




LEGEND

-  Existing Structure/Dwelling
-  34.9 Acres inside 150' no-spray setback
-  23.3 Acres restrictive no-spray setback

150' Setback From Existing KCL, Inc. Parcel Property Line T2S, R3W, Section 2, Tax Lot 100

26 foot setback  
of neighbor's  
property from  
the applicant's  
property



Red Line is the approximate location of the property  
line dividing the two properties.

38 foot  
setback of  
neighbor's  
property from  
the  
applicant's  
property



Red Line is the approximate location of the property  
line dividing the two properties.

## Tualatin River Subbasin

603-095-0100

### Purpose

(1) These rules have been developed to effectuate the implementation of a water quality management area plan for the Tualatin River subbasin pursuant to authorities vested in the department through ORS 568.900-568.933, due to a determination by the Environmental Quality Commission to establish Total Maximum Daily Loads and allocate a load to agricultural nonpoint sources. The area plan is known as the **Tualatin River Subbasin Agricultural Water Quality Management Area Plan**.

(2) The purpose of these rules is to outline requirements for landowners in the Tualatin River subbasin, for the prevention and control of water pollution from agricultural activities and soil erosion. Compliance with division 095 rules is expected to aid in the achievement of applicable water quality standards in the Tualatin River subbasin.

Stat. Auth.: ORS 568.909

Stats. Implemented: ORS 568.900 - ORS 568.933

Hist.: AD 3-1996, f. & cert. ef. 4-9-96

603-095-0120

### Geographic and Programmatic Scope

(1) The Tualatin River subbasin includes the drainage area of the Tualatin River upstream from the confluence with the Willamette River near West Linn. The physical boundaries of the Tualatin River subbasin are indicated on the map included as **Appendix 1** of these rules.

(2) Operational boundaries for the land base under the purview of these rules include all lands within the Tualatin River subbasin in agricultural use and agricultural and rural lands which are lying idle or on which management has been deferred, with the exception of activities which are subject to the Forest Practices Act.

(3) Current productive agricultural use or profitability is not required for the provisions of these rules to apply. For example, highly erodible lands with no present active use are the purview of these rules.

(4) The provisions and requirements outlined in these rules may be adopted by reference by Designated Management Agencies with appropriate authority and responsibilities in other geographic areas of the Tualatin River subbasin.

(5) For lands in agricultural use within other Designated Management Agencies' or state agency jurisdictions, the department and the appropriate Local Management Agency shall work with

these Designated Management Agencies to assure that provisions of these rules apply, and to assure that duplication of any services provided or fees assessed does not occur.

[ED. NOTE: The Appendix referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 568.909

Stats. Implemented: ORS 568.900 - ORS 568.933

Hist.: AD 3-1996, f. & cert. ef. 4-9-96

**603-095-0140**

### **Prohibited Conditions**

All landowners or operators conducting activities on lands in agricultural use shall be in compliance with the following criteria. A land occupier shall be responsible for only those prohibited conditions caused by activities conducted on land managed by the landowner or occupier. Criteria do not apply to conditions resulting from unusual weather events or other exceptional circumstances which could not have been reasonably anticipated.

(1) Sheet and rill erosion:

(a) By January 1, 1998, no agricultural land management or soil disturbing activities shall be conducted in such a way that the estimated sheet and rill erosion rate exceeds five times the soil loss tolerance factor.

(b) By January 1, 2000, no agricultural land management or soil disturbing activities shall be conducted in such a way that the estimated sheet and rill erosion rate exceeds the soil loss tolerance factor, except as provided in subsection (c) of this section.

(c) The department shall establish an alternate sheet and rill erosion control standard for any lands in agricultural use which the department determines cannot practically or economically achieve the soil loss tolerance factor. Any alternate sheet and rill erosion control standard established by the department shall assure that delivery of sediment to adjacent watercourses is reduced to the maximum extent practicable. Any lands in agricultural use which the department determines cannot practically or economically achieve the soil loss tolerance factor shall meet the alternate sheet and rill erosion control standard by January 1, 2000.

(2) Active channel erosion: by January 1, 1996, no agricultural land management or soil disturbing activity shall cause active channel erosion. A land occupier shall be responsible for only that portion of the active channel erosion that is caused by agricultural land management or soil disturbing activities conducted on land managed by the landowner or occupier.

(3) Near-stream management area: by January 1, 1998: