

City of Mosier

Mosier Creek and Rock Creek
in Miles Creeks Subbasin

Total Maximum Daily Load (TMDL)
Implementation Plan

City of Mosier
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March 25th, 2020

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Introduction

The Oregon Department of Environmental Quality (DEQ) has regulatory authority and responsibility (under the Clean Water Act) for protecting water quality in public waters in the State of Oregon. To this end, DEQ has developed water quality planning documents for every watershed in Oregon. This includes the Miles Creek Subbasin. The Miles Creek Subbasin is a watershed area that includes both Rock Creek and Mosier Creek; both of which are located, in part, in the city limits and urban growth boundary of Mosier. DEQ has determined that water temperature is too high in each of these creeks which could potentially harm native fish species.

The City of Mosier has been identified as a Designated Management Agency (DMA) with specific responsibilities for water quality management in the Miles Creek Subbasin as described in *MIDDLE COLUMBIA-HOOD (MILES CREEKS) SUBBASIN TMDL (ODEQ 2008)*. The Total Maximum Daily Load (TMDL) addresses temperature-related water quality issues. The City agreed to work with the Oregon Department of Environmental Quality to develop an implementation plan for City responsibilities under the TMDL.

The City of Mosier's TMDL Implementation Plan (Plan) goal is to help maintain temperatures of Mosier and Rock Creeks at or below state water quality standard requirements by conserving existing riparian vegetation and encouraging riparian vegetation restoration and through the implementation of low impact development standards. The City has drafted updates to the Comprehensive Plan water quality policies and strategies, providing policy-level support for the TMDL Implementation Plan. These updates are scheduled to be adopted as part of a larger Comprehensive Plan Update in 2020. Updates to the Mosier Zoning Ordinance were completed in 2004. These updates extended stream-related building setbacks to all land use zones and implemented a Low Impact Development (LID) standard for all new construction. In addition, the City utilizes the Site Development Permit process to ensure that all new development complies with these regulations. Additional management measures to achieve the goal include:

- Protecting riparian areas and restoring riparian areas on City-owned lands where opportunities exist.
- Protecting existing native riparian area vegetation by regulating land use activities in riparian areas.
- Conducting outreach activities to inform the public about the functions and values of riparian areas, applicable City regulations and the range of technical and financial resources available for restoration projects.
- Coordinating and disseminating the information available from the various groups interested in the riparian zones and water quality of these creeks.

Plan Area

The Plan area is the Miles Creeks Subbasin, which includes the City of Mosier, Oregon including all areas of Mosier Creek and Rock Creek that lie within the Urban Growth Boundary and any tributary streams. See **Figure 1**. The Miles Creek Subbasin watershed contributing to Mosier and Rock Creeks includes urban and rural lands and is shown in topographic detail on **Figure 2**.

Responsible participants for implementing DMA-specific water quality management plans for urban and rural sources include: Wasco County, Hood River County, the cities of The Dalles, Dufur and Mosier, and the Northern Wasco County Parks and Recreation District. The Miles Creek Subbasin encompasses an area of approximately 587 square miles located primarily in Wasco County, although the western edge of the Subbasin is in Hood River County. The Miles Creeks area consists of several distinct watersheds draining to the Columbia River, all of which originate on the east slopes of the Hood River Range (a north-south mountain range which includes Lookout Mountain, Surveyor's Ridge and Fir Mountain). These watersheds are the Fifteenmile Creek, Threemile Creek, Mill Creek, Chenoweth Creek, Mosier Creek and Rock Creek Watersheds. Mosier Creek originates north of Mill Creek at an elevation of 3,400 feet and Rock Creek originates at an elevation of 3,000 feet.

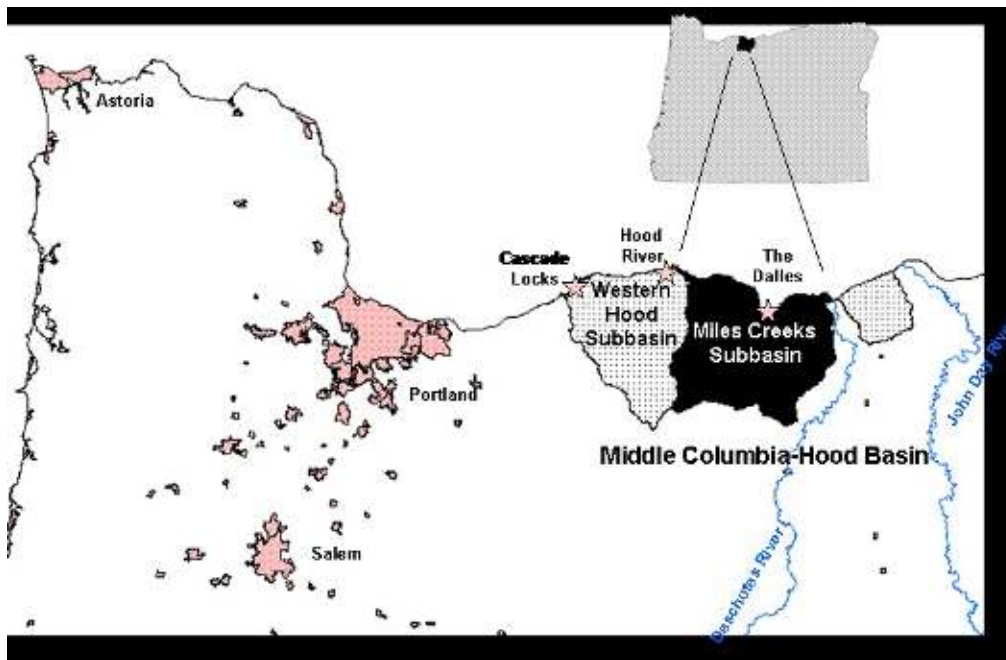


Figure 1 – Middle Columbia – Hood Basin Plan Area

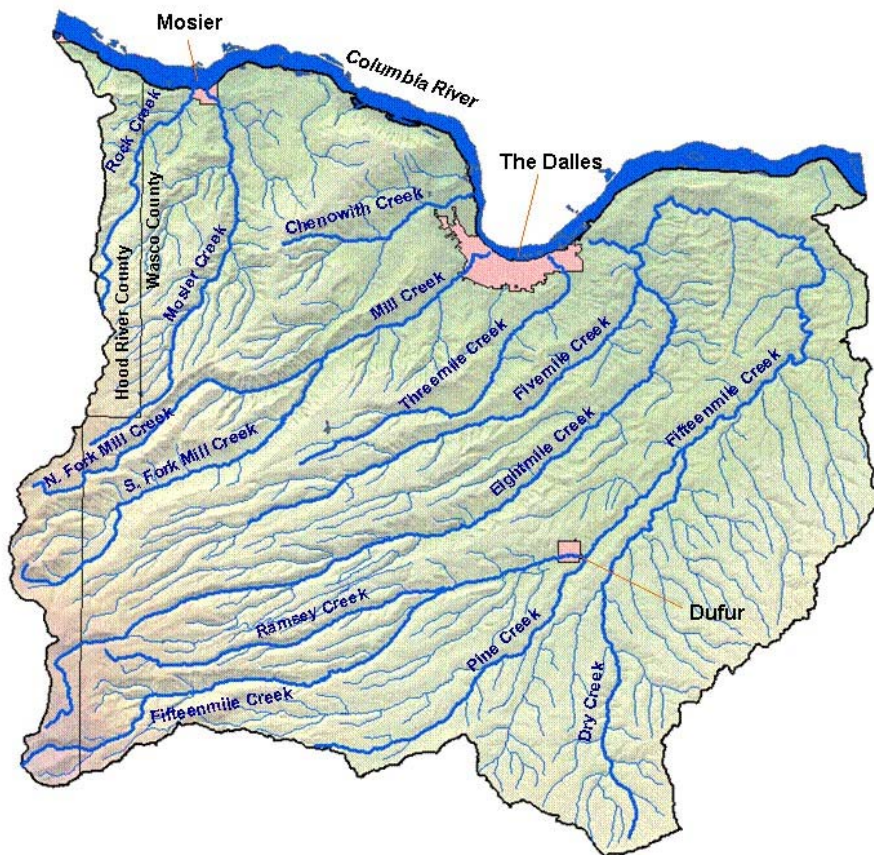


Figure 2 – Miles Creek Subbasin Watershed

Definitions

The following applicable definitions are from DEQ's administrative rules for TMDLs (OAR Chapter 340, Division 042):

"Designated Management Agency (DMA)" means a federal, state or local governmental agency that has legal authority over a sector or source contributing pollutants, and is identified as such by the Department of Environmental Quality in a TMDL.

