution prevention at facilities and during operations are trained or otherwise qualified to conduct such activities.

Polk County will provide orientation and training to all new staff working to implement the pollution prevention and good housekeeping for municipal operations program within 30 days of their assignment to this program and at least once during the permit term. Polk County will provide follow-up training as procedures and/or technology utilized in this program change.

**Rationale for BMP:** Polk County must ensure that staff responsible for evaluating O&M practices, evaluating compliance with long-term O&M requirements or ensuring pollution prevention at facilities and during operations are trained or otherwise qualified to conduct such activities.

**Measurable Goals:** The County has updated its existing training program to include MS4 Permit requirements including annual training on these O&M requirements and training for new employees within 30 days of employment.

**Responsible Party:** Public Works.

**Implementation:** The County will continue to provide annual training to employees and train new employees within 30 days of employment.

### **7.9 Tracking and Assessment**

Polk County will track and assess the implementation activities using the program IRIS. The BMPs in the SWMP will be evaluated each year, and changes to the SWMP may be made in order to adapt the program to better achieve the goals of the program.

**Rationale for BMP:** Polk County must ensure that records of activities for Pollution Prevention and Good Housekeeping are kept and maintained.

**Measurable Goals:** Records of O&M activities from section A.3.f of this permit will be kept and maintained using the program IRIS.

**Responsible Party:** Public Works.

**Implementation:** The County will continue to maintain records for the O&M activities for section A.3.f of the permit.

### **8.0 TRACKING AND ASSESSMENT**

Polk County will track and assess the implementation activities, which will be included in each annual report as required by the County's Phase II MS4 NPDES General Permit. Polk County will document program implementation and progress. The Measurable Goals in in this Program reflect the implementation schedule of each of the BMPs, and Polk County will revise the Measurable Goals as appropriate after assessment. The BMPs in the SWMP will be evaluated each year, and changes to the SWMP may be made in order to adapt the program to better achieve the goals of the program.

APPENDIX A

MS4 Mapping Standards



## **Polk County GIS Project Description**

In compliance with the Phase II General Permit, Polk County is required to create and maintain an MS4 map and digital stormwater inventory. The digital inventory includes outfalls, catch basins, culverts, conveyance system, and locations of reported illicit discharges and any ongoing dry weather flows where applicable. Maps and digital inventory will be readily available to DEQ upon request.

**Project Name:** MS4 Map

**Start Date:** 11-01-2021

**Completion Date:** 02-15-2022

**Version:** ArcPro

**Author:** Star Smith

**Project Client:** Community Development, Department of Environmental Quality

**Project Purpose/Objective:** Create and maintain maps of the County owned West Salem stormwater inventory.

### **Data Sources:**

1. CB- Catch Basin GPS locations collected by Public Works using a Topcon Hiper SR GPS-RTK Receiver and a Topcon FC-5000 Data Collector.
  2. CUL- Culvert (labeled conveyance on map) drafted in AutoCad using surveyor maps by Public Works and verified visually verified in the field.
  3. MHST- Manhole-Street GPS locations collected by Public Works using a Topcon Hiper SR GPS-RTK Receiver and a Topcon FC-5000 Data Collector.
  4. Polk County Layer- Polk County IS
  5. Bioswales- Stand-alone feature class (polygon) was created.
-

**Final Outputs:** A map delineated by storm sewer drainage basin and digital stormwater inventory of outfalls, conveyance system, stormwater control locations, and chronic illicit discharges.

**Proposed Project Steps:**

1. Import existing stormwater inventory from Alena to see what we have to work off of.
2. Geo-locate outfalls (culverts) and missing stormwater inventory needed for the MS4 map.
3. Use the line feature to draw in conveyance system from existing surveyor maps.

**Updates:** (Dates and activities done for project – should be done whenever you copy your project files back. Continue to add as needed.)

Date	Name	Action & Notes
11/15/2020	Star Smith	Uploaded existing data into ArcPro. It is apparent that we are missing some inventory and that the conveyance system isn't finished.
12/2/2021	Star Smith	Met with Darren and Kristi from Public Works to coordinate collecting data for outfalls and other stormwater inventory.
2/11/2022	Star Smith	Finished MS4 map using data collected by Public Works. Imported .dwg file for culverts from AutoCad into ArcPro. Remaining stormwater inventory data was geo-located using points by public works.
2/25/2022	Star Smith	Added a stand-alone feature class for the bio-swale in our permit area. Added the document ID in the attributes table.

**Project Notes:** See Above.

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**CHAPTER 182**

**SIGNIFICANT RESOURCE AREAS OVERLAY ZONE**

- 182.010. Provisions
- 182.020. Purpose
- 182.030. Application
- 182.035. Definitions
- 182.040. Review Procedure and Management Plan Requirements
- 182.050. Specific Property Development Standards
- 182.060. State or Federal Threatened and Endangered Species
- 182.070. List of Conflicting Uses
- 182.080. State and Federal Managing Agencies

**182.010. PROVISIONS.** The provisions of this Chapter shall apply to significant (1-C) resources designated 3-A or 3-C in the following categories: A) Fish and Wildlife; B) Riparian areas and wetlands; and C) Ecologically and Scientifically Significant Natural Areas.

**182.020. PURPOSE.** The purpose of the Significant Resource Overlay is to conserve significant fish and wildlife habitat, riparian and natural areas identified on the Significant Resource Areas Map and to permit development where it can be shown that such development is compatible with the protection of these resources.

**182.030. APPLICATION.** The provisions of this Chapter shall apply to the establishment of conflicting uses (see Section 182.070) within a "Significant Resource Area" indicated on the Polk County Significant Resource Area (SRA) Map and within designated buffer areas pertaining to specific resources. Activities regulated under the Forest Practices Act (FPA) are excluded from the provisions of this Chapter.

**182.035. DEFINITIONS.**

"1-C": Refers to resources which, based on information regarding location, quality and quantity, are considered to be significant and identified on the County's Significant Resource Areas (SRA) Map.

"3-A": Resources so designated are considered to be of great significance and shall be preserved, notwithstanding affects of such preservation to identified conflicting uses.

"3-C": Resources so designated are considered to be significant and shall be protected by limiting conflicting uses.

Significant Resource Areas (SRA) Map: Official adopted Map which depicts all inventoried significant (1-C) resources in Polk County.

Inventory Sheets: Official adopted listings of all inventoried significant (1-C) resources in Polk County.

**182.040. REVIEW PROCEDURE AND MANAGEMENT PLAN REQUIREMENTS.**

(A) PERMITTED USES IDENTIFIED AS CONFLICTING USES.

If a permitted use in the underlying zone is listed as a conflicting use in Section 182.070, the applicant shall comply with the applicable review procedure and management plan requirements outlined in Section 182.040. This type of review is ministerial and shall be decided by the Planning Director. Appeals are made to the Board of County Commissioners.

(B) CONDITIONAL USES IDENTIFIED AS CONFLICTING USES.

- (1) If a conditionally permitted use in the underlying zone is listed as a conflicting use in Section 182.070, it shall be subject to the following:
  - (a) Chapter 119 - Conditional Uses;
  - (b) Review procedures and Management Plan requirements contained in Section 182.040; and
  - (c) Other specifically applicable criteria (e.g., non-farm dwelling, etc.)This type of review shall be quasi-judicial and decided by the Hearings Officer. Decisions of the Hearings Officer on conditional use applications under shall be subject to the appeal provisions in Section 111.280 and the call of the Board of Commissioners as provided in Section 111.290.
- (2) The Hearings Officer may limit changes in the natural grade of land, or the alteration, removal, or destruction of natural vegetation in order to prevent or minimize erosion, pollution, or degradation of a significant resource.

- (3) An application for a conditional use shall be denied if, in the opinion of the Hearings Officer, the proposed use would be detrimental to the identified resource.

(C) PROTECT THE RESOURCE DECISION (3-A).

- (1) **The Management Plan:** When a "3-A" decision has been made for a particular resource, as indicated on the Goal 5 inventory sheets, the applicant, in coordination with the County and State or federal managing agency (s), shall develop a management plan which comprises the following elements:
  - (a) A description of the type and extent of resources involved;
  - (b) A map showing the exact location of the resource;
  - (c) A print-out indicating ownership within designated buffer strips; and
  - (d) A written statement detailing a proposed strategy to protect the identified significant resources. Such strategy may include, but shall not be limited to the following:
    - (1) Restriction of conflicting activities during critical periods (e.g., sensitive nesting periods);
    - (2) Protecting the resource with buffer strips;
    - (3) A Monitoring Plan for the site, i.e., determine the long-range affects;
    - (4) Permanent or seasonal road closures to protect the resource site; and
    - (5) Conservation easements, tax incentives or land donations.

If the County and applicant concur on provisions of the management plan, and other applicable criteria are satisfied, approval of the administrative action or conditional use request shall be subject to fulfillment of the management plan objectives.

- (2) If the County and applicant cannot agree on a Management Plan which would allow for the proposed development, while protecting the resource, the County shall deny the land use request.

(D) ALLOW CONFLICTING USES DECISION (3-B).

- (1) When a "3-B" decision has been made for a particular resource (as indicated on the adopted Goal 5 inventory sheets), the request shall not be subject to the standards of this Chapter.

(E) LIMIT CONFLICTING USES (3-C).

- (1) **The Management Plan:** When a "3-C" decision has been made for a particular resource, as indicated on the Goal 5 inventory sheets, the applicant, in coordination with the County and State or federal managing agency (s), shall develop a Management Plan which comprises the following elements:
  - (a) A description of the type and extent of resources involved;
  - (b) A map showing the exact location of the resource;
  - (c) A print-out from the County Assessor's Office indicating ownership within designated buffer strips; and
  - (d) A written statement detailing a proposed strategy to protect the identified significant resources. Such strategy may include, but shall not be limited to the following:
    - (1) Restriction of conflicting activities during critical periods (e.g., sensitive nesting periods);
    - (2) Protecting the resource with buffer strips

- (3) A Monitoring plan for the site, i.e., determine the long-range affects;
- (4) Permanent or seasonal road closures to protect the resource site; and
- (5) Conservation easements, tax incentives or land donations.

If the County and applicant concur on provisions of the Management Plan and other applicable criteria are satisfied, approval of the administrative action or conditional use request shall be subject to fulfillment of the management plan objectives.

- (2) Alternative to the Management Plan: If the County and the applicant cannot agree on a management plan which would allow for both resource conservation and development, the applicant must make the following findings of fact:
  - (a) The proposed development would not result in the loss of a rare, irreplaceable, or irreplaceable natural feature or scientific opportunity, or the disturbance of a substantially unaltered natural feature or area in or adjacent to the proposed site;
  - (b) There are no feasible alternative locations on the site where the development can occur without adverse impacts to the resource; and
  - (c) In consultation with the Oregon Department of Fish and Wildlife and/or other managing agencies, a mitigation plan shall be developed that will minimize impacts to the maximum extent feasible. The process for developing the mitigation plan shall consist of the following steps:
    - (1) Identify wildlife uses and habitat categories to be affected by the proposed development action and identify potential impacts upon wildlife habitat;
    - (2) Identify habitat mitigation opportunities provided by environmental laws and regulatory processes specifically applicable to the proposed action;
    - (3) Identify evaluation species for the purposes of comparing pre and post-development wildlife habitat conditions; and
    - (4) Develop a habitat mitigation plan which considers alternatives to the proposed development action and includes standards for post-development monitoring of the effectiveness of the mitigation measures and will provide for future modification of mitigation as required to meet the goal of the plan.

The property owner is responsible for the expense of planning and implementing the wildlife habitat mitigation plan and for the expense of collecting and analyzing any information needed to develop or evaluate the plan described above.

- (3) If the County, State or federal managing agency (s) finds the resource is not located on the applicant's property, and the development proposal will not impact the resource, the standards in this Chapter shall not apply.

**SECTION 182.050. SPECIFIC PROPERTY DEVELOPMENT STANDARDS.**

The following specific development standards apply to the establishment of identified conflicting uses (see Section 182.070) within deer and elk winter range, riparian areas and significant wetlands identified on the Significant Resource Areas (SRA) Map.

- (A) Deer and Elk Winter Range - To minimize impacts to deer and elk populations, the following standards apply (Note: Properties within the Rural Community Centers and areas zoned AR-5 and F/F are exempted from these requirements):

- (1) Dwelling units are limited to a maximum of 1 unit per 40 acres;
  - (2) Dwelling units, roads, utility corridors and other development shall be sited on the least productive habitat land and away from sensitive slopes and soils;
  - (3) Development shall be clustered and located as close as possible to existing development and services, with only essential roads provided;
  - (4) Nonessential roads shall be closed and off-road vehicle use curtailed during the winter and spring.
- (B) Riparian and Wetland Setbacks - In order to protect, maintain and enhance the water quality and biological productivity of waterways and wetlands indicated on the Significant Resources Areas map, the following setback requirements shall apply:
- (1) Development, along streams and rivers with significant (1-C) riparian habitat as depicted on the Significant Resource Areas Map, shall be subject to a riparian setback. Within the riparian area, all structural development shall be prohibited. In addition, all trees and at least 50 percent of the understory shall be retained, with the following exceptions:
    - (a) Removal of dead, diseased or dying trees, or leaning trees which pose an erosion or safety hazard;
    - (b) The mowing, planting or maintenance of lawn and farm use, as defined in Section 110.223, existing on the effective date of this Ordinance, including the control of noxious weeds (this provision is not intended to restrict the selection of crop/commodity types in those existing farm use areas within the riparian setback);
    - (c) Vegetation removal necessary to provide direct access for water dependent use, or an otherwise approved use;
    - (d) Structural shoreline stabilization; and,
    - (e) Vegetation removal necessary in conjunction with an approved in-water project, such as a bridge.
  - (2) Determining the Setback Area: The riparian setback shall be measured from the banktop on a straight line perpendicular to the flow of the waterway. The following requirements apply to determining the width of various types of riparian management areas:
 

Streams identified on the SRA Map: The width of the riparian management area shall average three times the stream width, but shall not average less than 25 feet or more than 100 feet. Stream width is the average of the main channel width of the stream during its high water level flow.

Lakes and significant wetlands identified on the SRA Map: The width of the riparian management area for lakes and significant wetlands less than 1 acre in size shall average 25 feet; for lakes and wetlands between 1 and 5 acres in size, the width shall average 50 feet; for lakes and wetlands between 5 and 10 acres in size shall average 75 feet in width; and, for lakes and wetlands over 10 acres in size, the width shall average 100 feet.
- Note: The provisions of subsection (1) above do not apply to forest activities regulated under the Forest Practices Act.
- (3) Septic drainfields are subject to a 100 foot riparian setback along all rivers and streams.
  - (4) The riparian setback requirement may be reduced if the Planning Director or his designee finds, after consultation with the Oregon Department of Fish and Wildlife, the character and size of the proposed development and its potential

for adverse impacts on the water resource, fish or wildlife habitat area, or other riparian values is minimal. However, the riparian buffer shall not be reduced below 25 feet, nor shall loss of vegetation exceed 25 percent.

- (5) Water dependent commercial and industrial uses and private boat docks, marinas and boat ramps, which are proposed in waters solely under County jurisdiction shall be subject to the approval of the Planning Director or his designee after consultation with the Oregon Department of Fish and Wildlife and other agencies with statutory jurisdiction who must concur that such a use will not negatively impact the resource.
- (6) Exceptions to Riparian Setback Requirements - The following are excepted from the strict application of the riparian setback provisions for development:
  - (a) Residential lots of record or approved subdivision lots granted an exception which have a lot depth which precludes compliance with the setback standards of this section. Such structures shall be setback the maximum practicable distance.
  - (b) Additions to existing non-conforming structures shall, at a minimum, meet the same setback of the existing structure.
  - (c) Public uses, such as bridges for public roads, shall be allowed within the setbacks set forth in this section provided that adverse impacts are mitigated as recommended by the Oregon Department of Fish and Wildlife.
  - (d) Structures necessary to make use of a water right.
  - (e) Approved erosion control - structural or nonstructural. Note: nonstructural solutions to erosion and flooding are preferred to structural solutions.

