



**CITY OF MOSIER**  
small enough to make a difference

P.O. BOX 456 / 208 WASHINGTON ST.  
MOSIER, OR 97040

June 5, 2025

Smita Mehta  
Acting Eastern Region Water Quality Manager  
Department of Environmental Quality  
475 NE Bellevue Drive, Suite 110  
Bend, OR 97701-7145

Re: Miles Creek Basin Total Maximum Daily Load (TMDL) Implementation Plan

This cover letter provides the Oregon Department of Environmental Quality with a TMDL Implementation Plan and corresponding TMDL Implementation Plan Matrix to meet the requirements of the Miles Creek TMDL and Water Quality Management Plan.

The Miles Creek WQMP names Designated Management Agencies with land management jurisdiction in the basin to develop implementation plans to meet TMDL requirements. The City of Mosier has been named as a DMA and is committed to working with DEQ to implement the TMDL. As such, the accompanying document outlines measurable objectives and milestones the City of Mosier has identified as strategies that will target temperature improvements in the Miles Creek Basin.

The City of Mosier will submit reports to DEQ annually assessing the success of the strategies. The City of Mosier will also review and evaluate the effectiveness of the implementation plan every five years and revise as required by DEQ.

The City of Mosier will continue to collaborate with DEQ staff to ensure progress is being made in implementing the TMDL. Please contact Stoner Bell, the City Engineer, at [stonerbelle@belldesigncompany.com](mailto:stonerbelle@belldesigncompany.com), if you have any further questions.

Sincerely,

Witt Anderson  
Mayor  
City of Mosier

## City of Mosier

Mosier Creek and Rock Creek  
in Miles Creeks Subbasin

Total Maximum Daily Load (TMDL)  
2025 Implementation Plan Update

City of Mosier  
P.O. Box 456  
208 Washington Street  
Mosier, OR 97040  
(541) 478-3505

June 15th, 2025

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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 exceeds water quality standards 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 to implement water quality strategies 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 (DEQ) to develop an implementation plan for City responsibilities under the TMDL. This plan was submitted to DEQ in March of 2020. Annual report was submitted to DEQ every year with a five-year updated plan is to be submitted in lieu of the annual report by June 15, 2025.

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 2026. 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. On-going management measures to achieve the goal include:

- Protecting riparian areas and restoring riparian areas on City-owned lands where opportunities exist.
- Continuing to Protect 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.

