MARION COUNTY BOARD OF COMMISSIONERS
WORK SESSION

Stormwater Update
Minutes

Tuesday, April 7, 2026, 3:00 p.m. – 4:30 p.m.
Commissioners' Boardroom
Courthouse Square, 555 Court St. NE, Suite 5231
Salem, Oregon 97301

ATTENDANCE:
Commissioner's: Danielle Bethell and Kevin Cameron.
Board's Office: Matt Lawyer, and Chris Eppley.
Legal Counsel: Andrew Mittendorf.
Public Works: Brian Nicholas, Stephanie Pulvers, Dennis Mansfield, and Brian May.

Commissioner Kevin Cameron called the meeting to order at 3:06 p.m.

1. **Welcome & Introductions**
-Commissioner Kevin Cameron

2. **Stormwater Update**
-Dennis Mansfield
- Program status, infrastructure condition, regulatory obligations, and funding:
  - Current management obligations under Municipal Separate Storm Sewer System (MS4) permit and Total Maximum Dail Load (TMDL).
  - Operational and staffing challenges in maintaining stormwater infrastructure.
  - Financial health of stormwater fund and options for stabilizing and expanding revenue.
- Responsibilities and expectations grown substantially since MS4 program began.

3. **Stormwater Management Area and Requirements**
-Stephanie Pulvers
- Geography and districts
  - Stormwater Management Area regulated by MS4 stormwater permit.
  - East Salem Service District (ESSD) lies within stormwater management area:
    - Management area is larger than ESSD.
  - Additional districts:
    - Brooks Service District.
    - Labish Community Service District.
  - Stormwater fee is collected only in ESSD:
    - Regulatory compliance applies to entire stormwater management area.
- Key infrastructure statistics - stormwater management area / ESSD focus:
  - About 71 miles of stormwater pipe mapped.
  - About 10 miles of major ESSD drainage ditch managed by stormwater funds.

    - Stormwater Management Facilities (SMFs) used for treatment/retention:
        - Counts and projections show rapid growth over last 10+ years.
- MS4 permit – minimum control measures - apply to stormwater management area:
    - Public Education and Outreach:
        - Social media and events:
            - Erosion control summit, Earth Day, and septic trainings.
    - Public Involvement:
        - Adopt-a-Road.
        - Water Quality Advisory Committee.
        - Tree plantings.
        - Litter cleanups.
    - Illicit Discharge Detection and Elimination (IDDE):
        - Digital inventory and mapping of the system.
        - Ordinance prohibiting pollution.
        - Escalating enforcement process up to code enforcement.
        - Dry-weather screening of outfalls:
            - Required 20%/year.
            - Program inspects about 90–100% to simplify prioritization.
        - Complaint intake and response.
    - Construction Site Runoff Control:
        - Managed via construction erosion permit (LDAP).
    - Post-Construction Runoff Control:
        - Stormwater engineering standards finalized in 2022.
        - Projects larger than ¼ acre of impervious surface must install treatment facilities.
        - Ongoing obligation to ensure private facilities are maintained:
            - Requires inventory, outreach, and annual contacts.
    - Pollution Prevention and Good Housekeeping
        - Internal Best Management Practices (BMP) program.
        - Focus on ensuring county operations do not contribute to pollution.
- TMDL requirements:
    - Bacteria, temperature, mercury, nitrates, pesticides, and metals.
    - Historically met mostly through existing programs:
        - Household hazardous waste.
        - EarthWISE business program.
        - Dog poop bags in parks, etc.
    - Newer TMDLs (mercury, temperature) are more prescriptive, requiring:
        - New ordinances.
        - Additional permit language:
            - Construction and erosion language added to building permits.
        - Temperature TMDL requires streamside evaluation to identify shade deficiencies and develop implementation plans.
    - Unintended flooding impacts from increasing stream debris and shade structure concern:
        - Need to balance temperature objectives with flood risk.