#### **182.060. STATE OR FEDERAL THREATENED AND ENDANGERED SPECIES.**

Development which may disturb species (plant or animal) listed by the State of Oregon or the U.S. Fish and Wildlife Service as threatened or endangered shall comply with appropriate State and Federal Laws and regulations. In addition, the review procedure and management plan requirements outlined in Section 182.040 shall apply.

#### **182.070. LIST OF CONFLICTING USES.**

##### **(A) FISH AND WILDLIFE AREAS AND HABITATS (Designated on the SRA Map)**

- (1) Fish Habitat
  - (a) Loss of streamside vegetation
  - (b) Road construction
  - (c) Development along lake/reservoir shorelines
  - (d) Dam construction
  - (e) Aggregate removal
- (2) Black-tailed Deer and Roosevelt Elk Winter Habitat
  - (a) Residential development
  - (b) Roads
  - (c) Landfills
  - (d) Commercial feedlots
  - (e) Airports
  - (f) Open concrete canals

- (3) Sensitive Bird Sites
  - (a) Any activity which results in the destruction of Mineral Springs
  - (b) Development within 1/4 mile of an Osprey or Bald Eagle nest during critical nesting periods (specified by the ODFW or USFW)
  - (c) Development within 600 feet of a Great Blue Heron Rookery during critical nesting periods (specified by the ODFW)
  - (d) Harvest of trees utilized for nesting by Osprey or Bald Eagle
- (4) Upland Game and Waterfowl
  - (a) Riparian vegetation removal, except as provided under Section 182.050.
  - (b) Filling, diking and drainage of ponds and wetland areas
  - (c) Disturbance and destruction of mineral springs
  - (d) Development on or adjacent to sensitive waterfowl habitat
- (B) ECOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT NATURAL AREAS.
  - (1) Encroachment of agricultural activities (including seasonal grazing) onto the resource site
  - (2) Timber harvest or tree planting on the resource site or within a designated buffer zone, excepting those operations conducted under provisions of the Forest Practices Act (FPA).
  - (3) Fill or removal at the resource site
  - (4) Stream alteration
  - (5) Mineral or aggregate extraction on the resource site
  - (6) Off-road vehicle use
  - (7) Residential, commercial or industrial development
  - (8) Road construction on the resource site (except by a managing public agency).
- (C) WATER AREAS, WETLANDS, WATERSHEDS AND GROUNDWATER RESOURCES.
  - (1) Riparian Areas
    - (a) Vegetation removal
    - (b) Road Construction
    - (c) Timber harvest (excepting those operations conducted under provisions of the FPA)

**182.080. STATE AND FEDERAL MANAGING AGENCIES.**

- (A) Fish and Wildlife Habitat Areas
  - (1) Oregon Department of Fish and Wildlife
  - (2) U.S. Department of Fish and Wildlife
- (B) Water Areas and Resources
  - (1) Oregon Department of Fish and Wildlife (ODFW)
  - (2) Oregon Division of State Lands (DSL)
  - (3) Oregon Water Resources Department (DWR)
  - (4) Oregon Department of Environmental Quality (DEQ)

**CHAPTER 43**

**NUISANCE ABATEMENT  
TITLE AND SCOPE**

43.005 TITLE.

This Chapter may be cited as the Nuisance Abatement Ordinance.

43.010 PURPOSE AND SCOPE.

It is the purpose of this Chapter to provide a just, equitable, and practicable method, to be cumulative with and in addition to any other remedy provided by law, whereby conditions exist which from any cause endanger the life, limb, health, safety, or welfare of the general public are prohibited and may be abated.

43.020 GENERAL.

(1) The directors of the departments responsible for administration or oversight of the following sections of this Chapter, or other Polk County codes and ordinances or laws of the State of Oregon, are authorized to enforce the provisions of this Chapter.

(2) The Board may, by order, designate enforcement officers to assist the directors in enforcing this Chapter.

**DEFINITIONS**

43.030 GENERAL DEFINITIONS.

For the purpose of this Chapter, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory and not directory, and the term "this Chapter" shall be deemed to include all amendments hereafter made to this Chapter. The definitions applicable to this Chapter are:

(1) **ABANDONED BUILDING.** A building or structure in which no one claims a right or interest in or one that the owner has withdrawn all rights or interest in.

(2) **ADMINISTRATOR.** The County Engineer, County Health Officer, County Sanitarian, or other person designated by resolution of the Board to administer the Solid Waste Collection and Disposal Code and the duly authorized deputy or assistant of such person.

(3) **BOARD.** The Polk County Board of Commissioners.

(4) **BUILDING OFFICIAL.** The person designated by the Board to administer the Building Code, or his or her duly authorized agent(s). [Ord. 94-4, Sec. 7.]

(5) **DANGEROUS BUILDING.** For the purpose of this Chapter, any building or structure which has any or all of the conditions or defects herein described shall be deemed to be a dangerous building, provided that such condition or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered.



- (a) Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- (b) Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- (c) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose, or location.
- (d) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose, or location.
- (e) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged or to collapse and thereby injure persons or damage property.
- (f) Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the Building Code for such buildings.
- (g) Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- (h) Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
- (i) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (j) Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that the building official finds the building or structure to be hazardous.

- (k) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing, or outside wall or coverings.
- (l) Whenever the building or structure has been damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harborage or breeding area for rodents and insects (iii) a harbor for vagrants or criminals; or as to (iv) enable persons to resort thereto for the purpose of committing unlawful acts.
- (m) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure as specified by the Building Code, Zoning Ordinance, or any applicable law, regulation, code, or ordinance of the State or Polk County.
- (n) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member, or portion less than 50 percent, or in any supporting part, member, or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.
- (o) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, toxic chemical contamination, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise is determined by the Health Officer to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
- (p) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause is determined by the Building Official or District Fire Chief to be a fire hazard.
- (q) Whenever any building or structure is in such a condition as to constitute a public nuisance under Oregon statutes or Polk County ordinances.
- (r) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of four (4) months or vacant in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(6) DIRECTOR. The persons designated by the Board as the Building Official, Planning Director, or Environmental Health Director.

(7) DISPOSE OR DISPOSAL. Includes accumulation, storage, collection, transportation, and disposal of solid wastes or recyclable materials.

(8) DISPOSAL SITE. Any land or facilities used for the disposal, handling, or transfer of or resource recovery from solid waste and waste including but not limited to dumps, landfills, sanitary landfills, and composting plants, but does not include a landfill site which is not used by the public either directly or through a service and which is used by the owner or tenant thereof to dispose of soil, rock, or non-putrescible industrial waste products resulting from the process of manufacturing.

(9) ENFORCEMENT OFFICER. The Director or other persons designated by the Board to assist the Director in enforcing this Ordinance.

(10) FRANCHISE. A general privilege to provide specified solid waste management services issued by the Board. A "Franchisee" is the holder of a franchise.

(11) INOPERABLE VEHICLE.

(a) A dismantled, unserviceable, inoperable, junked, or abandoned vehicle or any vehicle legally or physically incapable of being operated for a period exceeding 30 days unless such vehicle, or parts thereof, is completely enclosed within a building (or otherwise concealed in a manner deemed appropriate for the circumstances by Polk County Community Development), or stored on property lawfully designated under the Zoning Ordinances of Polk County as a place where such vehicles may be stored. [Amended by Ord. 10-06, Sec. 1]

(b) An inoperable vehicle shall not mean a licensed or unlicensed camper trailer, utility trailer, or unlicensed operable vehicle or vehicles which are used on private property for the production, propagation, or harvesting of agricultural products grown or raised on such lands.

(12) COMMERCIAL KENNEL. A facility for the keeping of dogs which have a set of permanent canine teeth or have become six months of age, if:

(a) The facility receives more than \$250 in gross receipts during a year for sheltering dogs that are not the property of the operator of the facility:

(b) The facility is privately operated as an animal shelter, whether for profit or not for profit; or

(c) The facility is operated for the production or sheltering of dogs that are to be offered for commercial sale. [Amended by Ord. 91-11, Sec. 4]

(13) LANDFILL. A disposal site operated by means of compacting and covering solid waste at specific designated intervals, but not each day.

(14) **MOTOR VEHICLE TIRE.** Any motor vehicle tire made wholly or in part of rubber or of any other synthetic material, including tire bodies, carcasses, casings, or part of tires in whatever form, originally designed for use by any vehicle propelled by a motor, including any vehicle pushed or pulled by a motorized vehicle.

(15) **NON-CONFORMING USE.** The lawful use of land on the effective date of the Polk County Zoning Code which does not conform with the use regulations of the zone in which the land is located.

(16) **ON-SITE SEWAGE DISPOSAL SYSTEM.** A system or any part of a system to dispose of liquid and solid sewage. Parts include septic tank, disposal trenches, effluent pipe, dosing tank and pump, diversion ditch, tile de-watering trench, sand filter, capping fill, holding tank, and alarms.

(17) **PERMIT.** A limited license to provide a specified service, or to install an on-site sewage disposal system, or to construct a building, or to make an electrical installation, or to use a parcel in a specified manner. "Permittee" is the holder of a permit. [Ord. 94-4, Sec. 8]

(18) **PERSON.** Includes individuals, corporations, associations, firms, partnerships, and joint stock companies.

(19) **RECYCLING DEPOT.** A center, depot drop box, or other place for receiving source-separated, recyclable materials with or without compensation. This shall not include a salvage, junk, or auto-wrecking yard.

(20) **REGULATIONS.** Rules or regulations promulgated by the Board pursuant to this Chapter.

(21) **RULES.** Rules promulgated by State agencies.

(22) **SANITARY LANDFILL.** A disposal site operated by means of compacting and covering solid waste at least once each operating day.

(23) **SEWAGE.** Water carried human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places together with such groundwater infiltration, surface waters, or industrial waste as may be present.

(24) **SOLID WASTE.** Solid waste shall include all putrescible and non-putrescible waste including, but not limited to, garbage, rubbish, refuse, ashes, waste paper, and cardboard; grass clippings; composts; sewer sludge; residential, commercial, and industrial appliances, equipment, and furniture; discarded, inoperable, or abandoned vehicles or vehicle parts and waste motor vehicle tires; manure, vegetable, animal solid and semi-solid waste, and dead animals. Waste shall mean useless, unwanted, or discarded materials. The fact that materials, which would otherwise come within the definition of solid waste or waste, may from time to time have value and thus be utilized shall not remove them from the definition. The terms solid waste or waste do not include:

- (a) Environmentally hazardous wastes as defined in ORS 466.005.

- (b) Materials used for fertilizer or for other productive purposes on land in agricultural operations in the growing and harvesting of crops or the raising of fowl or animals. This exception does not apply to the keeping of animals on land that has been zoned for residential non-agricultural purposes.
- (c) Septic tank and cesspool pumping or chemical toilet waste.
- (d) Reusable beverage containers as defined in ORS 459.860.
- (e) Source-separated principal recyclable materials as defined in ORS Chapter 459 and the rules promulgated thereunder and under this Chapter that have been purchased or exchanged for fair market value.

(25) **TRANSFER SITE OR TRANSFER FACILITY.** A fixed or mobile facility, used as an adjunct to collection vehicle(s), resource recovery facility, disposal site between the collection of the waste/solid waste and disposal site, including but not limited to, another vehicle, a concrete slab, pit, building, hopper, railroad gondola, or barge.

(26) **USE.** The purpose of which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied.

(27) **VACANT.** Any building or structure remaining unoccupied or unused for a period of six (6) months or longer shall be deemed vacant. This shall not include those buildings or structures found to be dangerous, imminently dangerous, or contaminated by toxic chemicals. Such buildings may be deemed vacant if found to be unoccupied or unused at the time of the initial inspection.

(28) **VECTOR.** An organism that transmits a pathogen. [Ord. 04-11]

(29) **WASTE.** Useless, unwanted, or discarded materials.

(30) **WASTE TIRE.** A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect, and is fit only for:

- (a) Remanufacture into something else, including a recapped tire; or
- (b) Some other use which differs substantially from its original use.

(31) **WASTE TIRE PERMIT.** Any person engaged in picking up, transporting, or accumulating waste tires for waste tire salvage or disposal, whether or not incidental to another business, and who has obtained a permit under this Chapter prior to so acting; but excluding franchise holders under the Solid Waste Collection and Disposal Code.

(32) **WASTE TIRE SALVAGE.** The use of a scrap tire for a purpose other than on a motor vehicle. The term "waste tire salvage" does not include the recycling of waste tires through recapping or other means for the purpose of making said waste tires suitable for use on a motor

vehicle.

## **NUISANCES DEFINED**

### **43.040 NUISANCES DEFINED.**

For purposes of this Chapter, a public nuisance consists of unlawfully doing an act, or omitting to perform a duty, which act or omission annoys, injures, or endangers the safety, health, comfort, or repose of others.

## **SOLID WASTE**

### **43.050 CREATION OF NUISANCE BY ACCUMULATION OF SOLID WASTE PROHIBITED.**

Except as provided in the Solid Waste Collection and Disposal Code, no person shall store, collect, maintain, or display on private property, waste or solid waste that is offensive or hazardous to the health and safety of the public or which creates offensive odors or a condition of unsightliness. Storage, collection, maintenance, or display of wastes or solid wastes in violation of this section shall be considered to be a public nuisance.

### **43.055 UNAUTHORIZED DUMPING PROHIBITED.**

Except at landfills, transfer sites, and recycling depots approved by the Board; no person shall allow the accumulation or temporary storage of the following materials on any property:

(1) Bulky, unsightly materials including, but not limited to; appliances, inoperable or abandoned vehicles or parts, building demolition wastes, industrial wood wastes, land clearing debris, discarded furniture and bedding, or scrap metals shall not be accumulated or stored for more than thirty (30) days.

(2) Household type rubbish, debris, or garbage shall not be accumulated or stored for more than fourteen (14) days.

### **43.056 UNAUTHORIZED DUMPING IN WATERS OF STATE.**

(1) As used in this section, "waters of the State" has the meaning defined by ORS 468.700.

(2) As provided in ORS 164.775, it is unlawful for any person to discard any glass, cans, or other similar refuse in any waters of the State; and it is unlawful for any person to discard any glass, cans or other trash, rubbish, debris, litter or solid waste on land within 100 yards of any of the waters of the State other than in receptacles provided for the purpose of holding such trash, rubbish, debris, or litter. [Ord. 91-35, Sec. 2]

### **43.057 UNAUTHORIZED DISCHARGES INTO THE STORM SEWER SYSTEM**

(1) As used in this section:

(a) "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and

solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that some may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

- (b) “Stormwater” means any surface flow, runoff, and drainage consisting of water from any form of natural precipitation, and resulting from such precipitation.
- (c) “Storm sewer system” means publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, ditches, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(2) No person shall throw, drain, or otherwise discharge into the storm sewer system any pollutants or waters containing any pollutants, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm sewer system is prohibited except as described as follows:

- (a) The following discharges are exempt from discharge prohibitions established by this section: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, roadway wash water, road maintenance and safety activity discharges, and similar discharges as subsequently authorized.
- (b) Discharges or flow from firefighting, and other discharges specified in writing by Polk County as being necessary to protect public health and safety.
- (c) Discharges associated with dye testing.
- (d) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

#### 43.058 UNAUTHORIZED DISPOSAL OF OFFENSIVE SUBSTANCES.

As provided in ORS 164.785:

(1) It is unlawful for any person, including a person in the possession or control of any land, to discard any dead animal carcass or part thereof, excrement, putrid, nauseous, noisome, decaying, deleterious, or offensive substance into or in any other manner befoul, pollute, or impair the quality of any spring, river, brook, creek, branch, well, irrigation drainage ditch, irrigation ditch, cistern, or pond of water.