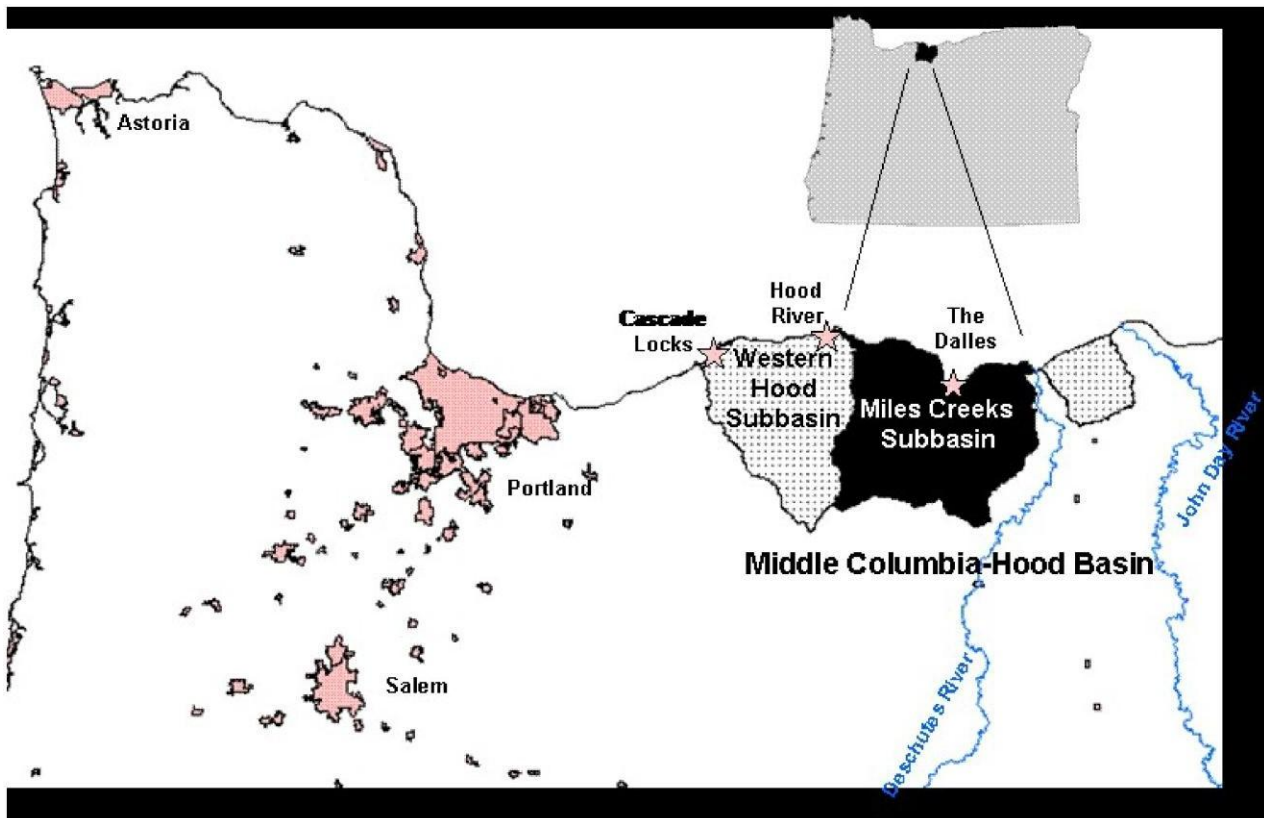


Figure 1 – Middle Columbia – Hood Basin Plan Area

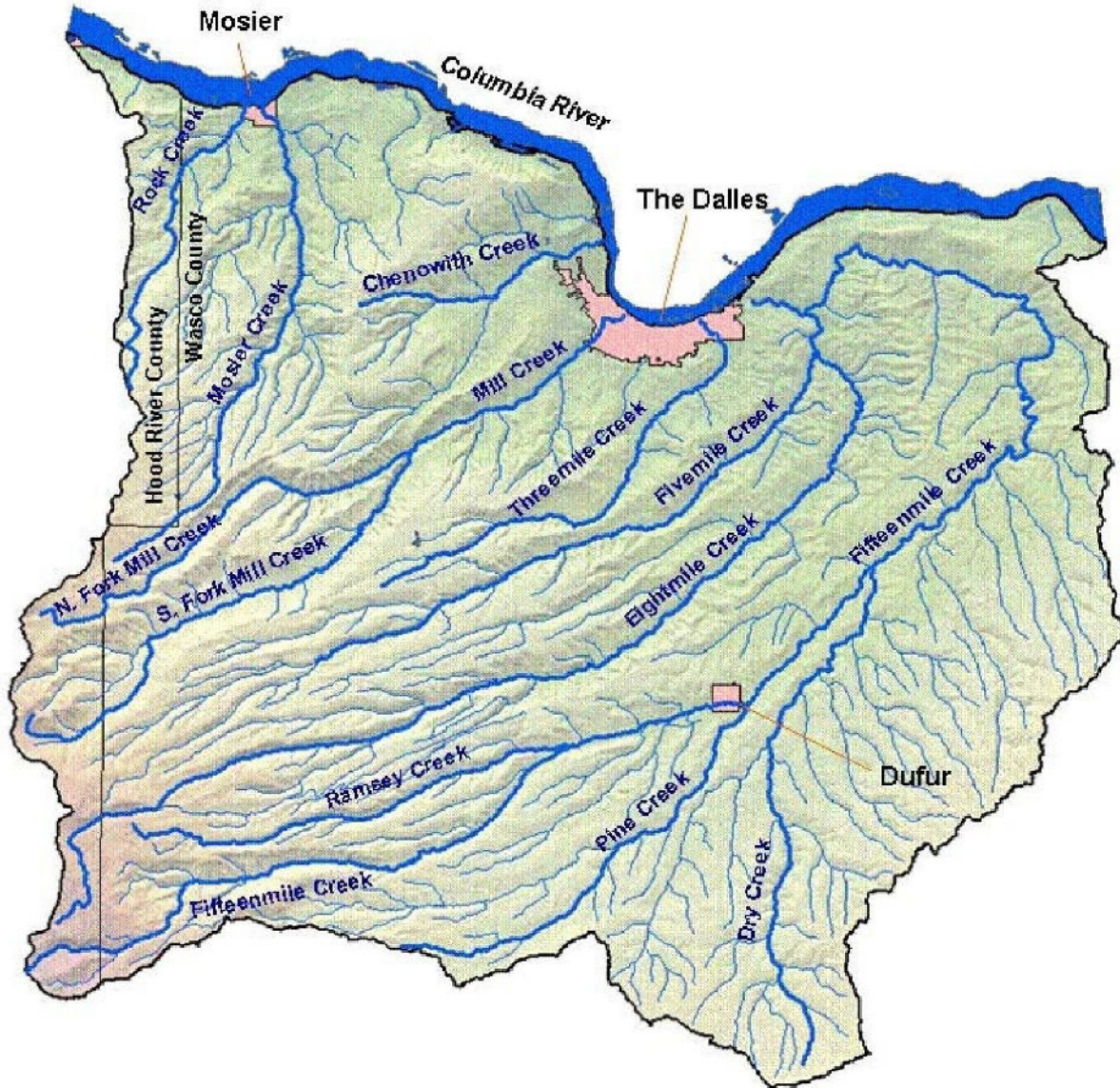


Figure 2 – Miles Creek Subbasin Watershed

## 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)(I).

## 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)(I) states the following:

*"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(4)) 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: Karissa Willits, TMDL Basin Specialist  
Department of Environmental Quality  
475 NE Bellevue Dr Ste 110  
Bend, OR 97701  
541-972-5789  
[Karissa.Willits@deq.oregon.gov](mailto:Karissa.Willits@deq.oregon.gov)