"Management Strategies" means measures to control the addition of pollutants to waters of the state and includes application of pollutant control practices, technologies, processes, siting criteria, operating methods, best management practices or other alternatives.

"Performance Monitoring" means monitoring implementation of management strategies, including sector-specific and source-specific implementation plans, and resulting water quality changes.

"Total Maximum Daily Load (TMDL)" means a written quantitative plan and analysis for attaining and maintaining water quality standards and includes the elements described in OAR 340-042-0040. These elements include a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet state water quality standards, allocations of portions of that

amount to the pollutant sources or sectors, and a Water Quality Management Plan to achieve water quality standards.

"Water Quality Management Plan (WQMP)" means the element of a TMDL describing strategies to achieve allocations identified in the TMDL to attain water quality standards. The elements of a WQMP are described in OAR 340-042-0040(4)(1).

Background

In December of 2002, the State of Oregon's Environmental Quality Commission (EQC) adopted a rule commonly referred to as the "TMDL rule" (OAR 340-042). The TMDL rule defines DEQ's responsibilities for developing, issuing and implementing TMDLs as required by the federal Clean Water Act (CWA). The WQMP is one of the twelve TMDL elements called for in the TMDL rule. Oregon Administrative Rule 340-042-0040-(4)(1) states the following:

(1) Water quality management plan (WQMP). This element provides the framework of management strategies to attain and maintain water quality standards. The framework is designed to work in conjunction with detailed plans and analyses provided in sector-specific or source-specific Implementation Plans.

Sector-specific plans, or *TMDL Implementation Plans*, comprise a second tier of planning prepared by the local land use or water quality authority (Designated Management Agencies). A Designated Management Agency (DMA) is defined in the TMDL Rule as "a federal, state or local governmental agency that has legal authority over a sector or source contributing pollutants, and is identified as such by the Department of Environmental Quality in a TMDL."

The City of Mosier, as a Designated Management Agency (DMA) with specific responsibilities for water quality management in the Miles Creeks Subbasin, has agreed to work with DEQ to develop an implementation plan for City responsibilities under the TMDL containing the elements required in DEQ administrative rules. The TMDL addresses temperature-related water quality issues. Specifically, the goal is to limit water temperature to 64.4 °F maximum, year around, to protect Salmon and Trout. Rock Creek and Mosier Creek each have a federally listed native Steelhead population in addition to Coastal Cutthroat Trout and Coho Salmon.

DEQ is required under the federal Clean Water Act and Oregon Administrative Rules to develop TMDLs for water bodies that fail to meet state water quality standards. A number of streams and/or stream segments in the Miles Creek Subbasin failed to meet state water quality standards for temperature. Salmonids and other fish and aquatic species are sensitive to high water temperatures. The TMDL for the Miles Creek Subbasin includes a Water Quality Management Plan (WQMP) with a goal of ensuring that all water bodies in the basin attain and maintain water quality standards for temperature. The subbasin WQMP has identified the following management strategies for the City:

- Education about riparian protection,
- Evaluation of roads located along perennial streams for impediments to load allocation attainment.
- Restoration of river shading and/or channel condition on County/City/District owned properties.

- Consideration of riparian protection ordinances and low impact development (LID) building practices.

Mosier's TMDL Implementation Plan follows the DEQ *TMDL Implementations Plan Guidance* document published in May 2007. DEQ's administrative rules for TMDLs (OAR 340-042-0080(3)) require that:

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.

Partners

The following organizations, businesses and individuals have a stake in the health of the riparian ecosystem along Mosier and/or Rock Creeks. Part of the implementation plan includes annual coordination with these entities (see Reporting and Plan Revision Process, under Performance Monitoring, below). In particular the City will work closely with the Wasco County Soil and Water Conservation District and the Mosier Watershed Council on implementation of the public outreach measures.

Oregon Department of Environmental Quality (DEQ)

CONTACT: Tessa Edelen, Water Quality Basin Specialist

Department of Environmental Quality

475 NE Bellevue Dr Ste 110

Bend, OR 97701

(541) 633-2028

(541) 633-2027

Tessa.EDELEN@state.or.us

Wasco County Soil and Water Conservation District

CONTACT: Shilah Olson, District Manager

541-298-8559

shilah.olson@or.nacdnet.net

2325 River Rd. Ste. 3

The Dalles, OR 97058

Interests/ Contributions: funding for restoration projects

Mosier Watershed Council

CONTACT: Abbie Forrest, Watershed Coordinator

(541) 298-8559

abigail.forrest@or.nacdnet.net

2325 River Rd. Ste. 3

The Dalles, OR 97058

Interests/ Contributions: shade survey, restoration projects, plant survey

Mosier Community School

CONTACT: Susan Vallie, Executive Secretary

541-478-3321

vallies@nwasco.k12.or.us

P.O. Box 307

Mosier, Oregon 97040

Interests/ Contributions: yearly clean up and restoration projects

Oregon Department of Fish and Wildlife (ODFW)

CONTACTS:

Rod French

(541) 296-4628

rod.a.french@state.or.us

3600 Crates Way

The Dalles, OR 97058

Interests/ Contributions: assists the City with any issues or concerns about Rock or Mosier Creek; partner in Rock Creek Restoration project

Oregon Watershed Enhancement Board (OWEB)

CONTACT: Greg Cianella, OWEB Region 4 Technical Rep.

(541) 306-6570 Greg.S.Ciannella@oregon.gov

231 SW Scalehouse Loop, Suite 103

Bend, OR 97702
Interests/ Contributions: funding for the design of the Rock Creek Restoration Project

Oregon Department of Transportation (ODOT)

CONTACT: Pat Cimmiyotti, ODOT District 9 Manager

Office (541) 296-2215

Cell (541) 980-1838

Fax (541) 296-1671

Patrick.M.Cimmiyotti@odot.state.or.us

District 9 Headquarters

3313 Bret Clodfelter Way

The Dalles, OR 97058

Interests/ Contributions: restoration work in partnership with local business, Humble Roots, in restoration project at the mouth of Mosier Creek; partner with City of Mosier, Oregon State Parks, and ODFW in Rock Creek Restoration Project

Columbia Riverkeeper

CONTACT: Bret VandenHeuvel, Executive Director
(541) 387-3030 bv@columbiariverkeeper.org
407 Portway Ave #301, Hood River, OR 97031

Interests/ Contributions: monitoring of temperature and other pollutants

Native Plant Society of Oregon

CONTACTS: Mike Igo, Mosier Botanist
(503) 278-2422 (no email)
and Sara Wu, Mid Columbia Chapter President
(503) 278-2422

mc_president@npsoregon.org

Native Plant Society of Oregon
P.O. Box 902
Eugene, OR 97440

Interests/ Contributions: partnership with the City of Mosier in replanting and restoration work; shade survey; plant survey.

TMDL Implementation Plan

The City of Mosier's TMDL Implementation Plan goal is to help maintain temperatures of plan area streams at or below state water quality standard requirements by conserving existing riparian vegetation and encouraging riparian vegetation restoration and through the implementation of Low Impact Development standards. The TMDL Implementation Plan management measures are the implementation mechanisms of the Plan. Performance monitoring procedures will allow the City to evaluate its progress in implementing the management measures. The Plan also addresses the DEQ administrative rule requirement regarding compliance with statewide land use planning requirements that address water quality.