(2) It is unlawful for any person to place or cause to be placed any polluting substance listed in subsection (1) of this section into any road, street, alley, lane, railroad right-of-way, lot, field, meadow, or common. It is unlawful for an owner thereof knowingly to permit any polluting substances to remain in any of the places described in this subsection to the injury of the health or to the annoyance of any citizen of this state.

(3) Nothing in this section applies to the storage or spreading of manure or like substance for agricultural, silvicultural, or horticultural purposes, except that no sewage sludge, septic tank or cesspool pumpings shall be used for these purposes unless treated and applied in a manner approved by the Department of Environmental Quality. [Ord. 91-35, Sec. 3]

#### 43.059 OFFENSIVE LITTERING.

(1) As used in this section:

- (a) "Public transportation facility" has the meaning defined by ORS 164.365.
- (b) "Public way" includes, but is not limited to, roads, streets, alleys, lanes, trails, beaches, parks, and all recreational facilities operated by the State, a county, or a local municipality for use by the general public.

(2) As provided in ORS 164.805, a person commits the violation of offensive littering if the person creates an objectionable stench or degrades the beauty or appearance of property or detracts from the natural cleanliness or safety of property by intentionally:

- (a) Discarding or depositing any rubbish, trash, garbage, debris, or other refuse or solid waste upon the land of another without permission of the owner, or upon any public way or in or upon any public transportation facility; or
- (b) Draining or causing or permitting to be drained, garbage, debris or other refuse or solid waste upon any public way or in or upon any public transportation facility; or
- (c) Permitting any rubbish, trash, garbage, debris, or other refuse or solid waste to be thrown from a vehicle that the person is operating. However, this paragraph does not apply to a person operating a vehicle transporting passengers for hire subject to regulation by the Interstate Commerce Commission or the public Utility Commission of Oregon, or to a person operating a school bus described under ORS 801.460. [Ord. 91-35, Sec. 4]

#### 43.060 EXEMPTION OF CERTAIN DISPOSAL SITES.



Sections 43.056 and 43.057 do not prohibit the operation of a disposal site, as defined in ORS 459.005, for which a permit is required by the Department of Environmental Quality, for which such a permit has been issued and which is being operated and maintained in accordance with the terms and conditions of such permit. [Ord. 91-35, Sec. 5]

## **WASTE TIRES**

### **43.061 CREATION OF A NUISANCE BY ACCUMULATION AND TRANSPORT OF WASTE TIRES.**

(1) No person shall knowingly sell or otherwise make available to any other person more than 10 waste tires for the purpose of waste tire salvage or disposal in Polk County in any given calendar year unless that other person is a waste tire permittee under this Chapter or a franchisee under the Solid Waste Collection and Disposal Code.

(2) No person shall knowingly receive more than 10 waste tires for the purpose of waste tire salvage or disposal in Polk County unless that person is a waste tire permittee under this Chapter or a franchisee under the Solid Waste Collection and Disposal Code.

(3) No person shall knowingly transport or cause to be transported wholly within or to a destination within Polk County for the purposes of waste tire salvage or disposal, more than 10 waste tires in any given year unless the person receiving said tires is a waste tire permittee under this Chapter or a franchisee under this Ordinance.

(4) No person shall accumulate more than 100 waste tires unless the person has obtained a waste tire storage site permit for the location where the tires are stored.

(5) Businesses which have received a certificate from the Oregon Department of Revenue as a retail tire dealer in compliance with ORS Chapter 740 Section 25 may accumulate 1000 waste tires prior to obtaining a waste tire storage permit.

## **WASTE TIRE STORAGE SITE**

### **43.065 APPLICATIONS.**

(1) Applications for waste tire permits shall be on forms provided by the Administrator. In addition to any information required on the forms, the Administrator may require such additional information as deemed necessary to ensure compliance with this Ordinance. A non-refundable fee of \$60 shall be payable at the time the application is submitted to the Administrator.

- (a) Applicants shall state the particular use planned for the waste tires, the number of tires required, date use shall be completed, and the source of tires.
- (b) Applicant shall state specifically the manner in which waste tires shall be screened from public view, anchored to ground if applicable.
- (c) Applicant shall identify any potential vector or pest breeding or habitat areas in the proposed use and the control methods to be utilized in order to avoid them.
- (d) Applicant shall provide any other information deemed necessary by the Administrator.

#### 43.070 REVIEW.

(1) All applications shall be subject to review by the Administrator and the Planning Director for compliance with County Ordinances. Upon receipt of a complete application, the Administrator shall make such inspections as necessary and issue a decision in writing within 60 days. The Administrator shall submit a copy of the written decision to the Board for review and consent. The effective date of the waste tire permit shall not precede Board review. The Administrator shall make a finding on a decision to allow the application based on the following criteria:

- (a) Utility of proposed use.
- (b) Effect of the proposed use on the esthetics of the surrounding neighborhood.
- (c) Potential of the proposed use to create vector or pest breeding and/or habitat areas.

(2) The decision of the Administrator may be appealed within 30 days from the date of the decision to the Board.

#### 43.075. FAILURE TO COMPLY A NUISANCE.

Failure to comply with Sections 43.060 to 43.070 constitutes a public nuisance.

### **BUILDINGS**

#### 43.080 CERTAIN BUILDINGS A NUISANCE.

The following are classified as public nuisances:

- (1) All buildings or structures, or portions thereof, which are determined by the building official to be dangerous as defined by Section 43.030 (5).
- (2) Constructing a building without a permit as required by the Building Code.
- (3) Placing a mobile home without a permit.
- (4) Occupying or changing the use of a building or structure without occupancy permit.
- (5) Selling or renting a dwelling that has been used as a clandestine drug lab without providing a written notice to the new owner or renter.
- (6) Making an electrical installation without a permit. [Ord. 94-4, Sec. 9]

### **PUBLIC HEALTH**

#### 43.085 INADEQUATE SEWAGE DISPOSAL A NUISANCE.

The following acts constitute a public nuisance:

(1) The discharge of raw or partially treated sewage onto the ground surface or into the waters of the State of Oregon.

(2) Placing into use an existing on-site sewage disposal system without an Authorization Notice as required by OAR 340-71-205.

(3) Installing, replacing, or repairing an on-site sewage disposal system without a permit as required by OAR 340-71-160.

(4) Installing, replacing, or repairing an on-site sewage disposal system without a license from the Department of Environmental Quality as required by OAR 340-71-600 (1) and (2). The owner of property who holds a valid permit for an on-site sewage disposal system is exempt from this section.

#### 43.87 VECTORS.

The following acts constitute public health nuisances:

(1) The accumulation of water causing mosquito or other vector breeding or proliferation.

(2) Rat infestation. [Ord. 04-11]

### ZONING

#### 43.090 NON-PERMITTED LAND USE A NUISANCE.

The following acts constitute public nuisances:

(1) Creating a use that is prohibited.

(2) Creating or changing a use which requires a permit.

(3) Expanding a use that is non-conforming.

(4) Changing to a use which is not permitted.

(5) Failing to comply with conditions of a permit.

### KENNELS

#### 43.095 MAINTAINING COMMERCIAL KENNEL WITHOUT A LICENSE.

The following acts constitute a public nuisance:

(1) Maintaining a commercial kennel unless a kennel license has been obtained.

(2) Maintaining a kennel in violation of state law or county ordinance, or administrative rule issued thereunder. [Amended by Ord. 91-11, Sec. 5]

## KENNEL LICENSING

### 43.100 APPLICATIONS.

Applications for a commercial kennel shall be on forms provided by Polk County. In addition to any information required on the forms, the County may require such additional information as deemed necessary to ensure compliance with this Ordinance and any other County ordinance or ORS or Administrative Rule. The application shall not be considered complete until all information requested has been submitted and a non-refundable fee has been paid. [Amended by Ord. 91-11, Sec. 6]

### 43.105 REVIEW FOR COMPLIANCE WITH REQUIREMENT.

(1) All applications shall be subject to review by the Dog Control Officer and the Planning and Environmental Health Departments to check for compliance with other County ordinances.

(2) A commercial kennel license shall not be issued in those areas for which the Zoning Code does not allow commercial kennels.

(3) All dogs kept at the commercial kennel over four months of age shall be currently vaccinated for rabies.

(4) Waste material generated by the dogs shall be disposed of in a manner that prevents water pollution and nuisances from odor and flies.

(5) The license shall indicate the maximum number of dogs that may be kept.

(6) Within 60 days of receipt of a complete application, the County shall issue or deny the application and shall notify the applicant in writing. [Amended by Ord. 91-11, Sec. 6]

### 43.110 SUSPENSION, REVOCATION, FAILURE TO RENEW.

(1) If at any time the commercial kennel operator fails to comply with a provision of this Ordinance or any other County Ordinance or ORS, the license shall be suspended or revoked.

(2) If, at the time of renewal of a commercial kennel license, it is determined that the commercial kennel operator is in violation of any provisions of this Ordinance or any other County Ordinance or ORS, the license shall not be renewed.

(3) If the number of dogs increases above that indicated on the license, the operator of the commercial kennel shall apply for an updated license to reflect the number of dogs kept at the commercial kennel.

(4) A commercial kennel license issued under this Ordinance shall be valid for one year from the date of issuance. The commercial kennel operator is responsible for timely application for renewal before the expiration date. [Amended by Ord. 91-11, Sec. 6]

43.115 [Repealed by Ord. 89-13, Sec. 1]

43.116 FEES.

The Board of Commissioners, by resolution, shall prescribe fees for commercial kennel licenses. [Ord. 89-13, Sec. 1; Ord. 91-11, Sec. 6]

43.120 APPEALS OF DECISION.

The decision on denial, suspension, revocation, or failure to renew may be appealed to the Board. An appeal fee of one-half the license fee shall be submitted with the appeal application.

43.125 EXEMPTIONS.

The following are exempt from the licensing requirements only. All other requirements of Section 43.105 must be complied with:

- (1) A commercial kennel which has obtained a Conditional Use Permit to operate.
- (2) A non-conforming boarding kennel in existence prior to adoption of this Ordinance. This does not exempt enlargement of a non-conforming commercial kennel from the Zoning Code.
- (3) Veterinary hospitals or clinics. [Amended by Ord. 91-11, Sec. 6]

**GRACE PERIOD**

43.130 GRACE PERIOD.

Licenses and permits required under Sections 43.065 and 43.095 shall be obtained within 90 days of adoption of this Ordinance.

**INVESTIGATION FEE**

43.135 INVESTIGATION FEE REQUIRED.

- (1) The following investigations of nuisances shall require the payment of an investigation fee upon application for permits:
  - (a) Placing into use or installing, replacing, or repairing an on-site sewage disposal system without a permit as defined by Sections 43.085 (2) and (3).
  - (b) Beginning construction of a building without a permit.
  - (c) Placing a mobile home without a permit.
  - (d) Changing the use of a building without a change of occupancy permit.
  - (e) Creating or changing a use without a permit as defined by Section 43.090 (2).
  - (f) Operating as a waste tire storage site or waste tire carrier without a permit.

- (g) Maintaining a kennel without a license.
- (h) Making an electrical installation without a permit. [Ord. 94-4, Sec. 10]

#### 43.140 FEES.

The investigation fee shall be assessed to the violator at the actual cost to the County to conduct the investigation, correspondence and follow-up enforcement prior to the time the violator applies for the necessary permits. In no event shall the fee be less than \$100. This fee shall be collected prior to issuing any permit.

### **ABATEMENT FUND**

#### 43.145 ABATEMENT FUND.

(1) There is hereby created the Environmental Nuisance Fund to be used to pay the County's cost to abate any nuisance as ordered by the Court or Board.

(2) The Board may at any time transfer to the fund, out of the General Fund, such sums as it may deem necessary in order to expedite the performance of the work of abatement. Any sum so transferred shall be deemed a loan and shall be repaid out of the proceeds of the collections as ordered by the Court or Board.

### **APPEALS**

#### 43.150 APPEALS.

All decisions of the Board under this Chapter shall be reviewable by the Circuit Court of the State of Oregon for the County of Polk.

### **OTHER PENALTIES AND ABATEMENT METHODS**

#### 43.152 REBUTTABLE PRESUMPTION

In any proceeding to enforce Section 43.056, 43.057, or 43.058, a name found on various items in a deposit of rubbish or other solid waste placed on land or in water in violation thereof constitutes rebuttable evidence that the person whose name appears on the items has violated Section 43.056, 43.057, or 43.058. However, the rebuttable presumption created by this section exists only when a name on items denotes ownership of the items, such as the name of an addressee on an envelope. [Ord. 91-35, Sec. 7]

#### 43.155 OTHER ABATEMENT METHODS.

(1) Enforcement of this Chapter may be as provided for in Chapter 50 of the Polk County Code.

(2) In addition to other remedies provided by law or by this Chapter, the Board may institute injunction, mandamus, abatement, or other appropriate legal proceedings to temporarily or permanently enjoin or abate such public nuisance.

(3) The provisions of this section are in addition to and not in lieu of penalties described in Section 43.160.

#### 43.157 CIVIL PENALTY FOR CERTAIN VIOLATIONS.

(1) In addition to any other penalty, any person who violates any provision of Sections 43.056, 43.057, or 43.058 shall incur a civil penalty in any amount not to exceed the penalty amount provided under Section 43.160. The penalty also may include all of the costs incurred by the county in removing the refuse or offensive substance unlawfully placed on property and in eliminating the effects of such unlawful placement.

(2) Such civil penalty shall be collected as provided under ORS 468.135, except that the Director of the Community Development Department shall perform the duties provided under ORS 468.135, and recoveries shall be credited to the county treasury. However, action under this section shall be in lieu of enforcement action under Section 43.160. [Ord. 91-35, Sec. 6]

#### 43.160 PENALTIES.

Violation of Sections 43.040 through 43.105 shall be punishable upon conviction by a fine of not more than \$500 for a non-continuing violation and a fine of not more than \$1,000 for a continuing offense. These penalties shall be in addition to any other remedies provided by law to Polk County.

#### 43.165 CONSTRUCTION.

Any finding by any court of competent jurisdiction that any portion of this Chapter is unconstitutional or invalid shall not invalidate any other portion of this Chapter.



**CHAPTER 80**

**BUILDING CODE**

**80.110 ADOPTION OF BUILDING CODE; ENFORCING AGENCY.**

(1) The following documents, copies of which are on file in the Polk County Community Development Department, are hereby adopted as the Building Code for the unincorporated areas of Polk County, Oregon:

- (a) State of Oregon Current Edition Structural Specialty Code; and
- (b) State of Oregon Current Edition Mechanical Specialty Code, with the exception that Polk County shall collect the fees specified in the most current Polk County Fee Resolution rather than those specified in Table No. 3-A and that all references to Table No. 3-A shall be treated as references to the most current Polk County Fee Resolution; and
- (c) State of Oregon Current Edition Plumbing Specialty Code; and
- (d) State of Oregon Current Edition Residential Specialty Code; and Electrical Specialty Code 918-305;
- (e) Current Edition of the National Electrical Code published by the National Fire Protection Association, with the Oregon Amendments;
- (f) State of Oregon Current Edition Manufactured Dwelling and Park Specialty Code;
- (g) State of Oregon Current Edition Solar Installation Specialty Code;
- (h) State of Oregon Current Edition Energy Efficiency Specialty Code;
- (i) State of Oregon Recreational Vehicle Administrative Rules, Chapter 918, Division 525, 530, 535, and 540 of January 1994; and
- (j) State of Oregon Recreational Parks and Organizational Camps Administrative Rules, Chapter 918, Division 918-650 of 1993;
- (k) State of Oregon Manufactured Dwelling Parks Administrative Rules, Chapter 918, Division 600.