**Wasco County Soil and Water Conservation District**

CONTACT: Shilah Olson, District Manager  
2325 River Rd. Ste. 3  
The Dalles, OR 97058  
541-288-8602  
[shilah.olson@or.nacdnet.net](mailto:shilah.olson@or.nacdnet.net)  
**Interests/Contributions:** funding for restoration projects

**Mosier Watershed Council**

CONTACT: Gilbert Drake, Watershed Coordinator  
2325 River Rd. Ste. 3  
The Dalles, OR 97058  
541-298-8859 x117  
[drake.gilbert@usda.gov](mailto:drake.gilbert@usda.gov)  
**Interests/Contributions:** shade survey, restoration projects, plant survey

**Mosier Community School**

CONTACT: Daphne Flud, Executive Secretary  
1204 1st Ave  
Mosier, OR 97040  
541-478-3321  
[fludd@nwasco.k12.or.us](mailto:fludd@nwasco.k12.or.us)  
**Interests/Contributions:** yearly clean up and restoration projects

**Oregon Department of Fish and Wildlife (ODFW)**

CONTACT: Rod French  
3600 Crates Way  
The Dalles, OR 97058  
(541) 296-4628  
[rod.a.french@state.or.us](mailto:rod.a.french@state.or.us)  
**Interests/Contributions:** assists the City with any issues or concerns about Rock or Mosier Creek;  
partner in Rock Creek and Mosier Creek Restoration project

**Oregon Watershed Enhancement Board (OWEB)**

CONTACT: Greg Cianella  
OWEB Region 4 Program Rep.  
775 Summer St NE #360  
Salem OR 97301  
(971) 345-7015  
[greg.s.ciannella@oweb.oregon.gov](mailto:greg.s.ciannella@oweb.oregon.gov)

**Interests/Contributions:** funding for the design of the Rock Creek and Mosier Creek Restoration Project

**Oregon Department of Transportation (ODOT)**

CONTACT: Dan Shanahan  
ODOT District 9 Manager  
District 9 Headquarters  
3313 Bret Clodfelter Way  
The Dalles, OR 97058  
Phone: (541) 296-2927  
Fax: (541) 296-1671  
[dan.t.shanahan@odot.oregon.gov](mailto:dan.t.shanahan@odot.oregon.gov)

**Interests/Contributions:** restoration work in partnership with other Stakeholders in areas of ODOT impact of Mosier Creek and Rock Creek (Rock pit area).

**Columbia River Keepers**

Contact: Lauren Goldberg, Executive Director  
Mailing: P.O. Box 950 Hood River, OR 97031  
Physical: 2621 Wasco Street, Suite A, Hood River, OR  
Phone: 541-387-3030  
[lauren@columbiariverkeeper.org](mailto:lauren@columbiariverkeeper.org) | (541) 965-0985

**Interests/Contributions:** monitoring of temperature and other pollutants

**TMDL IMPLEMENTATION PLAN**

The City of Mosier’s Total Maximum Daily Limit (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.

## Plan Strategies

### 1. Protect Existing Native Riparian Area Vegetation by Regulating Land Use Activities in Riparian Areas and Areas impacting Riparian Areas