Management Measures

Comprehensive Plan Update

The current City of Mosier Comprehensive Plan policies and strategies for water quality meet the requirements of Oregon's statewide land use planning program. However, some plan provisions are outdated and do not address the City's role in improving stream temperatures as outlined in the TMDL Plan.

The City of Mosier is in the process of updating the Comprehensive Plan to include current water quality information, especially on temperature, and to add policies and strategies to support the goals and objectives of the TMDL Implementation Plan. This update is expected to be completed in 2020.

Bluff Impact and Riparian Protection Areas

In 2004, the City of Mosier amended the City's Zoning ordinance to include bluff impact and riparian protection areas (*Section 15.03.200 of Title 15: Zoning* - see appendix) that apply throughout the TMDL plan area. The purposes and intent of this section of the zoning code are:

- To implement the goals and policies of the City of Mosier Comprehensive Plan for the protection and conservation of fish and wildlife areas, habitat, and rivers, streams and riparian areas.
- To protect and restore The City of Mosier's water areas, streams and riparian areas, thereby protecting and restoring the hydrologic, ecologic and land conservation functions these areas provide.
- To accommodate the historical lateral migration of stream channels due to natural processes.
- To protect water areas, fish habitat, and adjacent riparian areas and to control erosion, limit sedimentation and reduce the effects of flooding.
- To establish clear and objective standards that allow reasonable economic use of property while protecting fish-bearing streams and their riparian areas.

The Bluff Impact and Riparian Protection Areas section is intended to meet the requirements of Statewide Planning Goal 5 (Natural Resources) and the provisions of the Goal 5 administrative rule (OAR 660, Division 23) for riparian corridors. These provisions require that significant riparian corridors be protected. The requirements in this Article are based on the "safe harbor ordinance" approach as defined in Oregon Administrative Rules 660-23-0090(5) and (8).

The amended section of the code limits new development and removal of existing native vegetation in setback areas along fish-bearing streams. A 75-foot setback is established on all fish-bearing (and high water-flow) streams. The section allows transportation, utilities, water-dependent uses, agriculture, forest practices and natural resource restoration to occur in the setback areas - with standards to protect streamside vegetation. Forest and agricultural practices within farm and forest zones are exempt from most provisions, as these activities are regulated by state agencies. The code only applies to new activities. Existing structures, lawns, gardens, orchards and other existing development in setback areas may continue to be maintained and used. The code contains an exceptions process to allow modification of the requirements in those cases where they would render a property unbuildable and a hardship variance process to allow expansions of existing structures when non-impacting options are impracticable. **Figure 3** illustrates the Riparian Management Areas bordering Rock Creek and Mosier Creek regulated under this code. The protected area borders 3,500 feet of Rock Creek and 3,400 feet of Mosier Creek (a total of 48 acres).

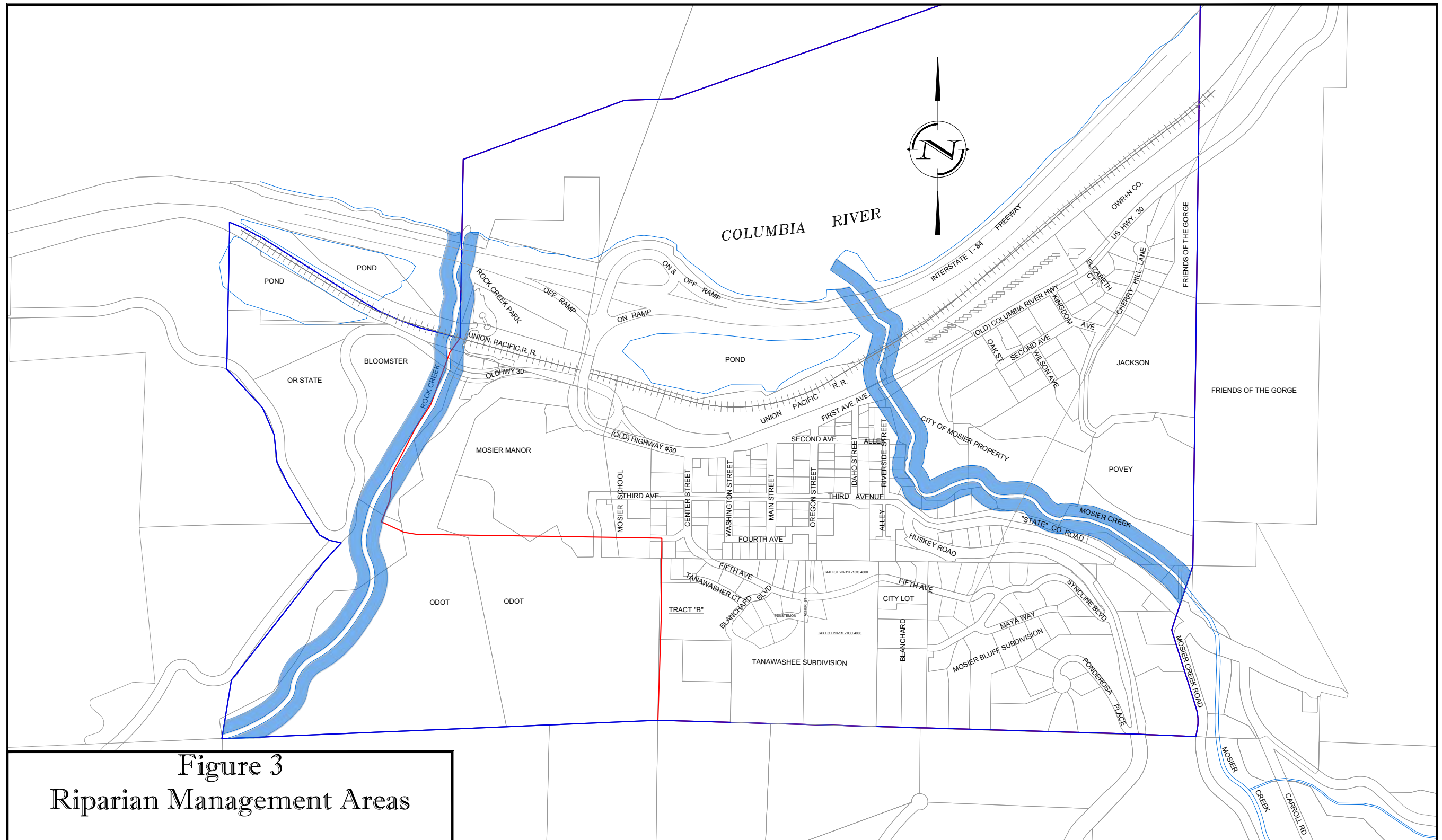


Figure 3
Riparian Management Areas

TMDL Plan

- LEGEND**
- URBAN GROWTH BOUNDARY/PLANNING AREA
 - CITY LIMITS
 - RIPARIAN MANAGEMENT AREAS

The Riparian Management Areas are defined by City Code (Mosier Zoning Ordinance Section 15.03.200 – Bluff Impact and Riparian Protection Areas) as a 75 foot offset from the ordinary high water mark of each side of the creek. The areas shown on this map are approximate.

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 WASCO COUNTY, OREGON

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 407 State St.
 Lyle, Washington 98635

Date: Dec. 12, 2019
 Mosier TMDL Map.dwg
 Scale: NTS

Low Impact Development (LID) Regulation

The City Code Chapter 13.01 GRADING, EXCAVATION AND FILL REGULATIONS includes regulations to implement Low Impact Development techniques for all new construction projects. See Appendices. The goal of this code is, in part, to minimize the impact of new development on water bodies in the City of Mosier. This is done by:

- Preventing, avoiding and otherwise minimizing the erosion during clearing, excavation, grading, construction and post-construction activities;
- Preventing the transport or flow of sediment into the public right-of-way, the City's stormwater system and other public facilities caused by clearing, excavation, grading, construction and post-construction activities;
- Preventing the transport or flow of sediment into water courses, wetlands, riparian areas, thus protecting water quality and fish and wildlife habitat;
- Preventing the transport or flow of sediment onto adjacent public and private property;
- Preventing, avoiding and otherwise minimizing stormwater runoff from impervious surfaces;
- Ensuring that an accurate site plan is prepared prior to construction activities and that proper and effective erosion control methods are used for all grading, clearing, excavating and other development activities; and
- Ensuring that all property owners accept the normal or natural volume and velocity of stormwater runoff from up-gradient properties, allow the passage of that flow, and maintain the normal or natural volume and velocity of stormwater flow onto down-gradient properties.