(2) The Department of Community Development shall enforce this Chapter. [Ord. 122, Sec. 1, amended by Ord. 89-4, Sec. 1; Ord. 90-4, Sec. 1; Ord. 91-14, Sec. 1; Ord. 92-30, Sec. 1; Ord. 94-4, Sec. 2.; Ord. 94-8, Sec. 2.; Ord. 98-10, Sec. 1. Ord. 11-08, Sec.1.]

80.120 DEFINITIONS FOR BUILDING CODE.

Whenever appropriate in applying the provisions of the Building Code, the following definitions apply:

(1) "Appointing authority" shall apply to the Board of Commissioners for Polk County, Oregon.

(2) "Building department" shall apply to the Department of Community Development.

(3) "Building official" shall apply to the official, or his or her duly authorized agent(s), designated as such by the Board of Commissioners.

(4) "City" shall apply to the unincorporated areas of Polk County, Oregon.

(5) "City Recorder" shall apply to the County Clerk.

(6) "City Treasury" shall apply to the County Treasury.

(7) "Farm labor camp" shall apply to a shelter or temporary housing for farm migrant or seasonal workers, that is furnished without charge to the occupants.

(8) "Fire chief" shall apply to the chief of a volunteer fire department or a rural fire protection district, whichever has jurisdiction over the area involved, or to his regularly appointed deputy.

(9) "Mayor" shall apply to the Board of Commissioners.

(10) "Mobile Home" shall apply to a vehicular portable structure built to the specifications and standards of the United States of America Standards for Mobile Homes (USASA 119.1, 1969) on a chassis and designed to be used without a permanent foundation as a dwelling when connected to indicated utility facilities. These units shall bear an insignia of compliance only when for sale, lease, or rent as per applicable state statute and/or administrative rule. [Ord. 94-8, Sec. 2.]

(11) "Manufactured Home" shall apply to a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction and was constructed after June 15, 1976 and bears an approved H.U.D. insignia of compliance.

(12) "Recreational Vehicle" means a vehicle with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes, and has a gross floor area not exceeding 400 square feet in the set up mode. [Ord. 94-8, Sec. 2.]

(13) "Street" shall apply to streets as defined in the Building Code, and to public roads of Polk County, Oregon. [Ord. 122, Sec. 2; amended by Ord. 89-4, Sec. 2; amended by Ord. 94-8, Sec. 2.]

#### 80.130 GENERAL PROVISIONS AND REQUIREMENTS.

(1) The Fire Marshal Laws, as contained in ORS Chapters 378, 407, 443, 476, 478, 479, and 480; The Oregon Drinking Water Quality Act as defined in ORS 448.127 and regulations of the State Health Division, governing water supply; regulations of the Department of Environmental Quality, governing subsurface disposal of sewage; and the laws pertaining to electrical wiring and equipment as contained in ORS Chapters 479, 651, and 694 are incorporated in and made a part of this Chapter.

(2) Plans for waste disposal facilities must have the approval of the Department of Community Development before a permit is issued and the installed facilities must be inspected and approved before back filling. No structure shall be occupied until the facilities for water supply and sewage disposal equal to the minimum standards of the State Health Division and the Department of Environmental Quality have been installed and are approved by the Department of Community Development.

(3) Building permits or mobile home location permits shall not be issued if the parcel of land on which the building is to be erected, or the use of the buildings or land, would be in violation of the Polk County Subdivision or Zoning Ordinances.

(4) Mobile homes or manufactured homes shall not be located on a site until a permit to locate a mobile home or manufactured home is obtained. [Ord. 122, Sec. 4; amended by Ord. 89-4, Sec. 3.]

(5) Recreational Vehicles shall not be used for permanent occupancy and are limited to placement or use in accordance with the Polk County Zoning Ordinance and the current adopted recreational vehicle parks. "Park Model" recreational vehicles may be sited only in approved spaces designed for their use in approved recreational vehicle parks. Their siting, set up, and utility connections thereto shall be in accordance with current County code governing their installation and shall require permits be issued prior to their installation. [Ord. 89-4, Sec. 4; amended by Ord. 94-8, Sec. 2.]

#### 80.133 STORMWATER REQUIREMENTS

The following requirements apply to construction activities that result in a land disturbance of greater than or equal to one acre and construction activity disturbing less than one acre if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more:

(1) Building permits shall not be issued until all construction stormwater permits required by the Oregon Department of Environmental Quality have been obtained.

(2) At the time of submittal of an application for a development permit(s) for a new development or redevelopment project within the City of Salem urban growth boundary and Polk County, but outside city limits, an applicant shall submit a Post-Construction Runoff Plan to the Community Development Department. A Post-Construction Runoff Plan shall incorporate design elements or principles which address the objectives set forth below as subdivisions (a), (b) and (c) of this subsection. The design elements utilized by a developer may, but are not required to, include those provided on the list below. Although design elements are set forth as if they address only one objective, in many cases they address multiple objectives. The design elements of the Post-Construction Runoff Plan may be used to address multiple objectives.

- (a) Development shall be designed to maximize permeable areas. Design elements that may be used to achieve this objective include the following:
  - (i) Use natural drainage, detention ponds or infiltration pits so that runoff may collect and seep into the ground and reduce or prevent off-site flows;
  - (ii) Divert and catch runoff through the use of swales, berms, green strip filters, gravel beds and french drains;
  - (iii) Construct driveways and walkways from porous materials to allow increased percolation of runoff into the ground;
  
- (b) Development shall be designed to minimize the amount of runoff directed to impermeable areas and/or maximize stormwater storage for reuse. Design elements that may be used to achieve this objective include the following:
  - (i) Install rain gutters and orient them towards permeable surfaces rather than driveways or nonpermeable surfaces so that runoff will penetrate into the ground instead of flowing off-site;
  - (ii) Modify grades of property to divert flow to permeable areas and to minimize the amount of stormwater leaving the property;
  - (iii) Use sediment traps to intercept runoff from drainage areas and hold or slowly release the runoff, with sediments held in the trap for later removal;
  - (iv) Use retention structures or design rooftops to store runoff. Utilize subsurface areas for storm runoff either for reuse or to enable release of runoff at predetermined times or rates to minimize the peak discharge into storm drains. Cisterns are also a possible storage mechanism for reuse;

- (v) Design curbs, berms or the like so as to avoid isolation of permeable or landscaped areas;
- (c) All parking lots shall have the capability to contain one inch of precipitation in a twenty-four hour period. All Post-Construction Runoff Plans created for projects that include parking lot construction shall employ one or multiple design elements to ensure that this requirement is achieved. Design elements that may be used to achieve this requirement include the following:
  - (i) Use green strip filters, bioswales, and porous pavement to capture and percolate runoff where possible;
  - (ii) Use oil and water separators or clarifiers to remove petroleum-based contaminants and other pollutants which are likely to accumulate on parking lots;
  - (iii) Direct runoff toward permeable areas;

(3) The County's evaluation of each Post-Construction Runoff Plan will ascertain how well the proposed plan meets the combined objectives set forth in subsection 2 above. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed.

#### 80.135 ELECTRICAL CODE ENFORCEMENT.

The following procedures shall apply to Polk County's enforcement of ORS 479.510 to 479.945 and of the electrical codes adopted in PCZO 80.110:  
[Ord. 94-4, Sec. 4.]

(1) Interpretations of the applicable electrical code shall be made by the electrical inspector for Polk County. If there is more than one electrical inspector, the final determination shall be made by the Senior Inspector. Formal interpretations shall be made in writing.

(2) When a conflict in code interpretation between electrical inspectors occurs, or between the inspector and the public, the resolution shall be by appeal to the Chief Electrical Inspector, State of Oregon, in accordance with ORS 479.853(2).

(3) The requirements for electrical plan review shall be as outlined in O.A.R. 918-311-0010 to OAR 918-311-0050.

(4) It shall be unlawful for any person, company, or other entity to perform any electrical work as outlined in Article 90-2 (a) of the National Electrical Code without first obtaining a permit or label from Polk County. Failure to obtain the proper permit or label shall result in an investigation fee being charged prior to issuance of the permit. The investigation fee shall be equal

to the cost of the permit fee or \$100, whichever is the greater. Permit fees shall be those fees approved by the State of Oregon and that appear on the Polk County Electrical Permit Application Form.

(5) Permit numbers may be obtained over the phone by voice or fax. The permit holder then has 10 working days to submit a completed and signed copy of the permit application and appropriate permit fee to the county, or the permit shall become void.

(6) In addition to any other authority and power granted to the building official under the specialty codes adopted by this ordinance, except where inconsistent with other provisions of the law, the building official or electrical inspector may enforce the provisions of the specialty codes against any person regardless of whether a permit, certificate, license, or other indicia of authority has been issued. The building official or electrical inspector may investigate, order corrective action, and issue an order to stop all or any work under the applicable specialty code including orders to cease and desist. This authority shall also extend to manufactured structures and parks. If the building official or electrical inspector finds that an electrical installation or product fails to comply with minimum safety standards, he or she may disconnect or order the disconnection of service thereto. If the building official or electrical inspector finds that the condition of an electrical installation or product constitutes an immediate hazard to life or property, he or she may cut or disconnect any wire necessary to remove such hazard. For the purpose of discharging any duty imposed by this ordinance, the building official or electrical inspector may enter, during reasonable hours, any building, enclosure, or upon any premises where an electrical installation has been made or where electrical equipment or products may be located. No person shall obstruct or interfere with the building official or electrical inspector in the performance of any of his or her duties or the exercise of any authority conferred under this section. This section does not authorize entry when such entry would be unconstitutional.

(7) Building and electrical inspections made by Polk County are for the benefit of the general public, not for the benefit of the person whose property is being inspected. This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects in the construction of the building or the electrical wiring or fixtures in the building, nor shall Polk County be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code. Approval of electrical installations or other fixtures does not warrant that they are safe under any and all circumstances, for any and all uses.

(8) Electrical permits shall not be issued, nor inspections performed, nor approval given for electrical installations on, in, or for new or existing constructions that are in violation of the Oregon Structural Specialty Code, the Oregon Mechanical Specialty Code, The Oregon Plumbing Specialty Code, The Oregon One and Two Family Code, or other applicable State, County or City statutes, administrative rules or local ordinances that are currently adopted. Approval may, however, be given by the Building Official in conjunction with the Chief Electrical Inspector to allow emergency corrections to electrical installations without the issuance of permits.

#### 80.140 TEMPORARY STRUCTURES.

Buildings of a temporary nature may be permitted, if conditions of business warrant such construction. A special permit shall be granted, which shall be limited to 90 days with renewal of 90 days. The fee for the permit shall be prescribed by the Board of Commissioners. [Ord. 122, Sec. 4; amended by Ord. 89-4, Sec. 4]

#### 80.160 CODE INTERPRETATION. [Ord. 94-4, Sec. 6.]

(1) When in the opinion of the Building Official a design document is required by the One and Two Family Dwelling Specialty Code, in order to assure that minimum code requirements will be met, the engineering standards to be utilized shall be the standards specified in the current adopted Oregon Structural Specialty Code, unless demonstrated otherwise, to the satisfaction of the Building Official, in accordance with the provisions of Section R-106 of the current adopted One and Two Family Code.

(2) When in the opinion of the Building Official alternate materials and systems, in accordance with Section R-104.11 of the One and Two Family Code, are appropriate or necessary to provide for methods of construction not specified in the One and Two Family Code, said alternate construction shall be governed by the parameter of the current adopted Oregon Structural Specialty Code.

(3) The administrative provisions of the Oregon Structural Specialty Code, the Oregon Mechanical Specialty Code, and the Oregon Plumbing Specialty Code shall apply to the administration and enforcement of the One and Two Family Code, except where they are in contradiction to said code. [Ord. 94-20]

(4) Where there is conflict found between the One and Two Family Code and the Oregon Structural Specialty Code, the One and Two Family Code shall govern.

#### 80.195 PENALTIES FOR VIOLATION AS SET FORTH IN OREGON STATE STRUCTURAL SPECIALTY CODE AND FIRE AND LIFE SAFETY CODE, SECTION 205:

- (1) A person shall not:
  - (a) Violate or procure, aid or abet any other person to engage in any final order concerning the application of a provision of the State Building Code in a particular case made by the Director, an advisory board, a state administrative officer or any local appeals board, building official, or inspector.
  - (b) Engage in or procure, aid or abet any other person to engage in any conduct or activity for which a permit, certificate, label, or other formal authorization is required by any specialty code or other regulation without first having obtained such permit, certificate, label, or other formal authorization.

(2) Violation of subsection (1) of this section is a Class B misdemeanor. In the case of a continuing violation, every day's continuance of the violation is a separate offense. [Ord. 122, Sec. 7]

80.215 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.220 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.225 [Ord. 154, Sec. 1; repealed by Ord. 89-4, Sec. 6]

80.230 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.235 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.240 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.245 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.250 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.255 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.260 BUILDING VALUATION DATA.

The valuation of building construction for building permit purposes shall be the total value of all construction for all classes of work as specified by Table 1-A of the State of Oregon SSC. The application for a building permit shall include an accurate estimate of the construction cost or the actual contract cost. [Ord. 146]

80.270 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.275 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.280 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.290 FEES.

The Board of Commissioners by resolution shall prescribe fees for services not otherwise prescribed by State law or by this Chapter. [Ord. 89-4, Sec. 5]



**CHAPTER 50**

**ENFORCEMENT OF COUNTY ORDINANCES**

**(General Provisions)**

50.005 PURPOSE.

The purpose of this chapter is to ensure timely enforcement of Polk County ordinances and maintain public confidence and certainty in the effectiveness of these ordinances.

50.010 DEFINITIONS.

As used in this chapter, unless the context requires otherwise:

(1) "County ordinance" or "ordinance" means any ordinance adopted by Polk County, including but not limited to one dealing with zoning, planning, nuisance abatement, health, solid waste, public works, building and electrical standards. [Ord. 94-4, Sec. 11]

(2) "Infraction complaint" means a document which, when properly served upon an alleged ordinance violator, brings the matter before the appropriate court for resolution.

(3) "Person" includes the United States or agencies thereof, any state, public or private corporation, local governmental unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity, contractor, subcontractor, or combination thereof. For the purposes of this chapter, "person" also includes those residing or conducting business or activities in the incorporated or unincorporated areas of Polk County.

(4) "Enforcement officer" means a person appointed to serve infraction complaints pursuant to Section 50.020, by Board order, or to initiate proceedings for nuisance abatement under Chapter 43.

(5) "Violator" means a person who has been accused of a violation of a Polk County ordinance or a person who has admitted or been adjudicated to have violated a Polk County ordinance.

50.015 JURISDICTION OF COURTS.

The Circuit Court has jurisdiction of all proceedings for violation of a Polk County ordinance under this chapter.

50.020 ATTORNEY FOR POLK COUNTY.

The Polk County Board of Commissioners elects to have the prosecution of infraction complaints and enforcement of any other remedy provided by law or ordinance to be conducted by the Office of Polk County Legal Counsel. This does not prevent participation by the Polk County District Attorney in cases deemed appropriate by the Board and District Attorney.

50.025 ENFORCEMENT OFFICERS.

The Board of Commissioners shall appoint one or more persons to act as enforcement officer(s) for the purposes of this chapter. The appointments shall be by order of the Board.

50.030 SEVERABILITY.

If any part of this chapter is declared invalid, such declaration does not affect the validity of any other part.