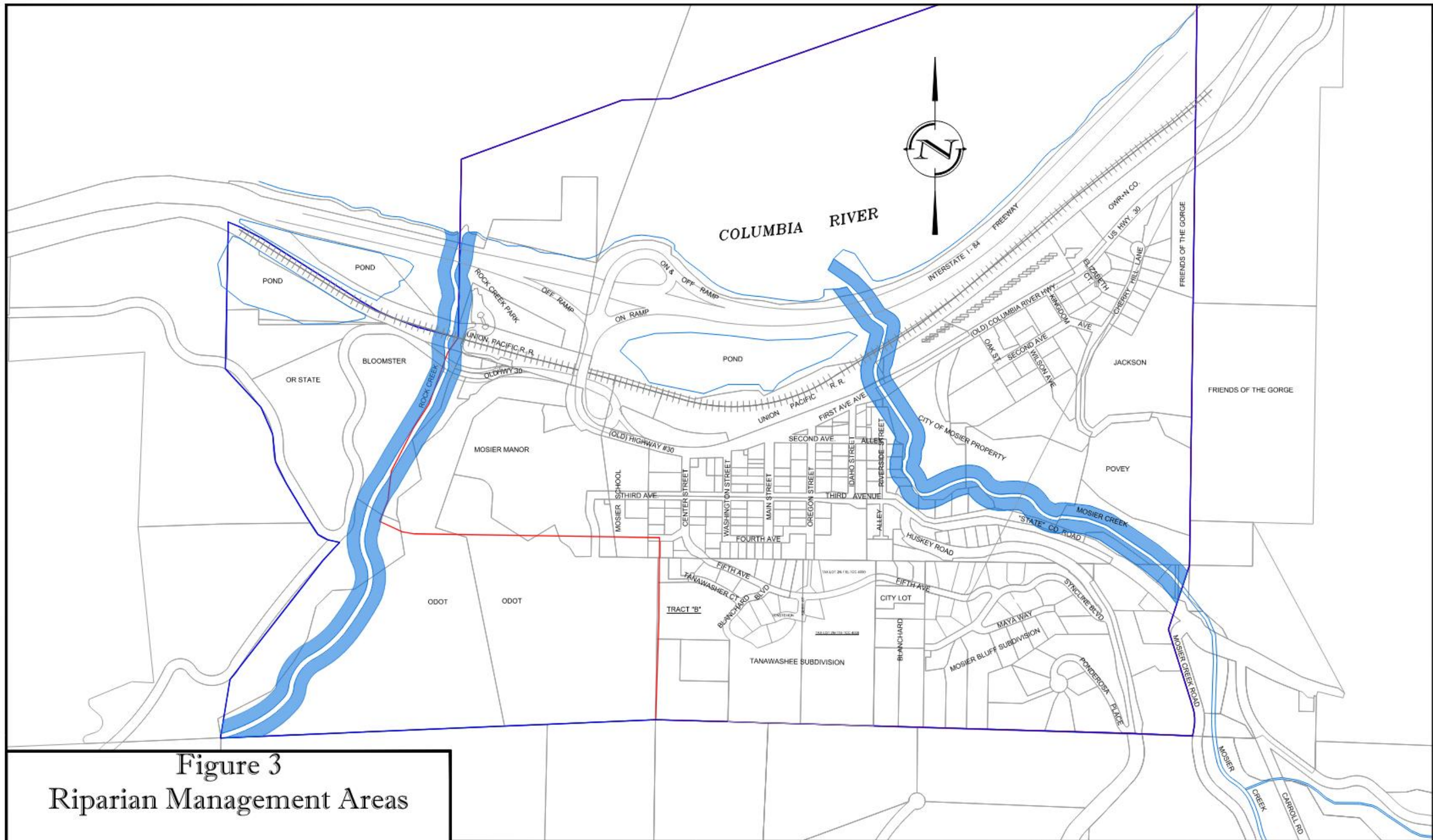
#### A. Bluff Impact and Riparian Protection Areas

The City's Zoning ordinance to includes the 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

**JOHN GRIM & ASSOCIATES**  
 Civil Engineering Consultants  
 Phone: (503) 365-5421  
 E-mail: jgrim@johngrimassociates.com  
 PO Box 355  
 407 State St.  
 Lyle, Washington 98631

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

**CITY OF MOSIER**  
 WASCO COUNTY, OREGON

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.

The City will continue to implement and enforce its Bluff Impact and Riparian Overlay Zone limiting development within 75 feet from ordinary high water.

### **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.

### **B. 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.

### C. Floodplain Management

The City manages floodplain activities via City Code Chapter 13.10 FLOOD DAMAGE PREVENTION. The code limits grading and the construction of structures within the FEMA floodplain zone as defined by the most current Flood Insurance Rate Maps.

The City planner will continue to implement the Flood Damage Prevention code on an on-going basis.

### **2. Conduct outreach activities to inform the public about the functions and values of riparian areas, city regulations and technical and financial resources available for restoration projects**

The City will continue its strategy of educate and inform to riparian landowners and the public about the function and health of riparian areas and how it contributes to water quality and temperature reduction of streams. The goals of the public 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

## City of Mosier TMDL Plan Update 2025

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- 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.

The following components will be used to implement this strategy

### A. TMDL Calendar

The City will create a TMDL public/stakeholder calendar that will list the public awareness and outreach activities and events the City plans to engage in. These events will include mailings of educational materials to owner with land within the City's riparian areas, participation in community events where information will be disbursed, and scheduling an annual City council meeting with a focus on stream and riparian health within the City.

The implementation of this calendar is expected to occur in 2025 and then be updated and maintained on an on-going basis. Staff Time is expected to be used to implement effort.

### B. Develop Educational Materials and Mail to Landowners Along Riparian Corridors

The City will create a list of property owners and residents whose property encompasses riparian lands within the City and urban growth areas. The City will obtain mailing addresses to be used transmitting informational materials. The City will review material available from various agencies, councils, associations, etc. focused on water quality and riparian preservation and restoration and develop educational material for use in mailers and distribution to the community. After development of these materials the City will have the material printed up and

will send brochures or flyers to owner and residents with the City's riparian areas.

Materials are expected to be developed by the end of 2025 and the first mailers will be sent in 2026. If contract staff are used for this task it is expected to cost approximately \$4,500 to develop, print, and mail the educational materials.