The City of Mosier implements the Low Impact Development regulations through the Site Development Permit process – which is required for all new development in the City. The Site Development Permit process requires detailed site plans for development and ensures that stormwater runoff is adequately addressed on each site. In addition, the Site Development Permit process serves an outreach and education function – as applicants are made aware of the need to properly address stormwater from the start of their development.

Ultimately, the implementation of this regulation will mitigate temperature impacts on water bodies in the City by preventing runoff from impervious surfaces from entering Mosier Creek and Rock Creek via overland flow. In addition, this regulation also will help to prevent sediment laden water from entering water bodies in the City.

City-Owned Lands

The City of Mosier owns a number of properties along streams including the following lands:

Rock Creek:

- Rock Creek Park – a developed park bordering Rock Creek.
- Wastewater Treatment Plant – the treatment plant parcel is very small and borders Rock Creek for a short distance.

Mosier Creek:

- Tax Lot 2N 11E 1 CA 3600 (east side of Mosier Creek) – 5.5 acres. This parcel has a trail on it and is otherwise undeveloped.
- Tax Lot 2N 11E 1 CA 2300 (north side of Mosier Creek) - 6.8 acres. This parcel has a trail on it and is otherwise undeveloped.
- Tax Lot 2N 11E 1 D 103 (northeast side of Mosier Creek) – 3.9 acres. This parcel has a trail on it and is otherwise undeveloped.

The City will protect riparian areas on City-owned lands in the Plan area by complying with the requirements of the Bluff Impact and Riparian Protection Areas Section of the City's Zoning Code and other applicable regulations.

Conducting riparian area restoration activities on lands that are under City control is another concrete action the City can take to improve stream temperatures. City restoration projects can serve as demonstration projects for other landowners and provide opportunities for outreach and scientific research. The City will support riparian area restoration on City-owned lands in the Plan area when opportunities arise. The City will develop an inventory of potential projects with assistance from regulatory agencies and local advocates.

Stormwater Runoff from Public Roadways

The City's stormwater system does not have any outfalls to either Mosier or Rock Creek. Both ODOT (Hwy 30) and Wasco County (Huskey Road and State Road) have roadways within the City Limits that have stormwater systems that discharge directly to Mosier and Rock Creek. The City will work with Wasco County and ODOT, when opportunities arise, to address temperature mitigation measures in these stormwater systems. The City will be developing a stormwater plan in the near future. This plan will include an evaluation of methods to eliminate the direct discharge of stormwater to Mosier and Rock Creeks from all streets within the urban growth area.

Public Outreach

The goals of the outreach program are to:

- Promote awareness of riparian area functions and values, riparian area best management practices, the requirements of the Bluff Impact and Riparian Protection Areas Section of the City's Zoning Code and the technical and financial resources available for riparian restoration;
- Encourage voluntary compliance with the requirements of the Bluff Impact and Riparian Protection Areas section;
- Encourage voluntary adoption of riparian area best management practices by landowners;
- Encourage voluntary riparian area restoration.

Outreach messages are intended to reach everyone in the Plan area who may be directly or indirectly involved in land use activities in riparian areas. Target audiences are:

- Local residents

- Riparian landowners
- Local organizations with interests in riparian ecosystems (see Partners, above)
- Developers
- Construction contractors

Objectives of the outreach program are to:

- Provide local residents general information on riparian area functions and values, riparian area best management practices, the requirements of the Bluff Impact and Riparian Protection Areas Section and the technical and financial resources available for riparian restoration.
- Provide riparian landowners on fish-bearing streams and others likely to work on or with those properties (developers, construction contractors) detailed information on riparian area functions and values, riparian area best management practices and the requirements of the Bluff Impact and Riparian Protection Areas Section.
- Provide riparian landowners on non-fish-bearing streams detailed information on riparian area functions and values, riparian area best management practices and the technical and financial resources available for riparian restoration.

The City will implement the outreach program by:

- Developing specific outreach messages for target audiences.
- Developing appropriate outreach products containing those messages.
- Delivering the outreach products to the target audiences.

The City will implement the outreach program in cooperation with appropriate agencies and other groups when opportunities arise, including annual coordination with TMDL partners, as described under Reporting and Plan Revision Process, below.

Funding of Measures

The City will fund the management measures generally using stormwater utility reserves and the City's general revenue fund. In other words, with cash. Some measures, not yet identified, may require financing to implement. For example, the City may apply for OWEB or Section 319 Program loan and grant funding for future big-ticket projects such as streambank restoration work. Measures identified in this Plan will be funded as follows:

1. Comprehensive Plan Update – General revenue fund.
2. Bluff Impact and Riparian Protection areas – done.
3. Low Impact Development regulation – done.
4. City-owned Lands – Restoration activities will require financing. The City will pursue OWEB and/or Section 319 financing.
5. Stormwater Runoff from Public Roadways – Stormwater utility reserves, County funds and ODOT funds.
6. Public Outreach – General revenue fund.

Timeline for Implementation

The City of Mosier has already adopted the Bluff Impact and Riparian Protection Areas section and the LID section into the City's Zoning Code. The timeline for implementation of the other management measures is shown on as follows:

- The City will complete a stormwater plan. Work will begin in early 2021 and be finished by the end of 2021.
- Public outreach will be completed annually. The 1st outreach effort is scheduled for September 1st, 2020.
- Stormwater runoff from public roadways. The City will work with ODOT and the County as opportunities arise for mitigating temperature impacts caused by their stormwater facilities located within the City limits. At this time, there are no relevant projects scheduled. This measure will be further explored as part of the stormwater planning project.
- The City will support riparian area restoration on City-owned lands in the Plan area when opportunities arise. At this time no work in these areas is planned. The City will begin to develop an inventory of potential projects with assistance from regulatory agencies and local advocates as part of its stormwater plan. This planning project will begin in early 2021 and be finished by the end of 2021. The schedule for actual restoration work will be developed as part of the stormwater plan.
- Comprehensive Plan Update. The City is currently working on the update and will complete the update by the end of 2020.
- Generally, the reporting schedule for implementation will follow the DEQ order as shown in their letter included in the Appendices.

A preliminary schedule with key project milestones for specific planning measures is shown in **Table 1**.

Table 1 – Project Schedule

Project	Milestones	Begin Date	End Date
Comprehensive Plan Update		5/1/2020	12/1/2020
	Plan Development	5/1/2020	7/1/2020
	City Council/Public Workshop	7/7/2020	7/7/2020
	Plan Revisions	7/7/2020	7/30/2020
	DCLD Approval	7/30/2020	9/30/2020
	Code Adoption	12/1/2020	12/1/2020
Stormwater Plan		1/6/2021	12/15/2021
	Kickoff Meeting	1/6/2021	1/6/2021
	Plan Development	1/6/2021	9/15/2021
	DEQ Approval	9/15/2021	11/15/2021
	City Council Adoption	12/15/2021	12/15/2021
Public Outreach		9/1/2020	Annual
	Educational Flyer	9/1/2020	9/1/2020

Identification of Responsible Participants

The City of Mosier City Council is responsible for implementing the management measures in this Plan. City of Mosier Staff and consultants work under the direction of the City Council to complete the implementation of this Plan.