50.035 AMENDMENT OF OTHER COUNTY ORDINANCES.

It is not the intent of this chapter to repeal any penalty provision in existing Polk County ordinances. It is the intent of this chapter:

- (1) To provide alternative penalties and procedures for enforcement of the penalty provisions already contained in existing Polk County ordinances.
- (2) To apply to all penalty provisions of all existing Polk County ordinances. All penalty provisions of all other existing Polk County ordinances are considered to include this chapter by reference.

(Infraction Complaints)

50.105 REMEDIES.

- (1) Except as otherwise specifically provided in this chapter, an infraction complaint may be used for violation of any Polk County ordinance.
- (2) Infraction complaints may be filed against the same person for repeated violations of the same ordinance or for a continuing violation of the same ordinance.
- (3) Each 24-hour period constitutes a separate occurrence.
- (4) Polk County at any time, whether before or after the issuance of one or more infraction complaints, may file a complaint in the Circuit Court for Polk County for any other remedy provided by law including injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently, enjoin, or abate the violation.
- (5) In addition to any other remedy provided by law, Polk County may seek a fine of \$500 for each separate violation and a fine of up to \$10,000 for a continuing violation of any Polk County ordinance, pursuant to this chapter.

50.110 CONTENTS.

- (1) An infraction complaint shall consist of a citation, enforcement officer report, and summons.

(2) The infraction complaint shall contain a form in which the Enforcement Officer shall record that he or she has reasonable grounds to believe, and does believe, the person served with the infraction complaint violated a Polk County ordinance, contrary to law. A certificate conforming to this section and signed by the Enforcement Officer is equivalent to a sworn complaint.

(3) The infraction complaint shall also contain the following:

- (a) The name of the court, the name of Polk County, in whose name the action is brought, and the name of the violator.
- (b) A statement or designation of the alleged violation of Polk County ordinance in such a manner as can be readily understood by an ordinary person making a reasonable effort to do so and the date, time, and place at which the violation is alleged to have occurred.

#### 50.115 SUMMONS.

A summons in an infraction complaint is sufficient if it contains the following:

(1) The name of the court, the name of the person cited, the date on which the infraction complaint was issued, the name of the Enforcement Officer, and the date, time, and place at which the person cited is to appear in court.

(2) A notice to the person cited that the infraction complaint will be filed with the court, based upon the alleged violation of Polk County ordinance.

(3) The bail for violation of the ordinance:

- (a) For a single occurrence, a minimum of \$125 and not to exceed \$500.
- (b) For a continuing occurrence, a minimum of \$250 and not to exceed \$10,000.

(4) A notice that Polk County may seek any and all other legal remedies, including but not limited to injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently, enjoin, or abate the ordinance violation.

#### 50.118 WARNING.

At the discretion of the Enforcement Officer, an official warning may be issued prior to the issuance of a citation. The warning shall be served as set forth in section 50.120 and shall notify the violator as to the observed violation(s) and the action necessary to remedy same. The warning shall set forth a return inspection date at which time if the violation(s) have been remedied the matter will stand closed. If the violation(s) still exist at the time of the return inspection, the Enforcement Officer shall issue a citation.

#### 50.120 SERVICE.

(1) Service of an infraction complaint shall be made by an enforcement officer upon a person whose conduct, actions, or omissions are alleged to constitute a Polk County ordinance

violation.

(2) If the person served under this section is not the owner, title holder, contract buyer, or contract seller of property material to the alleged violation, but is the person whose action, conduct, or omission is creating or causing (by act or omission) the ordinance violation, then the owner, title holder, contract buyer, or contract seller, after 45-days written notice from Polk County, may also be served personally with an infraction complaint.

(3) If personal service cannot readily be made, substitute service can be made as provided in Rule 7, Oregon Rules of Civil Procedure.

#### 50.125 FILING COPIES.

The Enforcement Officer issuing an infraction complaint shall cause:

(1) A copy of the infraction complaint to be delivered to the Polk County Legal Counsel's office not later than the third business day after service.

(2) The infraction complaint to be delivered to Court Records not later than the fifth business day after service.

#### 50.130 MOTION TO SET ASIDE.

An infraction complaint shall be set aside by the court upon motion of the violator, before a plea, if the complaint does not conform to the requirements of Sections 50.110 and 50.115. A pre-trial ruling on a motion to set aside may be appealed by Polk County. The court may allow Polk County to amend the complaint or to file an amended complaint.

#### 50.135 APPEARANCE / HEARING / DEFAULT.

(1) The violator shall appear in court at the time indicated in the summons, or prior to such time may:

- (a) Request a hearing.
- (b) Admit violation of the Polk County ordinance and give a statement of matters in explanation or mitigation of the violation.
- (c) Submit to the court an executed appearance, waiver of hearing, and admission of violation as set forth on the summons, together with cash, check or money order in the amount of the bail set forth on the summons. A statement in explanation or mitigation may also be submitted with the admission of violation of a Polk County ordinance.

(2) In any case in which the violator personally appears in court at the time indicated in the summons, and the violator desires to admit the violation of the Polk County ordinance and the court accepts the admission, the court shall hear any statement in explanation or mitigation that the violator desires to make.

(3) If the violator does not appear in court at the time indicated in the summons and has not, prior to such time, submitted an executed appearance and waiver of hearing to the court, together with cash, check, or money order in the amount of the fine set forth in the summons, or requested in writing a continuance of the time to appear in court, the court shall enter a judgment against the violator in an amount equal to the bail set forth on the face of the summons, together with court costs and any special costs.

#### 50.140 EFFECT OF ADMISSION AND STATEMENT BY VIOLATOR.

If a violator has not requested a hearing, but has submitted to the court a written statement in explanation or mitigation of the ordinance violation, the statement constitutes a waiver of hearing and consent to the entry of judgment against the violator. The court may declare a forfeiture of the bail or portion thereof on the basis of the statement and any testimony or written statement of the Enforcement Officer or other person, if any, which may be presented to the court.

#### 50.145 SCHEDULING HEARING - EFFECT OF FAILURE TO APPEAR.

(1) If the violator requests a hearing, the court shall fix a date and time for the hearing and advise the violator of the date.

(2) If the violator fails to appear at the time set for the hearing without having previously requested in writing a continuance, the court shall enter a judgment against the violator in the amount of the bail set forth on the summons.

(3) No warrant of arrest shall be issued for any violation of a Polk County ordinance.

#### 50.150 CONDUCT OF HEARING.

(1) The hearing of any infraction complaint shall be by the court without a jury unless the violator requests a jury consistent with the Oregon Constitution, Article VII, Section 3.

(2) The hearing of any infraction complaint shall not commence until at least fourteen days have elapsed after the date of the infraction complaint.

(3) Polk County has the burden of proving the violation of an ordinance by a preponderance of the evidence.

(4) The pre-trial discovery rules set forth in the Oregon Rules of Civil Procedure apply to infraction complaints. Polk County may call the violator as a witness at the hearing.

(5) Proof of negligence, malfeasance, misfeasance, nonfeasance, willful conduct, knowing conduct, intentional conduct, or any other culpable mental state is not an element of an ordinance violation.

(6) At any hearing involving an infraction complaint, the violator is entitled to be represented by counsel, but an attorney shall not be provided at public expense.

#### 50.155 PROSECUTION AS BAR.

Notwithstanding any provision of the Oregon Rules of Civil Procedure or any other provision of this chapter, the prosecution of one infraction complaint does not bar the subsequent prosecution of additional Polk County ordinance violations occurring or committed at the same time or as part of the same act or transaction or as part of the same occurrence as other ordinance violations. Evidence of prior ordinance violations is admissible in subsequent prosecution of an ordinance violation.

#### 50.160 CIVIL JUDGMENT.

A judgment upon an infraction complaint is a civil judgment having the same effect as any other civil judgment at law. The judgment involves only a fine and does not incur loss by forfeiture, suspension, or revocation of any license or any other privilege or other civil penalty. A person against whom a judgment is issued does not suffer any disability or legal disadvantage, based upon the judgment, other than the enforcement by Polk County of the judgment.

#### 50.165 APPEAL.

An appeal from a judgment under Section 50.160 may be taken by either party as provided in ORS Chapter 19.

#### 50.170 COURT COSTS.

- (1) The court, in addition to the fine, shall charge court costs to the violator if:
  - (a) The violator admits violation of the Polk County ordinance and a fine is imposed;
  - (b) The violator fails to appear for the hearing or is found to have violated a Polk County ordinance following a hearing; or
  - (c) The violator enters into an agreement with Polk County for a consent decree whereby the violator does not admit violation of the ordinance but agrees to make necessary corrections, as set forth in the agreement, in order to bring the violator's conduct, actions, or property into compliance with Polk County ordinances.

- (2) Court costs shall be \$75. The costs cannot be waived by Polk County or the violator in any proceeding. If the violator fails to pay the costs, the costs shall be entered as a judgment against the violator in the same manner and with like effect as a judgment for a fine.

#### 50.175 CONSENT DECREE.

- (1) Polk County and the violator may enter into a consent decree. The consent decree shall provide that the violator does not admit a violation of a Polk County ordinance but will make necessary corrections and reimburse Polk County for enforcement costs, as set forth in the

agreement, to bring the violator's actions, conduct, omissions, or property into conformance with appropriate Polk County ordinances.

(2) The violator, the violator's attorney, if any, and the Polk County Legal Counsel shall sign all consent decrees.

(3) The consent decree shall be filed with the court as a final adjudication of the proceedings and, upon signature of the Judge, shall constitute a dismissal of the action when violator performs as agreed. The violator or Polk County may seek a court order dismissing the case upon completion of the conditions of the consent decree.

(4) The violator's failure to comply with the consent decree allows Polk County to seek any additional remedies provided by law or ordinance.

#### 50.180 FINES.

(1) All fines collected shall be deposited with the Polk County Treasurer and credited to the Polk County General Fund.

(2) Polk County is entitled to recover all special costs and disbursements that are reasonable and necessary expenses incurred in the successful prosecution of an infraction complaint, including the expenses and salaries of officers, agents, and employees; expenses of witnesses; expenses of taking depositions; expenses of publication of summons or notices, postage, compensation of expert witnesses; and the expense of copying any public record, book, or document used as evidence in the trial.

(3) The special costs shall be allowed to Polk County in the same manner as a judgment for fines.

#### (Nuisance Abatement)

#### 50.205 INVESTIGATION AND REPORT.

(1) An enforcement officer may, and on the bona fide signed complaint of any person or public body shall, investigate to determine whether a nuisance exists under any Polk County ordinance. The Enforcement Officer may request the assistance of the Polk County Sheriff for the purpose of conducting such investigations.

(2) After investigation, if the Enforcement Officer finds reasonable cause to believe a nuisance offense in violation of Chapter 43 exists, the officer shall proceed as provided in this Chapter.

(3) After investigation, if the Enforcement Officer finds reasonable cause to believe a nuisance not described in Chapter 43 exists, the officer shall confer with the Polk County Legal Counsel who in turn may elect to report the results of the investigation to the Board.

#### 50.210 HEARING.

(1) Based on its review of the Enforcement Officer's report, the Board, by order, may

appoint a Hearings Officer to hold a public hearing on the existence of the alleged nuisance. Unless the order declares the probable existence of a substantial threat to the public peace, health, and safety requiring immediate action, the hearing shall not be scheduled earlier than the 10th day after adoption of the order. The Board shall cause written notice of the hearing to be sent by certified mail to the alleged violator and to the owner of the property where the violation is alleged, if the owner is another person.

(2) At the time and place described in the notice, the Hearings Officer shall hold a public hearing on the existence of the alleged nuisance. Any person or public body requesting an opportunity shall be heard and may present evidence. At the conclusion of the hearing, the Hearings Officer shall submit all evidence to the Board together with the summary, findings, and recommendations.

#### 50.215 BOARD ACTION.

(1) After reviewing the material submitted by the Hearings Officer, the Board, by order, on the basis of the record, may dismiss the proceeding or declare the existence of a nuisance and direct the Enforcement Officer to abate the nuisance.

(2) If the Board orders abatement, its order must specify with reasonable certainty the work to be done. The order may authorize County personnel to do the work or contract for it to be done in accordance with laws, rules, and ordinances governing public contracts. Polk County and its agents are not liable for trespass to or conversion of any real or personal property necessarily arising in the course of abating the nuisance.

(3) Unless otherwise directed by the Board, the Polk County Legal Counsel shall bring a civil action to recover the costs of abatement under this section from the violator.



**CHAPTER 32**

**ROAD USE RESTRICTIONS**

**32.105 AUTHORITY.**

Pursuant to ORS 810.010, and except as otherwise prohibited, the Polk County Public Works Director is designated as the co-road authority with the Polk County Board of Commissioners for all Polk County roads outside the boundaries of an incorporated city. [Ord. 98-11]

**32.110 DEFINITIONS.**

As used in Sections 32.105 to 32.125, unless the context requires otherwise:

- (1) "Board" means the Polk County Board of Commissioners.
- (2) "Road Authority" means the Polk County Public Works Director, unless prohibited by law, in which case it means the Polk County Board of Commissioners.
- (3) "Vehicle" means any device in, on, or by which any person or property is or may be transported or drawn on a County road, and includes vehicles propelled or powered by any means. [Ord. 87-13, Sec. 1]

**32.115 IMPOSING USE RESTRICTIONS; VIOLATION; LIABILITY.**

- (1) The Road Authority by order may impose restrictions described in this section on Polk County roads as the Road Authority determines necessary:
  - (a) To protect any road or a portion of a road from being unduly damaged; or
  - (b) To protect the interest and safety of the general public.
- (2) Restrictions imposed under this section may include any one or more of the following:
  - (a) Prohibiting operation of any or all vehicles, or classes or kinds of vehicles.
  - (b) Imposing limits on any other restrictions the Board determines necessary to achieve the purposes of this section. However, the Road Authority shall not impose speed restrictions under this paragraph.
- (3) Restrictions or limitations imposed under this section are effective when appropriate signs giving notice of the restrictions or limitations are erected. Signs giving such notice shall be maintained in a conspicuous manner and shall be placed at each end of the road or portion of road affected by the order, and at such other places as necessary to inform the public.
- (4) As provided under ORS 818.130, but subject to exemptions under ORS 818.140, violation of posted restrictions or limitations on use of a road is a Class "C" Traffic Infraction, and may subject the offender to civil liability under ORS 818.410 for all damage done as a result of the

violation. [Ord. 87-13, Sec. 1]

#### 32.120 DESIGNATING TEMPORARY SPEED LIMITS.

(1) The Board, with respect to the Polk County roads, may designate speeds for vehicles on any portion of a road:

- (a) On which temporary conditions constituting a danger to the public exist; or
- (b) Above, below, or on which construction or maintenance work is being carried on so close to the roadway as to be a danger to passing traffic or to be endangered by passing traffic.

(2) A designation imposed under this section is effective when specified in writing by a majority of the Board members and appropriate signs giving notice of the designation are erected. Signs giving such notice shall be maintained in a conspicuous manner and shall be placed at each end of the portion of road affected by the order, and at such other places as necessary to inform the public.

(3) The operation of a vehicle in excess of any speed designated under this section is prima facie evidence of violation of the basic speed rule under ORS 811.100 and 811.105 constituting a Class "B" Traffic Infraction. [Ord. 87-13, Sec. 1; amended by Ord. 89-9, Sec. 1]

#### 32.125 EMERGENCY ACTIONS.

(1) In the event of circumstances which constitute an immediate danger to the public or an immediate threat of undo damage to a Polk County road, the Polk County Public Works Director or Roadmaster may proceed to erect signs imposing restrictions and limitations under Section 32.115, or speed designations under Section 32.120, or both. As soon as practicable, the Public Works Director or Roadmaster shall notify the Board of this action, stating the reasons.