4. Stormwater Infrastructure Status

-Stephanie Pulvers

- Open drainage ditches:
    - About 10 miles of open vegetated drainage ditches in East Salem.
    - Many at unnatural angles around property lines:
        - Cause erosion and destabilizing banks.

    - Some segments show severe erosion threatening private structures.
    - Many ditches considered part of Claggett Creek:
        - Subject to in water work windows and environmental permitting.
        - Repairs require excavation, rock lining, and native soil and vegetation:
            - Work is complex and high-cost.
- Pipes and underground infrastructure:
    - Mapping shows numerous segments in poor or failing condition:
        - Crushed or deformed pipes.
        - Significant root intrusion, risking backups and flooding.
        - Rusted out culverts approaching end of useful life.
    - Limited camera inspection capacity:
        - Current rate:
            - About 1.8–2.3% of stormwater management area per year.
        - At current pace, about 43 years to inspect full system.
        - Camera work is constrained by:
            - Need to clean pipes first to avoid snagging cameras.
            - Adequate low-flow conditions.
            - Requirement for two person crews.
- Illicit connections and other findings:
    - Camera inspections have uncovered illicit connections:
        - Used car lot discharging wash water and grease into storm system.
    - Some inspections reveal sinkholes over failing pipes:
        - Repairs can be deep and expensive.
    - Other utilities observed crossing or boring through storm pipes.
- SMFs:
    - Rapid increase in number of county maintained SMFs over about 10 years:
        - especially since they became part of permit around 2019.
    - Vegetated facilities are:
        - Cheaper to build and non-proprietary.
        - Less expensive to maintain but still require ongoing care.
        - Labor intensive during establishment phase:
            - Multiple visits per year for weeding and replanting.
            - Summer watering using water trucks and CDL drivers.
    - SMFs are managed countywide, not only in stormwater management area.
- Staffing and capacity:
    - Small stormwater team:
        - Three Full-Time Equivalent (FTE) on operations plus compliance staff.
    - About 286 one-year staff hours to maintain acceptable appearance standards.
    - Summer is the critical work window for:
        - In water ditch work.
        - Camera inspections.
        - SMF establishment and maintenance.

5. Stormwater Financial Status

-Dennis Mansfield

- Fund structure and balances:
    - Stormwater fund network working capital history reviewed from inception.
    - FY 2025–26 projected ending fund balance:
    - About $1.15 million:
        - About $300,000 noted as restricted:
        - 5 years of $60,000/year contributions from ESSD for planning and detention basins.

        - Not yet spent; intended for planning/detention infrastructure.
    - Remainder "unrestricted," though substantial obligations and needs identified.
- Key revenue sources:
    - Stormwater fee assessment - ESSD only.
        - Single-family residential rate:
            - $54.60 per year, billed on property taxes.
        - Fee structure includes impervious surface-based charges for commercial properties.
        - Fee established in 2016 and has not increased since.
        - Projected revenue of $635,000/year with minor volume fluctuations.
    - Services to service districts:
        - ESSD contributed $60,000/year for planning/detention purposes:
            - 5-year contribution is ending.
        - About $114,000/year from ESSD to stormwater fund for services:
            - Proposal to renew for 5 years with 3% annual inflation factor.
    - Services to county departments:
        - Road Fund contribution to stormwater operations.
        - Some additional billable work to other departments.
        - Environmental Services/Solid Waste contribution is scheduled to end:
            - About $150,000 for an environmental specialist.
            - $10,000 for outreach programs.
    - Investment earnings of about $30,000/year projected.
- Expenses and staffing costs:
    - Projected personnel cost increase in 2026–27 of about $233,000 driven by:
        - Stormwater Supervisor position to be fully funded by stormwater.
        - Health benefit changes for existing staff.
        - Planned second Medium Equipment Operator (MEO2) position.
        - Temporary maintenance worker hours (about 0.33 FTE):
            - To support SMF maintenance.
    - Other cost drivers:
        - Contracted services are major visible expenses:
            - Street sweeping and Adults in Custody (AIC) vegetation maintenance.
        - Materials, equipment, and capital repairs for failing infrastructure.
- Structural funding gap:
    - Recurring deficit of about $700,000/year under revenue and cost trajectories.
    - Capital project capacity eroded as operating and compliance costs grow:
        - Insufficient funds for infrastructure fixes and proactive projects.