### C. Provide Riparian and Stream Temperature info at City's booth at Community Events

The City will attend the Main Street Mosier Spring Fest, held in April and distribute riparian educational materials prepared in Strategy 2.A. If necessary, the City will modify materials to be more or less specific as necessary for the general audience at a community gathering. The City will also look for additional opportunities to disseminate riparian health and water quality information to the public.

Materials are expected to be developed by the end of 2026 and distributed at Spring Fest beginning in 2027 and continuing onward. Additional cost for this task is estimated to be \$500 for additional printing and some modification of materials. Representation at Spring Fest is assumed to use volunteers.

### D. Annual Stream and Riparian Focused City Council Meetings

The City will establish an annual City Council meeting which will include a status report on the City's TMDL Implementation Plan and other activities impacting the City's streams and riparian areas. The City has sent out specific invitations to its stakeholders including Wasco County Soil and Water Conservation District, Mosier Watershed Council, Mosier Community School, Oregon Department of Fish and Wildlife (ODFW), Oregon Watershed Enhancement Board (OWEB), Oregon Department of Transportation (ODOT), Columbia Riverkeeper, Department of Environmental Quality (ODEQ), and Native Plant Society of Oregon to attend the meeting and comment if appropriate. The City will also note the special council meeting on its website to inform the general public of the opportunity to participate.

It is anticipated that this meeting will be an annual occurrence. City staff time will be used to prepare a report on the status of the strategies documented within the City's TMDL Implementation Plan

## **3. Update City Codes, Plans, and Strategies to provide policy-level support for the TMDL Implementation Plan.**

As mentioned in Strategy 1. The City has amended portions of its municipal code to better protect its streams and native vegetation within riparian zones by restricting development in sensitive areas, reducing and/or better filtering stormwater discharges via LID BMP practices, and minimizing disturbances and development within floodplain areas. The City is currently working on additional documents that will further clarify and aid the protection of streams and riparian areas.

### A. Comprehensive Plan Update

The City of Mosier's current 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. City council has had a workshop on the Comprehensive Plan update. The City expects to address the plan again this year in 2025 and then put the plan out for public comment in 2026. This update is expected to be completed in 2026.

### **B. Stormwater Master Plan**

The City of Mosier is currently working on a Stormwater Master Plan that will implement Low Impact Development (LID) Best Management Practices (BMP)s for all types of development including the City's Streets. This plan will allow more stormwater to be infiltrated and treated using natural biological processes reducing sediment laden concentrated flows into riparian areas and streams.

The plan is anticipated to be completed in 2026 and adopted after a public comment period in 2027. The plan is being put together via a grant. Additional funds may be necessary to complete the plan, so the City may need to apply for another grant before the plan can be completed.

#### **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 Stormwater Master 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.

## **4. Riparian Plantings.**

### **A. Inventory Riparian Areas using Visual Surveys and GIS**

The City will identify appropriate Stakeholders such as Mosier Watershed Council and the Wasco County Soil and Water Conservation District and reach out to them to determine if they can help the City with visual surveys and GIS of the City's riparian areas. With the help of stakeholders and volunteers the City will develop a plan to reach out to landowners and inventory riparian areas. After identifying these ownerships and receiving permission, surveys and assessments will be performed on these riparian areas. The City will then work with stakeholders to develop GIS and store the collected information in the GIS.

The City will identify and reach out to potential stakeholders in 2026. It is anticipated that the City and its stakeholders will develop the plan to reach out landowners and inventory the riparian area in 2027. It is anticipated that the inventories will be completed and the survey information stored in a GIS by 2028.

The City has limited staffing ability to perform these tasks. A stakeholder or volunteer may agree to manage the project. If this does not occur, then the City will need to hire and outside person to manage the project. This would require funding or grants. Potential source of funding could

be OWEB and/or Section 319 financing. The City will include status updates on grant funding and include the amounts in the annual reports.

### B. Restoration Plan for Riparian Areas

The City, its stakeholders, and/or volunteers will review the data and information collected in strategy 4.A and analyze it. The City will develop an action plan to address riparian improvements that could be achieved in various riparian areas. The plan will identify priority areas for improvements and areas where implementation may be simple or easy to achieve. Such areas may be riparian areas within city owned properties. This information will be added to the GIS system.

The City anticipates that this plan will be completed by 2028.

The City has limited staffing ability to perform this task. A stakeholder or volunteer may agree to manage and or perform this work. If this does not occur, then the City will need to hire and outside person to manage the project. This would require funding or grants. Potential source of funding could be OWEB and/or Section 319 financing.

### C. Funding and Grants

The City will identify funding/grant sources for the Inventory/survey efforts, the Riparian Planting Plan, and Implementing the riparian area planting/restoration. Possible funding sources are Oregon Watershed Enhancement Board (OWEB) and ODOT and Section 319 financing. The City will apply for these funds and grants.

The City anticipates identifying potential grants and fund in 2026. The City will apply for grants and fund depending on the open windows for grant applications, but in general the City will be applying for inventory/survey grants if need and grants to prepare the planting plan in 2026. The City will apply for funds and grants for implementation of the plan in 2028.