Performance Monitoring

The City of Mosier will conduct performance monitoring to use in evaluating TMDL Implementation Plan progress. Performance monitoring includes the identification of benchmarks for each management strategy, performance measures to provide data on whether the benchmarks are being met, identification of methods and responsible parties for performance measure data collection, and reporting procedures to provide the results to City staff, the City Council, DEQ and the public. Six performance measures have been identified.

Performance Measures (PM)

- City Management of Actions Relevant to TMDL
 - PM1: Completed tasks, tasks in progress with description of status and tasks not started. This should be annually reviewed by City Council in coordination with Watershed Council and other partners.
- Bluff Impact and Riparian Protection Areas
 - PM2: Number of land use actions on properties in the protection areas.
 - PM3: Stream miles protected on properties with land use actions in the protection areas.
 - PM4: Number of enforcement actions conducted under the zoning code.

- PM5: Number of buildings authorized within 75 feet of streams in the riparian protection areas.
- Outreach Program
 - PM6: Number of people receiving outreach products

Data Collection Procedures

Performance measurement data will be collected by City staff and reviewed annually. Data for the outreach program (PM6) will be collected by City staff through tallies of people receiving outreach information at City Hall, through direct mail, at group presentations, etc.

Reporting and Plan Revision Procedures

The City of Mosier will develop an annual report on the City's progress in implementing the TMDL Implementation Plan including data for each performance measure. The City of Mosier will review annually the City's progress in implementing the TMDL Implementation Plan including data for each performance measure. In an effort to produce the most efficient and sensible planning and resource allocation among all interested parties, *and as a precursor to this annual report*, the City will add TMDL review to the most convenient City Council Meeting Agenda, being sure that an invitation to the meeting is sent to the listed TMDL project partners. The City will then share the annual review with all TMDL project partners listed above. This review will largely consist of an inventory of measures taken, as well as a summary of relevant minutes from the aforementioned Council meeting. The annual invitation and report will include coordination among partners interested in the health of the riparian ecosystem. Increased coordination will minimize duplication of effort, allow partners with complimentary projects to help each other and aid in the identification of the highest priority projects by allowing the 'big picture' view gained through consultation with several stakeholders.

The City of Mosier will evaluate the TMDL Implementation Plan five years following its acceptance by DEQ. The evaluation will describe the perceived effectiveness of the Plan in meeting its goals and objectives and the basis for this reasoning. If the evaluation indicates that the Plan is not adequate to meet its goals, the City will propose modifications to the Plan or undertake other efforts to achieve the goals.

Public Involvement

The City conducted a comprehensive public involvement program during the adoption of the Bluff Impact and Riparian Protection Areas Section of the City's Zoning Code in 2004. The outreach program will provide the public information on City and other programs to protect and restore riparian areas as part of the Comprehensive Plan Update scheduled to take place in 2020. Public involvement for other management measures will be conducted following standard City public involvement procedures.

Citation of Legal Authority

All of the management measures in this Plan are supported by policies in the City's existing Comprehensive Plan which will be updated in 2020 to more closely align with this Plan. The

Bluff Impact and Riparian Protection Areas section and the Low Impact Development section have been adopted in the City Zoning Code (see Appendix).

Compliance with Applicable Statewide Land Use Requirements

Oregon cities and counties regulate land use activities through local comprehensive plans and related development regulations. This authority begins with a broad charge given to them by the Oregon constitution and the Oregon legislature to protect public health, safety and general welfare. Oregon's land use planning system, administered through the Oregon Department of Land Conservation and Development (DLCD), provides a unique opportunity for local jurisdictions to address water quality protection and enhancement. Many of the land use goals have direct links to water quality, particularly:

- Goals 5 (Natural Resources, scenic, and historic areas and open spaces, OAR 660-015-0000(5)),
- Goal 6 (Air, water, and land resources quality, 660-015-0000(6)), and
- Goal 7 (Areas subject to natural hazards).

In the case of Goal 5, there is a specific rule that requires local jurisdictions to protect significant riparian areas and wetlands from development. Goal 6 has no LCDC developed guidance or rule about how local jurisdictions should protect and enhance water quality, but provides a sound framework for new ordinances that address a wide variety of water quality objectives, based on state or federal regulations, including this TMDL. Urban, residential and rural sources contribute significant amounts of pollution to waterways. Counties, municipalities and special districts can play an important role in pollution prevention and water quality improvement by:

- Raising public awareness of the impacts of urban, residential, and commercial runoff on surface water quality
- Providing public education and oversight of riparian area management

The City of Mosier has complied with applicable statewide land use requirements that relate to water quality standards for temperature. The City has adopted a Bluff Impact and Riparian Protection Areas Section and a Low Impact Development Section into the City Zoning Ordinance to meet the requirements for protection of riparian areas under statewide land use planning goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources). The City of Mosier's comprehensive plan and implementing ordinances currently meet the requirements of state land use planning goal 6 (Air, Water and Land Resources Quality). The City has drafted updated Comprehensive Plan water quality policies and strategies, providing policy-level support for the TMDL Implementation Plan, that are scheduled to be adopted in a larger Comprehensive Plan Update in 2020.

TMDL Implementation – DEQ Process

In the short term, the DEQ anticipates reviewing TMDL and WQMP progress on an “as needed” basis. DEQ resources are currently concentrating efforts on completing TMDL development throughout the state. Moreover, DEQ needs to develop policy on the logistics for reviewing TMDL implementation. In the long-term DEQ will:

- Evaluate progress towards achieving the TMDL (and water quality standards) and the success of implementing the WQMP.
- Expect that each DMA will also monitor and document its progress in implementing the provisions of its implementation plan. This information will be provided to DEQ for its use in reviewing the TMDL.
- Expect that DMAs will develop benchmarks for attainment of TMDL surrogates that can then be used to measure progress.
- Determine if performance of the implementation plans or effectiveness of management techniques is found to be inadequate. DEQ expects the DMAs to revise their Plan components to address the deficiencies.
- Conclude that all feasible steps have been taken to meet the TMDL, its associated surrogates and water quality standards, and that if the TMDL or the associated surrogates and standards are not practicable, the TMDL may be reopened and revised as appropriate.
- Consider reopening the TMDL should new information become available indicating that the TMDL or its associated surrogates need revision.

References

Oregon Department of Environmental Quality. 2001. Western Hood Subbasin Total Maximum Daily Load (TMDL)

Oregon Department of Environmental Quality. 2002. Oregon Administrative Rules Chapter 340, Division 042. Total Maximum Daily Loads (TMDLS).

http://arcweb.sos.state.or.us/rules/OARs_300/OAR_340/340_042.html

Oregon Department of Environmental Quality. 2008. Middle Columbia-Hood (Miles Creeks) Subbasin TMDL.

Oregon Department of Environmental Quality. May 2007. TMDL Implementation Plan Guidance – for State and Local Government Designated Management Agencies.

Appendix

Selected City of Mosier Comprehensive Plan Language Consistent with the Goals of the TMDL

From City of Mosier Comprehensive Plan (1978)

Policy #5: Resources

B. That the water quality of Mosier and Rock Creeks shall be protected by not allowing the filling in to obstruct the natural flow of each river.

Mosier City Code - Zoning Ordinance: Title 15**15.03.200 - Bluff Impact and Riparian Protection Areas.**

A. Bluff and bluff impact zone. The general definition of a *bluff* is a topographical feature such as a hill, cliff, or embankment that has the following characteristics:

- Is located along a riparian area and drains towards the water
- Minimum height is 25 feet above the ordinary high-water level
- Minimum slope is 30 percent (see graphic for how to calculate slope)

The bluff impact zone includes the bluff and the land located within 20 feet from the top of the bluff.