(2) A majority of the Board members in writing may ratify, modify, or terminate the emergency action.

(3) The penalties and liabilities specified in Sections 32.115 and 32.120 apply with respect to emergency actions under Subsection (1) of this section. [Ord. 87-13, Sec. 1; amended by Ord. 89-9, Sec. 2]

**Cross References:** Bridges on various roads, Order No. 90-19  
Collins Road Bridge, Order No. 89-23

Load Limited Bridges, Order No. 93-25

# EXHIBIT I

## Land Use Compatibility statement findings and conclusions for the Polk County's Mercury Total Maximum Daily Load (TMDL) Implementation Plan (September 2022)

### APPLICABLE PROVISIONS AND STAFF FINDINGS

**Comprehensive Plan:** Planning staff has reviewed the goals, policies and objectives of the Comprehensive Plan and has identified the following policies as applicable to implementing the Mercury TMDL Implementation Plan. Staff makes the following findings:

#### Natural Resources Policies:

- 3.1 *Polk County will cooperate with governmental agencies to conserve and protect identified fish and wildlife habitat. [Element D – Natural Resources, Policy 3.1]*

**Staff Findings:** The Mercury TMDL Implementation Plan would require implementation of management strategies intended to reduce pollutants in stormwater runoff. The TMDL Implementation Plan also contains a component that memorializes the administration of a riparian setback. The riparian setback outlined in PCZO 184.050(B) acts to protect streamside vegetation. These strategies are intended to reduce mercury that enter county streams. These strategies would protect fish and wildlife habitat in and surrounding streams. Therefore, the Mercury TMDL is compatible with Policy 3.1.

- 3.3 *Polk County will continue to recognize the importance of riparian vegetation as fish and wildlife habitat as well as erosion, sediment and run-off control and shall protect it through implementing ordinances. [Element D – Natural Resources, Policy 3.3]*

**Staff Findings:** Chapter 182 of the PCZO requires development setbacks from riparian areas, as well as coordination with applicable State and Federal managing agencies in the creation of management plans for conflicting uses in identified fish and wildlife significant resources areas. The Mercury TMDL Implementation Plan would continue the implementation of Chapter 182 of the PCZO. A component of the Mercury TMDL Implementation Plan is to include findings and conditions in land use decisions of the need to obtain a NPDES 1200-C and 1200-Z permits, through the Oregon Department of Environmental Quality, which requires water quality mitigation measures, including erosion and sediment control standards.

- 3.4 *Polk County will recognize the value of fish and wildlife and protect identified significant (1-C) fish and wildlife resources through application of a significant resource areas overlay zone and implementing ordinance. [Element D – Natural Resources, Policy 3.4]*

**Staff Findings:** This section of the Comprehensive Plan is implemented through Chapter 182 of the Polk County Zoning Ordinance. The Mercury TMDL Implementation Plan would not affect the requirements and implementation of PCZO Chapter 182. Activities that are identified as conflicting with fish and wildlife significant resources would still require coordination with applicable State and Federal managing agencies and the creation of management plans, as detailed in PCZO Chapter 182. Therefore, the Mercury TMDL Implementation Plan is compatible with this comprehensive plan policy.

- 6.1 *Polk County will encourage the implementation of the water quality management plans of governmental agencies and may seek implementation measures at the County level that provide for the management of stream corridors, erosion, sedimentation and water quality. [Element D – Natural Resources, Policy 6.1]*

**Staff Findings:** The Mercury TMDL Implementation Plan is intended to implement the Willamette Basin TMDL and to comply with OAR 340-042-0080(4). The Mercury TMDL Implementation Plan consists of management strategies, including erosion and sediment control measures that will be employed by Polk County to reduce stream mercury levels. As a result, the Mercury TMDL Implementation Plan is compatible with this comprehensive plan policy.

**Land Capability/Resource Quality Policies:**

- 3.3 *Polk County will support the water quality management plans and programs of governmental agencies by regulating land uses, encouraging improved treatment of point sources of pollution and controlling of non-point sources of pollution. [Element F - Land Capability/Resource Quality, Policy 3.3]*

**Staff Findings:** Polk County will continue to regulate land uses in riparian areas by implementing Chapter 182 of the PCZO. The remaining portions of the Mercury TMDL Implementation Plan do not directly regulate land uses but are intended to encourage practices that will increase the quality of stormwater. These efforts are intended to control non-point sources of water pollution. As such, the strategies listed in the Mercury TMDL Implementation Plan would be compatible with this comprehensive plan policy.

- 3.5 *Polk County will encourage development of water management systems to effectively reduce the problems of erosion, sedimentation, flooding and soil wetness. [Element F – Land Capability/Resource Quality, Policy 3.4]*

**Staff Findings:** The Mercury TMDL Implementation Plan would include a strategy to inform property owners and construction operators of the need to obtain a NPDES 1200-C and 1200-Z permits from the Oregon DEQ. The SWMP, which is applicable to activities in the Salem urban growth boundary, also contains programs that would identify and then require compliance with post-construction BMPs. These BMPs would act to reduce pollution from stormwater runoff from new development and redevelopment projects that disturb one acre or more. The restrictions on structural and nonstructural development within the floodplain and floodway would continue in accordance with Chapter 178 of the PCZO. The Mercury TMDL Implementation Plan is compatible with this comprehensive plan policy.

- 3.6 *Polk County will cooperate with designated agencies to develop erosion and sediment control standards and specifications for use by Polk County in connection with land*

*development plans and the federal Water Pollution Control Act and Amendments.* [Element F – Land Capability/Resource Quality, Policy 3.6]

**Staff Findings:** The Mercury TMDL Implementation Plan includes strategies to encourage erosion and sediment control. These strategies include increasing awareness of the need for a NPDES 1200-C and 1200-Z permit for development activities that would “trigger” these permit requirements. The SWMP, which is applicable to properties within the Salem urban growth boundary, also contains programs that would identify and then require compliance with post-construction BMPs. These BMPs would act to reduce pollution from stormwater runoff from new development and redevelopment projects that disturb one acre or more of land. These programs are compatible with this comprehensive plan policy.

3.7 *Polk County will work closely with concerned citizens and agencies in promoting agricultural and other land use practices which reduce pollution of County water resources.* [Element F – Land Capability/Resource Quality, Policy 3.7]

**Staff Findings:** The Public Education and Outreach strategies of the Mercury TMDL include creating opportunities for the public to be involved in activities designed to reduce pollution to the stormwater system. Strategies also include informing the public on ways to minimize sediment during construction activities. The Mercury TMDL Implementation Plan is consistent with this comprehensive plan policy.

### **Urban Land Development**

2.13 *Polk County will work toward attaining improved delivery systems of services that require coordination between larger units of government.* [Element K – Urban Land Development, Policy 2.13]

**Staff Findings:** Pursuant to PCZO Chapter 182, activities that are considered a conflicting use within the riparian setback areas require a management plan that has been coordinate with the Oregon Department of Fish and Wildlife (ODFW) and the Oregon Department of State Lands (DSL). Emails and online notification forms have been utilized to improve coordination with these State agencies. As a result, the Mercury TMDL implementation Plan is compatible with this policy.

**Polk County Ordinances:** Planning staff has reviewed the goals, policies and objectives of the Polk County Zoning Ordinance and the Polk County Subdivision and Partition Ordinance. Based upon this review, staff makes the following findings:

1. PCZO Section 112.090 requires that septic tanks, septic tank drainfields, cesspool and pit privy disposal facilities; and all structures, buildings, or similar permanent fixtures, be setback a required distance from the high water line or mark along all streams. The Mercury TMDL Implementation Plan would not alter this section of the PCZO. Stream setbacks would continue to be enforced for applicable development. As a result, the Mercury TMDL Implementation Plan is compatible with PCZO 112.090.
2. Additional riparian setbacks, consistent with the requirements found in PCZO Chapter 182, would continue to be enforced for applicable development. The Mercury TMDL Implementation Plan would not alter this section of the PCZO and would be consistent with PCZO Chapter 182.

Polk County Mercury TMDL Implementation Plan LUCS Findings

3. The standards for structural and non-structural floodplain development would continue to be enforced within the regulated 100-year floodplain, consistent with the requirements found in PCZO Chapter 178. As a result, the Mercury TMDL Implementation Plan is compatible with PCZO Chapter 178.
4. The Polk County Subdivision and Partition Ordinance requires as a general criterion that all partition and subdivision proposals be consistent with the provisions and intent of the adopted comprehensive plan and the provisions of the PCZO. As discussed above, the Mercury TMDL Implementation Plan would be compatible with the Comprehensive Plan. Planning staff have not identified any conflicts between the Mercury TMDL Implementation Plan and the PCZO and the Polk County Subdivision and Partition Ordinance. As a result, the Mercury TMDL Implementation Plan is compatible with the Polk County Subdivision and Partition Ordinance.

**Conclusion:**

Based upon the findings above, the Planning Division concludes that the Mercury TMDL Implementation Plan is compatible with the Polk County Comprehensive Plan, the Polk County Zoning Ordinance, and the Polk County Subdivision and Partition Ordinance.

**Receiving Waterbodies:**  
 Willamette River, Luckiamute River, Rickreall Creek, Glenn Creek, Gibson Creek, Spring Valley Creek,  
 Ash Creek, Hartman Slough, as well as tributaries to those waterbodies within the jurisdiction of Polk County

**DMA Name:** Polk County  
**Subbasin:** Mid & Upper Willamette  
**Exhibit A** 2018-2022

<b>FOLLOWS TMDL</b> What TMDL pollutant(s) does this strategy address?	<b>SOURCE</b> What suspected sources of this pollutant are under Polk County's jurisdiction?	<b>STRATEGY</b> What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?	<b>HOW</b> Specifically, how will this be done?	<b>MEASURE</b> How will Polk County demonstrate successful implementation or completion of this strategy?	<b>TIMELINE</b> When will the strategy begin? Be completed?	<b>BENCHMARK</b> What intermediate goals will be achieved, and by when, to know progress is being made?	<b>FISCAL ANALYSIS</b> Additional resources necessary to implement strategy & how resources will be obtained	<b>REPORTING FOR 2022</b> Update on progress and activities completed for the year 2022.
1 <b>Temperature, Mercury, &amp; Bacteria</b>	Solar radiation & stormwater runoff	Continue implementation of the riparian setbacks required by PCZO 182.050(B). Riparian vegetation provides shade over rivers and streams, which reduces river and stream temperatures. Riparian areas also act as a filter for pollutants including mercury and bacteria.	Require riparian setbacks during planning and building permit review. Maintain riparian setbacks when maintaining parks.	The Planning Division will maintain an accessible inventory of county riparian management plans. The inventory will contain the following information: location, affected water bodies, and an estimated size of riparian vegetation gain vs. loss.	Ongoing	N/A	None	Ongoing. Polk County has continued to maintain the riparian management plan inventory. During 2022, four (4) applications were submitted and approved that required riparian management plans.
2 <b>Temperature, Mercury, &amp; Bacteria</b>	Solar radiation & stormwater runoff	Explore grant funding for stream bank restoration in County road and park projects. Riparian vegetation provides shade over rivers and streams, which reduces river and stream temperatures. Riparian areas also act as a filter for pollutants including mercury and bacteria.	Planning and Public Works staff will explore grant opportunities in order to raise funds for stream restoration during County road and park projects	Number, type, location and size of restoration projects completed each year	Ongoing	N/A	Restoration projects may require additional funding	Polk County is pursuing a Public Assistance grant from FEMA for erosion damage to Nesmith Park associated with the ice storm of February 2021. This is a multi-year project that is ongoing.



**Willamette River, Luckiamute River, Rickreall Creek, Glenn Creek, Gibson Creek, Spring Valley Creek, Ash Creek, Hartman Slough, as well as tributaries to those waterbodies within the jurisdiction of Polk County**

**Receiving Waterbodies:**

**DMA Name:** Polk County  
**Subbasin:** Mid & Upper Willamette  
**Exhibit A** 2018-2022

<b>POLLUTANT</b>	<b>SOURCE</b>	<b>STRATEGY</b>	<b>HOW</b>	<b>MEASURE</b>	<b>TIMELINE</b>	<b>BENCHMARK</b>	<b>FISCAL ANALYSIS</b>	<b>REPORTING FOR 2022</b>
What TMDL pollutant(s) does this strategy address?	What suspected sources of this pollutant are under Polk County's jurisdiction	What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?	Specifically, how will this be done?	How will Polk County demonstrate successful implementation or completion of this strategy?	When will the strategy begin? Be completed?	What intermediate goals will be achieved, and by when, to know progress is being made?	Additional resources necessary to implement strategy & how resources will be obtained	Update on progress and activities completed for the year 2022.
<b>Temperature, Mercury, &amp; Bacteria</b>	Solar radiation & stormwater runoff	Maintain a stormwater website as a method to provide information to the public. This information will include strategies for home owners and construction operators to minimize the quantity and maximize the quality of stormwater that leaves their property.	Planning staff will maintain the stormwater website	Number of hits to the website	Ongoing	N/A	None	Ongoing- Website links have continued to be maintained. Polk County's stormwater website had a total of 273 page views in 2022. The webpage can be found at <a href="https://www.co.polk.or.us/cd/buildings/stormwater">https://www.co.polk.or.us/cd/buildings/stormwater</a> resources

**Receiving Waterbodies:** Willamette River, Luckiamute River, Rickreall Creek, Glenn Creek, Gibson Creek, Spring Valley Creek, Ash Creek, Hartman Slough, as well as tributaries to those waterbodies within the jurisdiction of Polk County

**DMA Name:** Polk County  
**Subbasin:** Mid & Upper Willamette  
**Exhibit A** 2018-2022

<b>POLLUTANT</b>	<b>SOURCE</b>	<b>STRATEGY</b>	<b>HOW</b>	<b>MEASURE</b>	<b>TIMELINE</b>	<b>BENCHMARK</b>	<b>FISCAL ANALYSIS</b>	<b>REPORTING FOR 2022</b>
What TMDL pollutant(s) does this strategy address?	What suspected sources of this pollutant are under Polk County's jurisdiction	What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?	Specifically, how will this be done?	How will Polk County demonstrate successful implementation or completion of this strategy?	When will the strategy begin? Be completed?	What intermediate goals will be achieved, and by when, to know progress is being made?	Additional resources necessary to implement strategy & how resources will be obtained	Update on progress and activities completed for the year 2022.
4 <b>Bacteria</b>	Septic systems	Enforce upon complaints of failing septic systems	Receive complaints from the public and direct to the Code Enforcement Officer	All complaints will be investigated	Ongoing	N/A	None	N/A
								Ongoing- three (3) code enforcement complaints were submitted in 2022 that were related to potential failing septic systems or installing septic systems with no permits. All of these complaints were followed-up on by either the Code Enforcement Officer and/or the Sanitarian. Two of these complaints are still working towards resolution

**Receiving Waterbodies:** Willamette River, Luckiamute River, Rickreall Creek, Glenn Creek, Gibson Creek, Spring Valley Creek, Ash Creek, Hartman Slough, as well as tributaries to those waterbodies within the jurisdiction of Polk County