### D. Implement Riparian Planting/Restoration Plan

The City will identify shareholders, volunteer organizations, community events, etc. that could be leveraged to educate and implement the riparian restoration/planting plan. Conducting riparian area restoration activities on lands that are under City control is a concrete action the City can take to improve stream temperatures. A City restoration projects could serve as a demonstration project for other landowners and provide opportunities for outreach and scientific research. A riparian improvement project on City owned property may be one of the first projects identified in the Riparian Planting/Plantings Plan.

The City anticipates that planting restoration will begin in 2029 and then be ongoing for a number of years.

The City has limited staffing ability to perform this task. It is anticipated that stakeholders and/or volunteer organizations or community group may be able to perform this work. If this does not occur, then the City will need to secure contract workers to perform the work. This would require funding or grants. Potential source of funding could be OWEB and/or Section 319 financing as identified in Strategy 4.C

## PLAN FINANCING

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 planting and restoration work.

Strategies identified in this Plan will be funded as follows:

- 1.A Bluff Impact and Riparian Protection areas implementation – General revenue fund.
- 1.B Low Impact Development regulation implementation – General revenue fund.
- 1.C Flood Damage Prevention regulation implementation - General revenue fund
- 2.A TMDL Public/Stakeholder Calendar – Stormwater utility reserves.
- 2.B Develop riparian and temperature TMDL educational materials and send to riparian land owners – Stormwater utility reserves.
- 2.C Provide riparian and temperature TMDL educational materials at community events - Stormwater utility reserves
- 2.D Annual City Council Meeting with TMDL Implementation Plan emphasis - General revenue fund
- 3.A Comprehensive Plan Update – General revenue fund.
- 3.B Stormwater Master Plan (in progress)– ODOT Grant
- 4.A Inventory riparian areas using GIS and visual surveys – Shareholder and volunteer organization contributions and the City will pursue OWEB and/or Section 319 financing.
- 4.B Create Planting/Restoration Plan - Shareholder and volunteer organization contributions and the City will pursue OWEB and/or Section 319 financing
- 4.C Funding and Grants - OWEB and/or Section 319 financing or other funding mechanisms that the City may become aware of.
- 4.D Implementation of riparian planning/restoration plan - Shareholder and volunteer organization contributions and the City will pursue OWEB and/or Section 319 financing

## TIMELINE FOR IMPLEMENTATION

- 1.A Bluff Impact and Riparian Protection areas implementation – ongoing.
- 1.B Low Impact Development regulation implementation – ongoing.
- 1.C Flood Damage Prevention regulation implementation - ongoing
- 2.A TMDL Public/Stakeholder Calendar – *2025 and ongoing updates.*
- 2.B Develop riparian and temperature TMDL educational materials and send to riparian land owners – *Develop Material by end of 2026. Mail materials to landowner and tenants in 2027 and ongoing.*

## City of Mosier TMDL Plan Update 2025

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- 2.C Provide riparian and temperature TMDL educational materials at community events – *Attend first event with educational material in 2027 and ongoing.*
- 2.D Annual City Council Meeting with TMDL Implementation Plan emphasis – Schedule first annual council meeting in 2026 and ongoing.
- 3.A Comprehensive Plan Update – Council to bring Comprehensive Plan back onto its agenda items in 2025. Completion, public comments and adoption of the plan is anticipated in 2026.
- 3.B Stormwater Master Plan (in progress)– The plan is anticipated to be finished in 2026. Review, public comment and adoption of the plan is anticipated to occur in 2027.
- 4.A Inventory riparian areas using GIS and visual surveys – Identification of shareholders and volunteer organization to aid in surveys and data collection is anticipated to occur in 2026. Development of the inventory plan is anticipated to be accomplished in 2027. Inventories and visual surveys are anticipated to be completed by 2028.
- 4.B Create Planting/Restoration Plan – It is anticipated that the report will be completed in 2029.
- 4.C Funding and Grants – It is anticipated that granting sources will be identified in 2026. Grant application will start in 2027 for inventories, surveys, and plans. Funding for implementation of the plan will be applied for in 2029.
- 4.D Implementation of riparian planning/restoration plan – It is anticipated that planting and restoration activities will begin in 2030.

### 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 in the TMDL Implementation Annual Reports. A template annual report with performance measurements and milestones is presented in **Appendix A: Annual Report Template**.

### DATA COLLECTION PROCEDURES

Performance measurement data will be collected by City staff and reviewed annually. Data for the outreach program (2C) 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 Council will review the TMDL Implementation Plan status during a council meeting specifically scheduled for this purpose, 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**

Public Involvement will be involved in the development and adoption of both the City's Comprehensive Plan update and the Stormwater Master Plan. Public involvement will follow 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 2026 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 2026.