6. Other

-All

- Regulatory and legal context:
    - MS4 program requirements significantly expanded after 2016.
    - Relied on Road Fund and Solid Waste/Environmental Services for support.
    - There is concern about:
        - Unfunded mandates from state/federal regulations.
        - Legal basis and limits requiring local funding for infrastructure upgrades.
    - Questions raised:
        - Can stormwater management area be a broader service district?
        - What procedures and constraints exist for adding areas or services?
        - What happens if county does not fully implement MS4 requirements?

- Equity and fairness concerns:
    - Current situation:
        - Residents in ESSD pay stormwater fee.
        - Stormwater compliance responsibilities apply to broader stormwater management area, portions that do not currently pay stormwater fee.
    - ESSD subsidize regulatory compliance and services that benefit properties outside ESSD.
    - If fees expand:
        - Clearly explain services provided to each area.
        - Robust public outreach process.
- Customer service and expectations:
    - ESSD residents currently experience higher level of visible service, including:
        - Regular street sweeping.
        - Vegetation maintenance using AIC crews.
    - Non-ESSD see traditional road ditching and cross tile maintenance.
    - Concern of reducing visible services to cut costs would generate complaints:
        - Could create new maintenance problems elsewhere.
- Relationship to Road Fund:
    - Stormwater-related activities intersect with road maintenance:
        - Not all stormwater work is Road Fund eligible.
        - Road canals, backyard ditches, and certain water quality facilities.
    - Some capital repairs may be shared with or funded by Road Fund.

7. Next Steps

-All

- Legal and governance analysis
    - Develop legal review of:
        - Options and constraints for modifying stormwater fee authority:
            - Convert stormwater management area into service district.
            - Adding services to Brooks and Labish.
        - Process and requirements for:
            - Raising the ESSD stormwater fee.
            - Extending ESSD type fees to Brooks and Labish districts.
        - Non-compliance implications with MS4 requirements and potential for challenging or narrowing state mandates.
- GIS and revenue modeling:
    - Obtain and analyze GIS data for Brooks and Labish:
        - Impervious surface areas.
        - Stormwater infrastructure inventory.
        - Property and land use patterns:
            - Residential vs. commercial.
    - Use this data to:
        - Model revenue scenarios if ESSD like fees are extended to:
            - Brooks and Labish only.
            - The entire stormwater management area.
    - Compare against infrastructure needs and service levels in these areas.
- Fee and service options development:
    - Prepare memo and cost analysis outlining:
        - What services property owners receive today in:
            - ESSD.
            - Other parts of stormwater management area.
            - Brooks and Labish.

        - What extra services would be received if fees imposed or increased.
        - Multiple fee options, including:
            - Modest incremental ESSD fee increase alone.
            - Extension of stormwater fees to Brooks and Labish.
            - Potential longer-term option of stormwater area wide fee.
        - Impacts on households and commercial properties under each option.
        - Recommend public engagement approach.
- Interim program and capital planning:
    - Identify priority capital projects and estimate costs.
    - Explore fund splits between Stormwater Fund and Road Fund where eligible.
    - Centralized data hub and condition inventory for capital and maintenance plans.
- Board engagement and timeline:
    - Bring back:
        - Proposed extension of ESSD contribution agreement:
            - 5 years with 3% inflation.
        - Legal and financial options for fee changes/expansions.
    - Recognize timing constraints:
        - Property tax changes to be done mid-July to apply to October taxes.
        - Schedule implies fee structure changes to be targeted for 2027.

Adjourned – time: 4:22 p.m.
Minutes by: Mary Vityukova
Reviewed by: Gary L. White