**DMA Name:** Polk County  
**Subbasin:** Mid & Upper Willamette  
**Exhibit A** 2018-2022

<b>POLLUTANT</b>	<b>SOURCE</b>	<b>STRATEGY</b>	<b>HOW</b>	<b>MEASURE</b>	<b>TIMELINE</b>	<b>BENCHMARK</b>	<b>FISCAL ANALYSIS</b>	<b>REPORTING FOR 2022</b>
<p><i>What TMDL pollutant(s) does this strategy address?</i></p> <p><b>Bacteria</b></p>	<p>What suspected sources of this pollutant are under Polk County's jurisdiction</p> <p>Septic systems</p>	<p>What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?</p> <p>Require all applicable permits for the siting, construction, alteration, and repairs of septic systems</p>	<p>Specifically, how will this be done?</p> <p>Polk County Environmental Health Specialist will review all site evaluation, construction, alteration, and repair permits and track system locations</p>	<p>How will Polk County demonstrate successful implementation or completion of this strategy?</p> <p>Polk County will expand their existing program that geocodes new septic system locations to also geocode all existing septic system locations that require an on-site inspection as part of the permitting process, such as repairs and alterations. Expanding the septic system inventory will allow older systems to be geotagged as well as new septic systems, and provide information about installation, repair, and alteration dates. The inspector will be able to provide notes about their inspection and this information can be used to track a system's age, condition, and location in a digital mapped format.</p>	<p>When will the strategy begin? Be completed?</p> <p>Ongoing</p>	<p>What intermediate goals will be achieved, and by when, to know progress is being made?</p> <p>Polk County will continue to record the GPS location and maintain the data for all new septic system locations. Polk County will begin to record the GPS location of existing septic systems that receive an on-site inspection by the end of 2019.</p>	<p>Additional resources necessary to implement strategy &amp; how resources will be obtained</p> <p>None</p>	<p>Update on progress and activities completed for the year 2022.</p> <p>73 new septic system data collection points were collected in 2022.</p>

**Willamette River, Luckiamute River, Rickreall Creek, Glenn Creek, Gibson Creek, Spring Valley Creek, Ash Creek, Hartman Slough, as well as tributaries to those waterbodies within the jurisdiction of Polk County**

**DMA Name:** Polk County  
**Subbasin:** Mid & Upper Willamette  
**Exhibit A**

<b>POLLUTANT</b>	<b>SOURCE</b>	<b>STRATEGY</b>	<b>HOW</b>	<b>MEASURE</b>	<b>TIMELINE</b>	<b>BENCHMARK</b>	<b>FISCAL/ANALYSIS</b>	<b>REPORTING FOR 2022</b>
<p><i>What TMDL pollutant(s) does this strategy address?</i></p>	<p><i>What suspected sources of this pollutant are under Polk County's jurisdiction</i></p>	<p><i>What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?</i></p>	<p><i>Specifically, how will this be done?</i></p>	<p><i>How will Polk County demonstrate successful implementation or completion of this strategy?</i></p>	<p><i>When will the strategy begin? Be completed?</i></p>	<p><i>What intermediate goals will be achieved, and by when, to know progress is being made?</i></p>	<p><i>Funding Source of for additional resources required</i></p>	<p><i>Update on progress and activities completed for the year 2022.</i></p>
<p><b>6 Mercury &amp; Bacteria</b></p>	<p>County road, ditch, and bridge construction and maintenance</p>	<p>Implement erosion and sediment control BMPs during county road, ditch, and bridge construction and maintenance</p>	<p>Public Works staff will implement the BMP's in the Polk County O&amp;M Plan as appropriate during Public Works operations</p>	<p>Public Works will hold weekly meetings when projects are scheduled that require the implementation of sediment and erosion control BMP's. Meeting topics will educate staff on proper sediment and erosion control BMP implementation. Public Works will also evaluate the O&amp;M Plan on an annual basis to determine if revisions are advisable in order to minimize the public Works Department's impact on County waterways</p>	<p>Ongoing</p>	<p>N/A</p>	<p>N/A</p>	<p>BMP's were updated in the Polk County O&amp;M Manual. It is reviewed annually for revisions and during weekly project meetings for projects requiring sediment and erosion control.</p>
<p><b>7 Mercury &amp; Bacteria</b></p>	<p>Stormwater runoff from County and Oregon State Parks properties</p>	<p>Maintain stormwater quality at public parks</p>	<p>Ensure availability of restroom facilities at County and Oregon State Parks properties. Maintain riparian areas.</p>	<p>Polk County will track the number of repairs or septic alterations at County and Oregon State Parks in order to track the functionality of park septic systems. Track the number of projects at public parks that require a riparian management plan.</p>	<p>Strategy will begin in 2019 and will be tracked annually.</p>	<p>N/A</p>	<p>N/A</p>	<p>There were no septic permits issued at any State or County parks. There were two (2) management plans submitted in 2022 on public parks.</p>

**Receiving Waterbodies:** Willamette River, Luckiamute River, Nickreall Creek, Glenn Creek, Gibson Creek, Spring Valley Creek, Ash Creek, Hartman Slough, as well as tributaries to those waterbodies within the jurisdiction of Polk County

**DMA Name:** Polk County  
**Subbasin:** Mid & Upper-Willamette  
**Exhibit A:** 2018-2022

<b>POLLUTANT</b> <i>What TMDL pollutant(s) does this strategy address?</i>	<b>SOURCE</b> <i>What suspected sources of this pollutant are under Polk County's jurisdiction</i>	<b>STRATEGY</b> <i>What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?</i>	<b>HOW</b> <i>Specifically, how will this be done?</i>	<b>MEASURE</b> <i>How will Polk County demonstrate successful implementation or completion of this strategy?</i>	<b>TIMELINE</b> <i>When will the strategy begin? Be completed?</i>	<b>BENCHMARK</b> <i>What intermediate goals will be achieved, and by when, to know progress is being made?</i>	<b>FISCAL ANALYSIS</b> <i>Additional resources necessary to implement strategy &amp; how resources will be obtained</i>	<b>REPORTING FOR 2022</b> <i>Update on progress and activities completed for the year 2022.</i>
<b>8</b> <b>Mercury &amp; Bacteria</b>	Stormwater runoff from construction sites and industrial sites.	Increase awareness of need for 1200-C and 1200-Z permit requirements	Train planning staff about 1200-C and 1200-Z stormwater permit requirements. Include findings and conditions in land use decisions when it is determined that a 1200-C or 1200-Z permit is required.	Number of Land Use Decisions issued, which involve a project that requires a 1200-C or 1200-Z permit prior to construction/operation.	Ongoing	N/A	None	One land use decision was issued in 2022 that included findings about 1200-C permit requirements.
<b>9</b> <b>Mercury &amp; Bacteria</b>	Stormwater runoff from construction sites	Implement Polk County's Erosion and Sediment Control Protections in PCCO 80.133	Apply Polk County Code of Ordinances (PCCO) Section 80.133(1) which requires building permit applicants to obtain all necessary DEQ permits.	Application of PCCO 80.133 to all applicable building permits	Ongoing	N/A	This review will be accommodated within the existing plan review process.	Ongoing- PCCO 80.133 requires all applicable DEQ permits to be obtained prior to issuing a building permit. In 2022, five (5) building permits were submitted that required first required a 1200-C permit prior to issuance. <a href="https://www.co.polk.or.us/sites/default/files/fileattachments/board_of_commissioners/pa/ge/2705/chapter_80_building_code_2011.pdf">https://www.co.polk.or.us/sites/default/files/fileattachments/board_of_commissioners/pa/ge/2705/chapter_80_building_code_2011.pdf</a>

**Willamette River, Luckiamut River, Rickreall Creek, Glenn Creek, Gibson Creek, Spring Valley Creek, Ash Creek, Hartman Slough, as well as tributaries to those waterbodies within the jurisdiction of Polk County**

**DMA Name:** Polk County  
**Subbasin:** Mid & Upper Willamette  
**Exhibit A**

<b>POLLUTANT</b>	<b>SOURCE</b>	<b>STRATEGY</b>	<b>HOW</b>	<b>MEASURE</b>	<b>TIMELINE</b>	<b>BENCHMARK</b>	<b>FISCAL ANALYSIS</b>	<b>REPORTING FOR 2022</b>
<i>What TMDL pollutant(s) does this strategy address?</i>	<i>What suspected sources of this pollutant are under Polk County's jurisdiction</i>	<i>What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?</i>	<i>Specifically, how will this be done?</i>	<i>How will Polk County demonstrate successful implementation or completion of this strategy?</i>	<i>When will the strategy begin? Be completed?</i>	<i>What intermediate goals will be achieved, and by when, to know progress is being made?</i>	<i>Funding Source of for additional resources</i>	<i>Update on progress and activities completed for the year 2022.</i>
<b>10 Mercury &amp; Bacteria</b>	Non-stormwater discharges to the storm drainage system	Implement Polk County's unauthorized discharge restrictions in PCCO 43.057	The Polk County Code Enforcement Officer will follow up on all complaints of potential unauthorized discharges into the storm sewer system as described in PCCO 43.057	Investigation into all complaints of violations to PCCO 43.057	Ongoing	N/A	N/A	Eight (8) Code Enforcement complaints were received in 2022 that involved potential unauthorized discharge into a the storm/sewer system. Six (6) of these cases have been resolved, while two (2) cases are still being investigated by the Code Enforcement Officer.
<b>11 Mercury &amp; Bacteria (Within the Salem UGB)</b>	Stormwater runoff in the Salem UGB	Implement SWMP for the area within Polk County and the City of Salem UGB.	Adhere to the implementation schedule in the SWMP	Completion of projects as specified in the SWMP	Timelines specified in the SWMP	Benchmarks specified in the SWMP	Fees & General Fund	Ongoing- Polk County continues to update and implement the SWMP to be consistent with the Phase II general permit requirements.
<b>12 Mercury</b>	Household hazardous waste. Example: At the October 2018 HHW event, a 5 gallon mercury was submitted for proper disposal. Other common household items such as batteries, fluorescent lights and thermometer exchanges are accepted as these events, which contain mercury.	Continue implementation of the Polk County Household Hazardous Waste Program	Hold one event per year and/or maintain an Intergovernmental Agreement (IGA) to allow Polk County citizens to safely dispose of hazardous waste at the Marion County Household Hazardous Waste Facility.	One Household Hazardous Waste event held each year and/or maintain an IGA with Marion County	Ongoing	N/A	N/A	During COVID these annual events were cancelled. The Polk County Hazardous Waste Program has evolved to focus more on providing year-round opportunities to dispose of hazardous waste through an IGA with Marion County to allow Polk County citizens to dispose of waste at the Marion County Transfer Station

**Receiving Waterbodies:** Willamette River, Luckiamute River, Rickreall Creek, Glenn Creek, Gibson Creek, Spring Valley Creek, Ash Creek, Hartman Slough, as well as tributaries to those waterbodies within the jurisdiction of Polk County.

**DMA Name:** Polk County  
**Subbasin:** Mid & Upper Willamette  
**Exhibit A** 2018-2022

<b>POLLUTANT</b>	<b>SOURCE</b>	<b>STRATEGY</b>	<b>HOW</b>	<b>MEASURE</b>	<b>TIMELINE</b>	<b>BENCHMARK</b>	<b>FISCAL ANALYSIS</b>	<b>REPORTING FOR 2022</b>
<p>What TMDL pollutant(s) does this strategy address?</p>	<p>What suspected sources of this pollutant are under Polk County's jurisdiction</p>	<p>What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?</p>	<p>Specifically, how will this be done?</p>	<p>How will Polk County demonstrate successful implementation or completion of this strategy?</p>	<p>When will the strategy begin? Be completed?</p>	<p>What intermediate goals will be achieved, and by when, to know progress is being made?</p>	<p>Additional resources necessary to implement strategy &amp; how resources will be obtained</p>	<p>Update on progress and activities completed for the year, 2022.</p>
<p><b>13</b> Temperature, Mercury, &amp; Bacteria</p>	<p>Solar radiation &amp; stormwater runoff</p>	<p>Continue implementation of Polk County's Targeted Education and Outreach Program</p>	<p>Polk County Community Development staff has generated a mailing list of targeted properties that contain riparian waterways and are primarily managed along fish bearing streams and are primarily managed for agricultural crop production. Staff created a brochure intended to be send to these targeted properties with information about riparian area setback requirements, management plan criteria, and local resources available for riparian restoration.</p>	<p>Approximately 100 brochures will be sent per year until all of the targeted properties have received the outreach materials.</p>	<p>The educational brochure will be sent to the entire TEOPS mailing list by the end of 2019.</p>	<p>N/A</p>	<p>Fees &amp; General Fund</p>	<p>Complete. This project was finished in 2019.</p>
<p><b>14</b> Mercury</p>	<p>Roadside litter. Many household products found along roadside ditches contain mercury (i.e., batteries, light bulbs and electronics)</p>	<p>Increase awareness and solicit participation for Polk County's Adopt-A-Road program.</p>	<p>Provide information about Polk County's Adopt-A-Road program on the Polk County stormwater webpage. Post an advertisement in a local newspaper once per year containing information on the program.</p>	<p>Update Polk County's stormwater website. Provide an advertisement in the local newspaper once per year.</p>	<p>Ongoing</p>	<p>The Polk County stormwater website will be updated and the first annual ad will be published in the local newspaper by the end of 2018.</p>	<p>Fees &amp; General Fund</p>	<p>Information about Polk County's Adopt-A-Road program can be found on the Polk County stormwater webpage and the Polk County Public Works Department webpage. An advertisement was posted in the local newspaper on February 16, 2022 to further promote this program.</p>

**Willamette River, Luckiamute River, Rickreall Creek, Glenn Creek, Gibson Creek, Spring Valley Creek, Ash Creek, Hartman Slough, as well as tributaries to those waterbodies within the jurisdiction of Polk County**

**Receiving Waterbodies:**

**DMA Name:** Polk County  
**Subbasin:** Mid & Upper Willamette  
**Exhibit A** 2018-2022

<b>POBUEVANT</b>	<b>SOURCE</b>	<b>STRATEGY</b>	<b>HOW</b>	<b>MEASURE</b>	<b>TIMELINE</b>	<b>BENCHMARK</b>	<b>FISCAL ANALYSIS</b>	<b>REPORTING FOR 2022</b>
<i>What TMDL pollutant(s) does this strategy address?</i>	<i>What suspected sources of this pollutant are under Polk County's jurisdiction</i>	<i>What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?</i>	<i>Specifically, how will this be done?</i>	<i>How will Polk County demonstrate successful implementation or completion of this strategy?</i>	<i>When will the strategy begin? Be completed?</i>	<i>What intermediate goals will be achieved, and by when, to know progress is being made?</i>	<i>Additional resources necessary to implement strategy &amp; how resources will be obtained</i>	<i>Update on progress and activities completed for the year 2022</i>
15 <b>Bacteria</b>	Animal Feces	Increase awareness and/or accessibility to properly dispose of animal waste at County Parks.	Install a sign and/or an animal waste receptacle at County Parks	Number of signs and/or animal waste receptacles installed.	Prioritize which parks are most likely to have animal feces (i.e. hiking trails, public input) by the end of 2019. Use that prioritized list to begin installing signs and/or animal waste receptacles by the end of 2022.	Coordinate with other County Departments by the end of 2019 to create priority parks list	Cost associated with installing a sign and/or animal waste receptacle.	Ongoing- Three (3) pet waste receptacles have been installed at the following County Parks: Buena Vista, Mill Creek, and West Salem. No additional receptacles were installed during the year 2022.
16 <b>Temperature, Mercury, &amp; Bacteria</b>	N/A, public participation	Increase public involvement opportunities	A draft copy of the TMDL Implementation Plan and report will be posted on Polk County's Website.	Date that the report is posted on the Stormwater webpage.	At least 2 weeks prior to the annual report being submitted to DEQ	N/A	None	A draft copy of the annual report was posted in the County's stormwater website on February 10, 2023.