## 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](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.

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### APPENDIX A: ANNUAL REPORT TEMPLATE

Miles Creek Temperature TMDL					City of Mosier TMDL Implementation Tracking Matrix	
POLLUTANT: Temperature					ANNUAL REPORT YEAR: 2025	
SOURCE: Inadequate riparian areas and shade of streams and runoff from development and streets Inadequate riparian areas and shade of streams Inadequate riparian areas and shade of streams Reduce Runoff Streets Reduce Runoff from Developments						
<b>STRATEGY</b> <i>What is being done, or what will you do, to reduce and/or control pollution from this source?</i>	<b>HOW</b> <i>Specifically, how will this be done?</i>	<b>FISCAL ANALYSIS</b> <i>What is the expected resource need? Are there existing resources budgeted? If not, where will the resources come from?</i>	<b>MEASURE</b> <i>How will you quantitatively or qualitatively demonstrate successful implementation or completion of this strategy?</i>	<b>TIMELINE</b> <i>When do you expect it to be completed?</i>	<b>MILESTONE</b> <i>What intermediate goals do you expect to achieve, and by when, to know progress is being made?</i>	<b>STATUS</b> <i>Include summary and date</i>
<b>1. Protect Existing Native Riparian Area Vegetation by Regulating Land Use Activities in Riparian Areas and Areas impacting Riparian Areas</b>	A. The City of Mosier will continue to implement the Riparian Protection Areas Overlay Zone ordinance	Land use planning review personnel	Stream miles protected	Ongoing and implemented	Limit development in the Riparian Protection Areas Overlay Zones	XX stream miles were protect during when processing XXX planning reviews
	B. The City will continue to enforce LID standards on new construction.	Development Engineering and Planning review which implements the city's codes standards	Number of permits issued requiring LID standards.	Varies	Contain, treat, and infiltrate runoff from new developments and streets	XX land development permits issued requiring LID stormwater BMPs
	C. The City of Mosier will continue to implement the Flood Damage Prevention Code	Development and Land use review by the City Planner implementing the City codes	Number of buildings authorized in Flood Prevention Code Zones	Ongoing	Persevere FP area	XX structures were allowed within the City's floodplain requiring special provisions

## City of Mosier TMDL Plan Update 2025

STRATEGY	HOW	FISCAL ANALYSIS	MEASURE	TIMELINE	MILESTONE	STATUS
<b>2. Conduct outreach activities to inform the public about the functions and values of riparian areas, city regulations and technical and financial resources available for restoration projects</b>	A. Create a TMDL public/stakeholder calendar that lists the public awareness and outreach activities/events the City plans to engage in.	Staff Time	Creation of the Calendar	2025 – Ongoing update thereafter	The presence of an up- to-date Calendar staff can used to prepare materials and for events and meetings	Calendar was created and updated for the XXX meeting and events
	B. Develop educational materials and mail out to landowners along riparian corridors	Obtain names and addresses of land owners along riparian areas. - 8 hours/\$1,200. Research riparian and temperature literature. Modify as necessary 16 hours/\$2,400 Printing Cost - \$400 Mailing Costs -\$340 Cost per year \$4,340	Number of brochures mailed	Develop materials by end of 2026; mail out in 2027	Send out at least 30 brochures by July 1 of each year	Materials were developed and mailed to XX riparian corridor landowners; materials also provided at city office.
	C. Provide Riparian and Stream Temperature info at City's booth at Community Events	Printing Cost - \$500 Time at Booth assumed to use volunteers	Number of events and number of people who visit booth	Have materials prepared by January 2027. Ongoing – April of each year at Mosier Spring Fest.	Have materials prepared. Identify Community or Service organization event to attend.	Provided Brochures/Flyers to XX Number of people at XX Number of Events
	D. Conduct one Council meeting per year, where the public and the City's stake holders are invited and a status report on the TMDL plan is presented and public comment can be made.	Staff Time	Holding the meeting and number of shareholders and public that attend	First meeting in 2026 and Yearly thereafter	Get meeting put on Council Calendar	The City Council's XXX meeting agenda included TMDL status review. XX member of the public attended and the following stakeholder: XXX, XXX

## City of Mosier TMDL Plan Update 2025

STRATEGY	HOW	FISCAL ANALYSIS	MEASURE	TIMELINE	MILESTONE	STATUS
<b>3. Update City codes, plans, and strategies to provide policy-level support for the TMDL Implementation Plan.</b>	<p>A. Update the City's comprehensive plan, water quality policies, and strategies to provide policy-level support for the TMDL Implementation Plan and consider extending stream related building setbacks to all land use zones</p>	<p>The City has limited staff to address all the issues the City faces. This can limit the amount of action that the City and City Council can address during the year.</p>	<p>Status of review and update process</p>	<p>Ongoing – The City plans on engaging in final revisions of the updated Comprehensive Plan in 2025. Formal adoption should occur by 2026.</p>	<p>a) City Council make final recommendations and revisions. b) Public Comment Period c) Additional Revisions if necessary d) Public Comment Period e) Final Adoption.</p>	<p>The City is still working on its update of the Comprehensive Plan. City Council workshops have been completed. The update includes integration of the TMDL plan policies.</p>
	<p>B. Prepare a Stormwater Master Plan which implements LID BMPs. This planning effort is ongoing and includes TMDL actions, policies and public input.</p>	<p>In 2023 the City received a grant to prepare a Stormwater Master Plan which implements LID BMPs. This planning effort is ongoing and includes TMDL actions, policies, and public input. The City may need to seek additional grants to complete the Stormwater Master Plan.</p>	<p>Status of review and update process</p>	<p>Completion of the Plan is scheduled for 2026. City Council Review and Public Comment and adoption should occur in 2027.</p>	<p>a) Receive Completed Stormwater Plan b) Staff review plan and recommend to Council c) Council review d) Public Comment Period e) Adoption of Plan.</p>	<p>The City hired a consultant to prepare the plan. The consultant is working on the plan and is expected to complete it in 2026.</p>