B. Riparian areas. (per OAR 660-23-0030 Safe Harbor Provisions) Along all fish-bearing rivers, streams and other waters with an average annual stream flow greater than 1,000 cubic feet per second (cfs) the riparian area boundary shall be seventy-five (75) feet from the top of bank; i.e. ordinary high water for Rock and Mosier Creeks, average pool elevation for Columbia River

C. Land Use Requirements for Riparian Areas and Bluff impact zones.

1. The permanent alteration of riparian areas by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses provided they are designed to avoid and minimize intrusion into the riparian corridor, no other options or locations are feasible, and any applicable state and/or federal permits are obtained:
 - a. Streets, roads and bridges, excluding parking or storage areas.
 - b. Construction of permeable trails, boardwalks and viewing platforms, information kiosks and trail signs.
 - c. Drainage facilities, utilities, and irrigation pumps.
 - d. Stormwater treatment facilities when they are located in severely degraded parts of significant riparian corridors and designed so as to enhance overall function of the riparian resource (for example a grassy swale or constructed wetland with a buffer of native vegetation and that is located within previously farmed or cleared area).
 - e. Water-related and water-dependent uses (for example boat launch, fishing dock).
 - f. Replacement of existing structures with structures in the same location that do not disturb additional riparian corridor surface area.
 - g. Structures or other non-conforming alterations existing fully or partially within significant riparian corridors may be expanded provided the expansion does not occur within the significant riparian corridor.
 - h. Existing garden, lawn and non-native plantings within significant riparian corridors may be maintained, but not expanded within the significant riparian corridor. Development activities on the property shall not justify replacement of the riparian area with lawn.
 - i. Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures

shall be evaluated by the local government and appropriate natural resource agency staff, for example Oregon Department of Fish and Wildlife, Division of State Lands, Department of Environmental Quality, Water Resources Department. Such alteration of the significant riparian corridor shall be approved only if less-invasive or nonstructural methods will not adequately meet the stabilization or flood control needs.

2. Removal of riparian vegetation in significant riparian corridors is prohibited, except for:
 - a. Removal of non-native vegetation and subsequent replacement with native plant species. The City of Hood River shall maintain a list of native and non-native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation.
 - b. Removal of vegetation necessary for the development of approved water-related or water dependent uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent or water-related use.
 - c. Removal of poisonous or noxious vegetation.
 - d. Trees in danger of falling and thereby posing a hazard to life or property may be removed. If no hazard will be created, property owners are encourage to leave trees, once felled, in place in the riparian corridor.
 - e. Incidental removal of vegetation associated with recreational, educational, scientific research and land survey activities.

3. Exceptions: The following activities are not required to meet the standards of this section if applicable:

- a. Normal and accepted farming and ranching practices other than buildings or structures, occurring on land zoned for exclusive farm use and existing in the protected riparian corridor since prior to the date of adoption of this ordinance.
- b. Commercial forest practices regulated by the Oregon Forest Practices Act.

D. Variances. In cases where a property owner believes the application of this section imposes a hardship or renders an existing lot or parcel unbuildable, a property owner may request a variance. Granting of a variance requires findings that satisfy all three (3) of the following criteria:

1. The proposed development requires deviation from the Riparian Corridor requirements; and
2. Strict adherence to the requirements of this section and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and
3. The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

E. Compliance with State and Federal Requirements. All activities wholly or partially within riparian corridors are subject to applicable Division of State Lands permit requirements under the Removal-Fill Law and U.S. Army Corps of Engineers permit requirements under Section 404 of the Clean Water Act. Where there is a difference between local, state or federal regulations, the more restrictive regulations shall apply.

*Mosier City Code - Grading Ordinance: Title 13***13.01 – Grading, Excavation and Fill Regulations.****Section:**

13.01.010	Purpose
13.01.020	Definitions
13.01.030	Construction Permit Required
13.01.040	Grading Standards
13.01.050	Stormwater Runoff Control Standards
13.01.060	Erosion and Sedimentation Control Standards
13.01.070	Access Standards
13.01.080	Enforcement, Violations and Stop Work Orders

13.01.010. Purpose: The purpose of this ordinance is to protect health, safety and welfare of the public by:

- A. Minimizing hazards associated with grading, land clearing, excavating and filling;
- B. Preventing, avoiding and otherwise minimizing the erosion during clearing, excavation, grading, construction and post-construction activities;
- C. Prevent the transport or flow of sediment into the public right-of-way, the City's stormwater system and other public facilities caused by clearing, excavation, grading, construction and post-construction activities;
- D. Preventing the transport or flow of sediment into water courses, wetlands, riparian areas, thus protecting water quality and fish and wildlife habitat;
- E. Preventing the transport or flow of sediment onto adjacent public and private property;
- F. Preventing, avoiding and otherwise minimizing stormwater runoff from impervious surfaces;
- G. Ensuring that an accurate site plan is prepared prior to construction activities and that proper and effective erosion control methods are used for all grading, clearing, excavating and other development activities; and
- H. Ensuring that new driveways necessary to access private property from a City street are compatible with the existing city streets and other public facilities located in the right-of-way.

- I. Ensuring that all property owners accept the normal or natural volume and velocity of stormwater runoff from up-gradient properties, allow the passage of that flow, and maintain the normal or natural volume and velocity of stormwater flow onto down-gradient properties.

13.01.020. Definitions: For the purpose of this Ordinance, the following definitions shall apply:

- A. “Clearing” means any activity that removes vegetative cover at the ground level.
- B. “City Engineer” means the engineer retained by the City or his/her designee to oversee City engineering business and be responsible for review of construction activities and enforcement of this ordinance.
- C. “Developer” means any property owner, contractor, person, corporation or other entity that proposes or engages in, or proposes, any regulated activity on any land within the Mosier Urban Growth Boundary.
- D. “Driveway” means a privately owned access point for a single lot from a City street.
- E. “Excavation” means the mechanical removal of earth material.
- F. “Fill” means the deposit of earth material placed by artificial means.
- G. “Grading” means excavation or fill, or any combination thereof, including the conditions resulting from any excavation or fill.
- H. “Impervious Surface” means the construction of any paved surface, compacted gravel surface, or structure that provides little to no infiltration of rainfall.
- I. “Low Impact Development LID” means the use of industry standard techniques to minimize stormwater runoff volume by such means as infiltration swales, dry wells, strip drains, pervious surfaces, etc.
- J. “Regulated activity” means the clearing, grading, excavation, or filling of land, the construction of impervious surfaces which will increase stormwater runoff, and the construction of new driveways accessing city streets.
- K. “Sedimentation” means the depositing of solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity.

13.01.030. Construction Permit Required:

-
- A. Any one proposing any regulated activity, as defined in this Ordinance and which meets the thresholds or requirements listed in the next subsection, on any property within the Mosier Urban Growth Boundary shall first apply for and obtain a Construction Permit as prescribed by this ordinance before beginning any regulated activity, unless the proposed regulated activity is specifically exempt in subsection (7) of this section.
- B. A Construction Permit is required if any of the following situations exist:
1. Any regulated activity within 100 feet of a stream, watercourse or wetland; or
 2. Any regulated activity that includes construction of a driveway connecting to a City street.
 3. Any regulated activity that involves the excavation, fill or combination of excavation and fill, exceeding 50 cubic yards within a 12-month period. To determine if this threshold is met, quantities of fill and excavation shall be calculated separately and then added together, even if excavated material is used as fill on the same site.
 4. Any regulated activity involving the clearing of an area 5,000 square feet or more, as measured at the ground level.
 5. Any regulated activity that includes the creation of 2,000 square feet or more of impervious surface.
- C. All Construction Permits shall expire one year from the date of issuance. The City Engineer may extend or renew a Construction Permit, so long as the Developer pays a new permit fee and the work complies with all requirements of the original permit plus any new or additional requirements or regulations adopted or imposed since the prior permit had been approved.
- D. The City Engineer shall be primarily responsible for reviewing applications, determining sufficiency of proposals and documentation, and determining what additional information is needed for an application, in addition to the basic requirements of this ordinance. In addition, the City Engineer shall have the authority to impose any and all reasonable conditions deemed necessary to achieve the purposes of this Ordinance and comply with any other applicable federal, state or local regulations.
- E. As a condition of applying for a permit for a project, the developer shall allow, or provide, permission for city officials to enter the subject property to evaluate the proposal, conditions and the work.
- F. A Construction Permit for regulated activities to be done in conjunction with a subdivision or partition shall be reviewed with the construction drawings for the underlying development.
- G. Exceptions. The following work, even if it qualifies as a regulated activity, is exempt from obtaining a Construction Permit as otherwise required by this ordinance:

1. Residential landscaping and gardening activities up to 2,000 square feet in area; all other landscaping is subject to the requirements of this ordinance;
 2. Excavation for utility construction.
 3. Agricultural crop management of existing farmed areas.
 4. Work needed to correct an immediate danger to life or property in an emergency situation as declared by the mayor or his/her designee.
- H. All Construction Permit applications shall include at least the following information, unless the City Engineer specifically grants an exemption. The City Engineer may require additional or different information as needed:
1. A site plan of the property and all adjacent land within 200 feet, drawn to an appropriate scale with sufficient dimensions, showing the general direction of all slopes, the locations of all property lines, roads, rights-of-way, easements, existing utilities, areas where clearing, grading, excavation or filling is proposed, boundaries of wetlands, high water line (100-year floodplain) line of water courses.
 2. An erosion control plan showing the types and locations of all erosion and sediment control facilities and measures, including all vehicle access points to and from the public right-of-way and vehicle wash-down areas. This plan shall also include a narrative that describes how the erosion and sediment control facilities and measures will be constructed, operated and maintained over time.
 3. Summary data for the project and site, including runoff volumes from impervious greater than 2,000 square feet, area estimates for all land to be cleared, filled or graded, volume estimates for all fills and excavations.
 4. All right-of-way improvements and new driveways shall include detail design drawings, and other information including horizontal and vertical geometry, materials, and tie-in to the existing street improvements.
 5. The City Engineer may require a grading or other plans to be prepared by a registered civil engineer where the disturbed area has an average slope of 20% or more, where the disturbed area is located in a geologic hazard area, or where more than 200 cubic yards of fill and/or excavation is proposed. Such a grading plan shall include the following additional information:
 - i. A geotechnical engineering report;
 - ii. Location of existing structures and buildings, including those within 25 feet of the development site on adjacent property;
 - iii. Design details for proposed retaining walls;
 - iv. Detailed plans and locations of all surface and subsurface drainage devices to be constructed.
 6. The City Engineer may require that the sedimentation and erosion control plan be prepared and signed by a registered civil engineer where the disturbed area is greater

than one acre in size, or the disturbed area has an average slope of 20% or greater. The City Engineer may require that the stormwater runoff control plan be prepared by a registered civil engineer if the proposed runoff volume could have a significant impact on down gradient properties.

7. The City Council shall adopt, and may from time to time amend, by resolution a fee schedule for Construction Permits and related plan reviews and inspections.

13.01.040. Grading Standards: The review and approval of Construction Permits under this Ordinance shall be based on the conformance of the proposed development plans with the following standards. The City Engineer may impose any reasonable conditions of permit approval necessary to assure that the development plan meets the requirements of this Ordinance.

A. Excavations and cuts shall comply with the following:

1. The slope of cut surfaces shall not be steeper than is safe for the intended use and shall not be steeper than two horizontal to one vertical unless an engineering report finds that a cut at a steeper slope will be stable and not create a hazard to public or private property;
2. Cuts shall not remove the toe of any slope where a potential landslide exists;
3. Cuts shall be set back from property lines so as not to endanger or disturb adjoining property; setbacks shall conform to the Oregon building code and with City zoning standards.
4. Any retaining walls shall be constructed in accordance with the applicable provisions of the Oregon State Structural Specialty Codes.

B. Fills shall comply with the following:

1. The slope of fill surfaces shall not be steeper than is safe for the intended use and shall not be steeper than two horizontal to one vertical unless an engineering report finds that a steeper slope will be stable and not create a hazard to public or private property. Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical;
2. Fills shall be set back from property lines so as not to endanger or disturb adjoining property; setbacks shall conform to any applicable provisions of the Oregon State Structural Specialty Codes and with City regulations.
3. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, and scarifying to provide a bond with the new fill;

4. Any structural fill shall be designed by a registered engineer, in accordance with standard engineering practices.

C. Drainage. All property owners shall accept the normal or natural volume and velocity of stormwater runoff from up-gradient properties, allow the passage of that flow, and maintain the normal or natural volume and velocity of stormwater flow onto down-gradient properties. Post-development rates of stormwater discharge shall not exceed pre-development rates. All cut and fill slopes shall be provided with subsurface drainage as necessary to maintain stability.

13.01.050. Stormwater Runoff Control Standards:

A. The review and approval of Construction Permits for regulated activities subject to this ordinance shall be based on the conformance of the development plans with the standards of this section. The City Engineer may impose any conditions of approval needed to assure that the development plan meets the appropriate standards.

B. Generally, the City stormwater runoff control standards are based on Low Impact Development (LID) techniques that minimize impervious surfaces and infiltrate stormwater on site. Tight line conveyance of stormwater onto adjacent property will be allowed only if there is no other feasible alternative and only if the proposed location and volume of runoff will not change.

1. If the development proposes more than 2,000 square feet of impervious surface, the developer shall calculate the estimated runoff volume for the design storm specified by the City Engineer. The runoff volume shall be calculated as follows: impervious area (sf) x 0.10 (ft) = runoff volume (cf).

2. Infiltration facilities must be constructed capable of infiltrating the design storm runoff volume.

3. If the development proposes less than 2,000 square feet of impervious area, the developer shall provide for and install industry standard LID facilities to control runoff from all impervious surfaces.

13.01.060. Erosion and Sedimentation Control Standards: The review and approval of Construction Permits for regulated activities under this ordinance shall be based on the conformance of the development plans with the standards of this section. The City Engineer may impose any conditions of approval needed to assure that the development plan meets the appropriate standards. The City Engineer may require modifications to the erosion and sedimentation control plan at any time if the plan proves to be ineffective in preventing the discharge of sediment onto surface waters, wetlands, the right-of-way, or adjacent property. To implement this section, the following standards shall apply:

A. Natural vegetation should be retained and protected wherever possible.

- B. Stream and wetland areas shall not be disturbed.
- C. Sedimentation barriers, such as filter fences and straw bales, shall be placed to control sedimentation from entering streams, wetlands, or adjoining property. The sedimentation barriers shall be installed prior to site clearance or grading activities.
- D. Critical areas, as determined by the City Engineer, cleared of vegetation may be required to be temporarily stabilized with mulch, sod, mat or blanket in combination with seeding, or equivalent nonvegetative materials such as mat or blanket if in the opinion of the City Engineer such an area represents an erosion hazard. Prior to the completion of construction, all such slopes shall be permanently stabilized by seeding.
- E. Storm water inlets and culverts shall be protected by sediment traps or filter barriers.
- F. Soil storage piles or fill shall be located so as to minimize the potential for sedimentation of streams, wetlands or adjacent property. Where, in the opinion of the building official, a soil storage area or fill has the potential for causing sedimentation of streams, wetlands or adjoining property, the building official may require temporary stabilization measures.
- G. Temporary sedimentation control, not in conjunction with a structure, may be required.
- H. Erosion and sedimentation control measures shall be maintained during the period of land disturbance and site development in a manner that ensures adequate performance.
- I. The city may require a graveled entrance road, or equivalent, of sufficient length, depth and width to prevent mud from being tracked onto streets.
- J. Trapped sediment and other disturbed soils resulting from sediment control measures shall be removed or permanently stabilized to prevent further erosion and sedimentation.
- K. Measurable amounts of sediment that leave the site shall be cleaned up and placed back on the site or properly disposed of.
- L. All temporary erosion and sedimentation control measures shall remain in place until the disturbed area is stabilized with permanent vegetation.
- M. Under no conditions shall sediment from the construction site be washed into storm sewers, drainage ways or streams.
- N. A ground cover will be established on exposed soils as soon as possible after finish grading or construction is complete.
- O. The City Engineer may make periodic inspections to ascertain that erosion and sediment control measures as proposed have been implemented and are being effectively maintained.