Sept 2022-Dec 2027 5 yr 2028 - Rev  
Mercury  
DMA Name:  
Subbasin:

Polk County  
Mid & Upper Willamette

Receiving Waterbodies:  
Willamette River, Luckiamute River, South Yamhill River,  
Rickreall Creek, Glenn Creek, Gibson Creek, Spring Valley Creek, Ash Creek  
Hartman Slough, as well as tributaries within the jurisdiction of Polk County

Management Category	Strategy	Measure	Timeline	Benchmark	Cost Analysis	Tracking and Assessment	REPORTING FOR 2022
	<b>Pollution Prevention and Good Housekeeping for County Operations</b>						
	<i>What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?</i>	<i>How will Polk County demonstrate successful implementation or completion of this strategy?</i>	<i>When will the strategy begin? Be completed?</i>	<i>What intermediate goals will be achieved, and by when, to know progress is being made?</i>	<i>Additional resources necessary to implement strategy &amp; how resources will be obtained</i> <i>Funding Source for additional required resources</i>	<i>How will the County track the implementation of activities?</i>	<i>Update on progress and activities completed for the year 2022.</i>
1	Prevent erosion by maintaining vegetation in ditches. For example, ditches are mowed to control overgrowth and keep ditches in good working order.	Number of hours of mowing and ditch maintenance that was performed.	Ongoing	N/A	Public Works Operational Budget	Track activities using IRIS. Report measures in TMDL annual report.	Mowing (131) ~ 963 Hours Ditch Clean (122) ~ 1740,10 Hours
2	Add riprap as needed to slow the velocity of water and prevent erosion in ditches.	Track staff hours & number of projects that used riprap.	Ongoing	N/A	Public Works Operational Budget	Track activities using IRIS. Report measures in TMDL annual report.	Four ditch erosion control projects used Rip Rap (4" 6") in 2022. Bethel Rd., Beck Rd., West Perrydale Rd. & Crowley Rd. \$6,70 Tons. 40 hours staff time.
3	Install rock weirs on slopes to control flow velocity and prevent erosion.	Track staff hours & number of projects that used riprap.	Ongoing	N/A	Public Works Operational Budget	Track activities using IRIS. Report measures in TMDL annual report.	N/A - No rock weirs used in ditches in 2022.
4	Culverts are upsized and replaced as needed to increase capacity or to ensure good working order. The newly installed culvert is then back filled with 1" minus aggregate to prevent erosion.	Number of culverts installed per year.	Ongoing	N/A	Inventory Cost and staff hours.	Track activities using IRIS. Report measures in TMDL annual report.	Three Culverts were upgraded using Pit Run in 2022. Strong Rd., James Howe Rd., Sauerkraut Rd.
6	Pit runs are installed as standard operating procedure to armor inlets of culverts and prevent erosion.	Number of culverts that are installed with pitrun.	Ongoing	N/A	Inventory Cost and staff hours.	Track activities using IRIS. Report measures in TMDL annual report.	Three Culverts were installed using Pit Run in 2022. Strong Rd., James Howe Rd., Sauerkraut Rd.

Polk County (Mercury) TMDL Implementation Management Strategies Tracking Matrix  
Submitted February 2023

7	Erosion control on hillsides near roads and ditches.	Barc slopes are hydroseeded to prevent sediment runoff into ditches and right-of-ways. Short grasses with deep rooting systems are selected to stabilize soil and prevent soil erosion.	Number of projects that require hydroseeding. Services are contracted through Aklin Vegetation Management.	Ongoing	N/A	Public Works Operational Budget	Number of Aklin invoices per year.	N/A - No projects requiring hydroseeding in 2022
8	Erosion control on hillsides near roads.	Hillsides near roads that have erosion are repaired and hydroseeded. Straw matting is used at inlets in ditches until hillside vegetation has re-established.	Number of projects that require hydroseeding. Services are contracted through Aklin Vegetation Management.	Ongoing	N/A	Public Works Operational Budget	Number of Aklin invoices per year and tracking of projects through IRIS.	N/A - No projects requiring hydroseeding in 2022
9	Roads	Prevent ongoing erosion and dust by improving gravel roads that are washboarding.	Track number of miles of road with washboarding that is fixed.	Ongoing	N/A	Public Works Operational Budget	Track activities using IRIS. Report measures in TMDL annual report.	Grading (106) = 2075.25 Hours
10	Roads	Herbicides/ Pesticides near roads- the County only uses chemicals to control roads that are eroding due to vegetation. The County limits its use of chemical where they can easily enter SW systems or waterways.	Continue to follow protocol limiting use of herbicides and pesticides. Services are contracted through Aklin Vegetation Management Services twice per year.	Ongoing	N/A	Public Works Operational Budget	Track activities using IRIS. Report measures in TMDL annual report.	Aklin - May/June - Spring Roadside Spraying. June/July - Hose Reel Spraying October - Fall Roadside Spraying
11	Roads	Polk County allows citizens to control dust on gravel roads using lightites. This is done through a contractor chosen by the individual that has been pre-approved by Public Works. Citizens must obtain a Dust Control Permit through Polk County Public works before road work begins.	Number of Dust Control Permits issued.	Ongoing *	N/A	Public Works Operational Budget	Track activities using IRIS. Report measures in TMDL annual report.	91 Dust Control Permits Issued
12	Bridges	Erosion control measures are fixed or established as needed at the backwall of bridges. Riprap is placed at the base of the bridge to prevent scour.	Staff hours and number of projects that use riprap/ tonnage of material.	Ongoing	N/A	Cost of materials and staff hours.	Track activities using IRIS. Report measures in TMDL annual report.	One bridge project used riprap + Gardner Rd. Bridge - 6 ton.
13	O&M program for operational source control BMPs on County-owned lands, properties, facilities, and roads as applicable	Continue to conduct O&M activities in a manner that reduces the discharge of pollutants to rivers and streams within Polk County.	Track O&M source activities through IRIS and report	Ongoing	N/A	Public Works Operational Budget	Track activities using IRIS. Report measures in TMDL annual report.	Erosion Control (111) = 288.75 Hr

	Conduct preventative maintenance to keep structural controls in good working order.	Number of projects/ activities that required structural stormwater maintenance and/ or cleaning.	Ongoing	N/A	Staff Time.	Track activities using IRIS. Report measures in TMDL annual report.	Stormwater (1508) - 94 Hours System screenings, inspections, access notifications. Mid Valley Excavation - outfall repair 4/15/22
<b>Public Education and Outreach</b>							
<b>Management Category</b>	<b>Strategy</b>	<b>Measure</b>	<b>Timeline</b>	<b>Benchmark</b>	<b>Cost Analysis</b>	<b>Tracking and Assessment</b>	<b>REPORTING FOR 2022</b>
14	G&M Program to regularly inspect and ensure proper operation of structural controls - stormwater maintenance including cleaning catchbasins, culverts manholes, and other source controls on county lands.	Conduct preventative maintenance to keep structural controls in good working order.	Ongoing	N/A	Staff Time.	Track activities using IRIS. Report measures in TMDL annual report.	Stormwater (1508) - 94 Hours System screenings, inspections, access notifications. Mid Valley Excavation - outfall repair 4/15/22
15	What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?	How will Polk County demonstrate successful implementation or completion of this strategy?	When will the strategy begin? Be completed?	What intermediate goals will be achieved, and by when, to know progress is being made?	Additional resources necessary to implement strategy & how resources will be obtained Funding Source for additional required resources.	How will the County track the implementation of activities?	Update on progress and activities completed for the year 2022.
16	Stormwater Sediment Runoff- Stormwater Website	Maintain a stormwater website as a method to provide information to the public. This information will include strategies for home owners and construction operators to minimize the quantity of sediment and maximize the quality of stormwater that leaves their property.	Ongoing	N/A	Staff Time	Number of hits to the website.	Polk County's stormwater website had a total of 273 page views in 2022. The webpage can be found at <a href="https://www.co.polk.or.us/ed/building/stormwater-resources">https://www.co.polk.or.us/ed/building/stormwater-resources</a>
17	Stormwater & Household Hazardous waste events - Example: At the October 2018 HHW event, a 5 gallon container (1 pound) of mercury was submitted for proper disposal. Other common household items such as batteries, florescent lights and thermometer exchanges are accepted as these events, which contain mercury.	Continue Implementation of the Polk County Household Hazardous Waste Program	Ongoing	N/A Goal is to hold one event per/year	Fees and General Fund	Number of events held each year (usually 1)	During COVID these annual events were cancelled. The Polk County Hazardous Waste Program has evolved to focus more on providing year-round opportunities to dispose of hazardous waste through an IGA with Marion County to allow Polk County citizens to dispose of waste at the Marion County Transfer Station. This BMP is proposed to be eliminated moving forward.

18	Intergovernmental agreement with Marion County to allow Polk County Citizens to dump hazardous waste at Marion County Transfer Station	Maintain intergovernmental agreement with Marion County to allow Polk County citizens to dispose of hazardous waste.	Track the number of cars that come through dump site. Tracked by zip code.	Ongoing	N/A	The IGA is funded by a 25 cent tax on all residential garbage services. Citizens are required to give their zip code when they drop their waste at the Marion County Transfer Station.	Report the number of cars that come through the Marion County Transfer Station in the annual report.	542 cars from Polk County utilized the Marion County Transfer Station; however, we are still waiting on the numbers from September - December of 2022.
19	Roads - Roadside litter. Many household products found along roadside ditches contain mercury (i.e. batteries, light bulbs and electronics)	Increase awareness and solicit participation for Polk County's Adopt-A-Road program.	Provide information about Polk County's Adopt-A-Road program on the Polk County stormwater web page. Post an advertisement in a local newspaper once per year containing information on the program.	Annually	Update Polk County's stormwater website. Provide an advertisement in the local newspaper once per year.	\$450.00 per advertisement	Keep SW website up to date. Post ad in the paper once per year.	Information about Polk County's Adopt-A-Road program can be found on the Polk County stormwater webpage and the Polk County Public Works Department webpage. An advertisement was posted in the local newspaper on February 16, 2022 to further promote this program.
20	Reporting of Sediment related issues near County roads.	Updated stormwater website will encourage and facilitate the reporting of sediment related issues by directing Polk County citizens to the appropriate Department of Agriculture website.	Website will be updated with appropriate information by implementation date.	Website to be updated with reporting information by 09/03/2022	N/A	Staff time.	Number of hits to website	The Polk County website was updated to include the following link to ODA's website <a href="https://www.oregon.gov/oda/pr/ograms/NaturalResources/AgWQ/Pages/AgWQResources.aspx">https://www.oregon.gov/oda/pr/ograms/NaturalResources/AgWQ/Pages/AgWQResources.aspx</a> The number of website hits will be included in all future annual reports.
<b>Enforcement of Prohibited Substances</b>								
<b>Management Category</b>			<b>Measure</b>	<b>Timeline</b>	<b>Benchmark</b>	<b>Cost Analysis</b>	<b>Tracking and Assessment</b>	<b>REPORTING FOR 2022</b>

Polk County (Mercury) TMDL Implementation Management Strategies Tracking Matrix  
Submitted February 2023

21	<i>ex. Roads, ditches, outreach activities.</i>	<i>What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?</i>	<i>How will Polk County demonstrate successful implementation or completion of this strategy?</i>	<i>When will the strategy begin? Be completed?</i>	<i>What intermediate goals will be achieved, and by when, to know progress is being made?</i>	<i>Additional resources necessary to implement strategy &amp; how resources will be obtained. Funding Source for additional required resources.</i>	<i>How will the County track the implementation of activities?</i>	<i>Update on progress and activities completed for the year 2022.</i>
22	Ordinance to prohibit discharge of pollutants, including sediment.	Implement Polk County's unauthorized discharge restrictions in PCCO 43.057 County wide.	The Polk County Code Enforcement Officer will follow up on all complaints of potential unauthorized discharges as described in PCCO 43.057	Ongoing	N/A	Investigation into complaints of non-compliance with PCCO 43.057 will be absorbed within the Code Enforcement Program.	Number of Code Enforcement complaints received each year related to illicit discharge.	Eight (8) Code Enforcement complaints were received in 2022 that involved potential unauthorized discharge into a the storm/sewer system. Six (6) of these cases have been resolved, while two (2) cases are still being investigated by the Code Enforcement Officer.
23	Ordinance for Riparian Setbacks in Polk County.	Continue implementation of the riparian setbacks required by PCZO 182.050(B) across Polk County. Riparian vegetation stabilizes soils and helps to prevent the degradation and release of sediments containing mercury into rivers and streams. This reduces the amount of methylated mercury that is absorbed by fish as it passes over their gills.	The Planning Division will maintain an accessible inventory of county riparian management plans. The inventory will contain the following information: location, affected water bodies, and an estimated size of riparian vegetation gain vs. loss.	Ongoing	N/A	Application Fees.	Track applications that require riparian management plans.	Polk County has continued to maintain the riparian management plan inventory. During 2022, four (4) applications were submitted and approved that required riparian management plans.
	Enforcement of Ordinances	Chapter 50 of Polk County's Code of Ordinances gives Polk County the legal authority to enforce ordinances.	The Polk County Code Enforcement Officer will follow up on all complaints that required the enforcement of county ordinances.	Ongoing	N/A	N/A	Number of Code Enforcement complaints received each year related to illicit discharge	Eight (8) Code Enforcement complaints were received in 2022 that involved potential unauthorized discharge into a the storm/sewer system. Six (6) of these cases have been resolved, while two (2) cases are still being investigated by the Code Enforcement Officer.

Construction Site Runoff Control							
Management Category	Strategy	Milestone	Timeline	Benchmark	Cost Analysis	Tracking and Assessment	
	What is being done, or what will Polk County do to reduce and/or control pollution emanating from this source?	How will Polk County demonstrate successful implementation or completion of this strategy?	When will the strategy begin? Be completed?	What intermediate goals will be achieved, and by when, to know progress is being made?	Additional resources necessary to implement strategy & how resources will be obtained Funding Source for additional required resources	How will the County track the implementation of activities?	
						REPORTING FOR 2022	
						Update on progress and activities completed for the year 2022	
25	ex. Erosion/sediment control	Train planning staff about 1200-C and 1200-Z stormwater permit requirements. Include findings and conditions in land use decisions when it is determined that a 1200-C or 1200-Z permit is required.	Ongoing	N/A	N/A	Number of land use decisions issued that contain findings related to a 1200-C or 1200-Z Stormwater Permit.	One land use decision was issued in 2022 that included findings about 1200-C permit requirements.
26	Increase awareness of 1200-C and 1200-Z permit requirements.	Apply PCCO 80.133 to all applicable building permits to minimize construction site runoff.	Ongoing	N/A	N/A	Number of building permits that triggered the application of PCCO 80.133.	Five (5) building permits from 2022 "triggered" the requirements from PCCO 80.133
27	Implement Polk County's Erosion and Sediment Control Projections in PCCO 80.133 with every building permit within Polk County.	Track number of brochures that are handed out with building permits.	Ongoing	N/A	N/A	Number of building permits issued.	In the year 2022, 25 brochures were handed out with building permits.
28	Promote use of erosion and sediment control BMPs for development that is less than one acre.	Polk County will hand out its Guide to Erosion and Sediment Control during Construction Activities brochure with every building permit that is issued.	Ongoing	N/A	N/A	Number of building permits issued.	In the year 2022, 25 brochures were handed out with building permits.

ORS 190 Entity Mid-Willamette  
Valley Homeless Alli  
100 High St SE Ste 200  
Salem, OR 97301 US  
503-588-6177



## INVOICE

**BILL TO**  
Polk County  
850 Main Street  
Dallas, OR 97338

**INVOICE #** 20230924  
**DATE** 09/22/2023  
**DUE DATE** 10/22/2023  
**TERMS** Net 30

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DATE	DESCRIPTION	QTY	RATE	AMOUNT
	Annual MWVHA Member Contribution	1	8,000.00	8,000.00
			<b>BALANCE DUE</b>	<b>\$8,000.00</b>