## City of Mosier TMDL Plan Update 2025

STRATEGY	HOW	FISCAL ANALYSIS	MEASURE	TIMELINE	MILESTONE	STATUS
<b>4. Riparian Plantings</b>	A. Inventory riparian areas using GIS and visual surveys	Staff Time – The City would reach out to stakeholders such as Mosier Watershed Council and the Wasco County Soil and Water Conservation District to determine if they can help with GIS and visual surveys. It is unlikely the City will have staff to oversee this effort Funding for a consultant may be necessary, if a stakeholder cannot manage this effort	Number of Stakeholders contacted. Number of Surveys Completed Data/ Information in an accessible GIS	Identify/Contact Stakeholders in 2026. Develop Inventory Plan 2027. Finish inventories in 2028 and have data in GIS	a) City Identify appropriate Stake Holders and reach out b) Stakeholders and City develop a plan to reach out to landowners and inventory riparian areas c) Riparian Inventory surveys performed. d) Data/info stored in GIS	XXX Shareholders were contacted about participating in the development of the Riparian Investigation XXX and XXX agreed to aid the City in this effort
	B. Create Restoration Plan for Rock Creek and Mosier Creek Riparian Areas identifying priority areas and area where implementation would be easy to implement	Staff Time – The City would reach out to stakeholders to aid in analyzing Riparian health and restoration strategies. It is unlikely the City will have staff to oversee this effort funding for a consultant may be necessary, if a stakeholder cannot manage this effort	Status of process and plan	It is anticipated the report will be completed by the end of 2029	a) Identify Priority Areas b) Identify areas which activities may be easily implemented. c) Prepare Restoration Plan d) Add strategies for specific areas in GIS	The plan has not been developed at this point

## City of Mosier TMDL Plan Update 2025

STRATEGY	HOW	FISCAL ANALYSIS	MEASURE	TIMELINE	MILESTONE	STATUS
<b>4. Riparian Plantings (cont)</b>	C. Funding/Grants	Identify funding/grant sources for both inventory/report efforts and riparian area restoration implementation. Possible funding sources are Oregon Watershed Enhancement Board (OWEB) and ODOT	Number of Grants/Loans applied for.	Identify potential sources of Planning/Plan grants in 2026 Grant applications in 2027. Apply for Restoration Implementation Grants in 2029	a) Identify possible grants b) Apply for Planning/Plan Grants c) Apply for Implementation Grants	XX funding/grant opportunities have been identified. These include XXX, XXX, and XXX
	D. Implement Riparian Planting/Restoration Plan. Identify volunteer organizations and/or volunteer/Community events that could be used.	This will be dependent on shareholder involvement, volunteers, and grants/fund that the City is able to procure.	Number of plantings. Area of riparian area restored	2030 and ongoing	# of projects or events taking place	No planting restoration activities have occurred at this time.

## City of Mosier TMDL Plan Update 2025

STRATEGY	HOW	FISCAL ANALYSIS	MEASURE	TIMELINE	MILESTONE	STATUS
<b>5. Report on the performance of the TMDL Implementation Plan</b>	The City of Mosier will review annually the City's progress in implementing the TMDL Implementation Plan including data for each performance measure			Annually		Completed. This summary is the 6 <sup>th</sup> annual report since the City's plan was adopted in 2020 and the first annual report since its update in 2025
	The City of Mosier will evaluate in writing the TMDL Implementation Plan five years following its acceptance by DEQ.			Every five years		Ongoing. The next 5-Year Review will be completed in 2030.

**APPENDIX B: 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.”

## APPENDIX C: MOSIER MUNICIPAL 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.

## APPENDIX D: 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

**13.01.10.**     **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.

**13.01.20.**     **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 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.

**13.01.30. 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.

**13.01.40. 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;
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. fill, topsoil and other unsuitable materials, and scarifying to provide a bond with the new. 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.

**13.01.50. 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:  $\text{impervious area (sf)} \times 0.10 \text{ (ft)} = \text{runoff volume (cf)}$ .
  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.

**13.01.60. 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.

**13.01.70. 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.

**13.01.80. 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.
- C. 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.