13.01.070. Access Standards: Where development on private property abutting a right-of-way and requires access, the review and approval of Construction Permits for regulated activities shall be based on the conformance of the development plans with the standards of this section. The City Engineer may impose any conditions of approval needed to assure that the development plan meets the appropriate standards. To implement this section, the following standards shall apply:

- A. The driveway access location, design, and restoration, shall comply with the requirements of the City Engineer.
- B. Access ways shall comply with the provisions of Chapter 4 of the Mosier Land Division ordinance where applicable.
- C. Driveways in approved subdivisions shall be constructed in accordance with any applicable design details approved as part of the subdivision design plans.
- D. No more than one driveway per lot is permitted.
- E. Driveway location shall comply with applicable spacing standards as specified in the Mosier Zoning Ordinance.
- F. Driveway grades shall be compatible with the adjoining roadway profile and shall be designed to prevent access conflicts, spacing problems or any similar safety problems relative to the right-of-way.
- G. Driveway design and construction shall be compatible with the existing public streets, sidewalks, shoulders, stormwater facilities or any other public facility in or near the right-of-way.
- H. Driveways shall not be allowed at locations that present a hazard on the roadway as determined by the City Engineer.

13.01.080. Enforcement, Violations and Stop Work Orders:

- A. All use and development of land within the Mosier Urban Growth Boundary shall conform to the requirements of this Ordinance.
 1. Any non-exempt use or development of land that involves a regulated activity and does not conform to the requirements of this Ordinance, or where a permit is required but none is obtained, is a violation of this ordinance and a civil infraction subject to civil enforcement and prosecution by the city.
 2. Any Construction Permit approved by the city, including any conditions attached thereto, shall become a binding requirement enforceable upon any land, owner or developer that is subject to such a permit. Any violation of, or failure to fulfill, any

such conditions is also a violation of this Ordinance and a civil infraction subject to prosecution by the city.

3. The city shall not allow the development of land that does not conform to the requirements of this Ordinance.
 4. Before land may be put to any new use, or construction, or for which a permit is required by this or any other city ordinance, the property owner or that person's representative shall submit an application for the appropriate permit or approval. The applicant and property owner shall be responsible for the accuracy of all information submitted in support of any permit or land use application.
- B. The City Engineer or any authorized city official may issue a stop work order for any development under the authority of this subsection.
1. Whenever any activity is being done contrary to the provisions of this section, the City Engineer may order the work to be stopped immediately by written or verbal notice served on any person engaged in doing or causing such work to be done. Any person served with a Stop Work Order by the City Engineer shall immediately stop all work on the site as directed by the City Engineer. Once a Stop Work Order has been issued, no work shall commence on the site without the City Engineer first issuing an order to proceed with the work.
 2. The City Engineer may order the suspension of work on any project during periods of inclement weather to reduce actual or potential erosion and/or sedimentation. Any such suspension may be for a period of days or weeks during storm events or may, at the discretion of the City Engineer, involve the entire rainy season.
 3. The City Engineer may order work stopped because of inadequate on-site erosion or sedimentation controls. In that case, a revised and corrected erosion and sediment control plan shall be submitted to the City for review. Upon approval of the revised plans that show to the City Engineer's satisfaction that the deficiency will be corrected, the City Engineer shall lift the Stop Work Order.

DEQ Order



Oregon

Kate Brown, Governor

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Eastern Region Bend Office
475 NE Bellevue Drive, Suite 110
Bend, OR 97701
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September 11, 2019

Colleen Coleman
City of Mosier
208 Washington St.
Mosier, OR 97040

Re: Middle Columbia-Hood (Miles Creeks) Subbasin Total Maximum Daily Load and Water Quality Management Plan

Dear Ms. Coleman,

The Middle Columbia-Hood (Miles Creeks) Subbasin Total Maximum Daily Load (TMDL) and Water Quality Management Plan (WQMP) was finalized in 2008. The WQMP includes the City of Mosier as a Designated Management Agency (DMA) with responsibilities for implementing the TMDL within its jurisdiction consistent with OAR 340-042 to 0700. To date, Mosier has not fulfilled this requirement.

This TMDL and WQMP are the result of several years of study, analysis, and discussion in the Miles Creeks area. During this time, the documents were developed with input from stakeholders representing a variety of interests and were commented on by individuals, agencies, and other entities during the public comment period. We believe the documents represent a fair and honest analysis of water quality conditions and appropriate allocations of pollutants that, when achieved, will protect beneficial uses. Copies of the TMDL, WQMP, Response to Comments and Order Memo are available on the DEQ Website at www.oregon.gov/deq/wq/tmdls/Pages/midcolumbiahood.aspx.

This letter is intended to provide re-notification that the TMDL was issued as an order. The City is expected to develop and implement its own Water Quality Implementation Plan, as described in the WQMP, to meet the requirements of the temperature TMDL. This plan should be developed and submitted to DEQ within six months of this re-notice.

We appreciate your involvement and look forward to your participation in the next steps of implementation. It will take combined effort to continue the process that is underway in the Middle Columbia-Hood (Miles Creeks) Subbasin to meet water quality standards and protect important beneficial uses such as fisheries and other aquatic life. If you have any questions, please contact me in our Bend office at 541-633-2028 or edelen.tessa@deq.state.or.us.

Sincerely,

Tessa Edelen
Water Quality Basin Specialist

Miles Creeks TMDL Implementation Reporting Schedule

- Initial Miles Creeks TMDL approval date was February 5, 2009. The revised timeline for submittal of a TMDL Implementation Plan is six months from this notice, March 11, 2020.
- Annual Reports address TMDL implementation that occurred on March 11 of the previous year through March 2, of the current year. For example, the Annual Report due on April 11, 2021 will cover all TMDL implementation activities from March 11, 2020 through March 10, 2021. This allows one additional month to complete the report. Early submittal is welcomed.
- The 5 Year Review will be submitted in lieu of an Annual Report every five years. It requires a more in-depth assessment of the DMA's TMDL program, so additional time is given to complete the Review. The Review will be submitted by June 8th every five years, 90 days after the reporting period has ended.
- A Revised TMDL Matrix is implemented every five years and will address TMDL activities for the next five years of implementation. For example, the next iteration of the Matrix will be due in year four of the first five year cycle on December 10, 2024 and will address planned activities for the second five year cycle. In other words, three months prior to the end of the current five year cycle, you are asked to submit a Revised Matrix for the next five year cycle. Five year cycles are color-coded below.

Reporting Period for Mosier	Annual Report Due Date	5 Year Review Due Date*	Revised Matrix Due Date*
March 11, 2020 to March 10, 2021	April 11, 2021		
March 11, 2021 to March 10, 2022	April 11, 2022		
March 11, 2022 to March 10, 2023	April 11, 2023		
March 11, 2023 to March 10, 2024	April 11, 2024		Dec. 10, 2024. Begin implementation no later than March 11, 2025
		June 8, 2025	
March 11, 2025 to March 10, 2026	April 11, 2026		
March 11, 2026 to March 10, 2027	April 11, 2027		
March 11, 2027 to March 10, 2028	April 11, 2028		
March 11, 2028 to March 10, 2029	April 11, 2029		Dec. 10, 2029. Begin implementation no later than March 11, 2030
		June 8, 2030	
March 11, 2030 to March 10, 2031	April 11, 2031		
March 11, 2031 to March 10, 2032	April 11, 2032		
March 11, 2032 to March 10, 2033	April 11, 2033		
March 11, 2033 to March 10, 2034	April 11, 2034		Dec. 10, 2029. Begin implementation no later than March 11, 2035
		June 8, 2035	

* While the 5 Year Review is not due until June 8, DMAs are encouraged to begin the review process prior to completing an updated Matrix (Implementation Plan) for the next five year cycle. The Review process will help to inform and refine subsequent iterations of the Matrix.