

NOTICE OF DECISION

This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

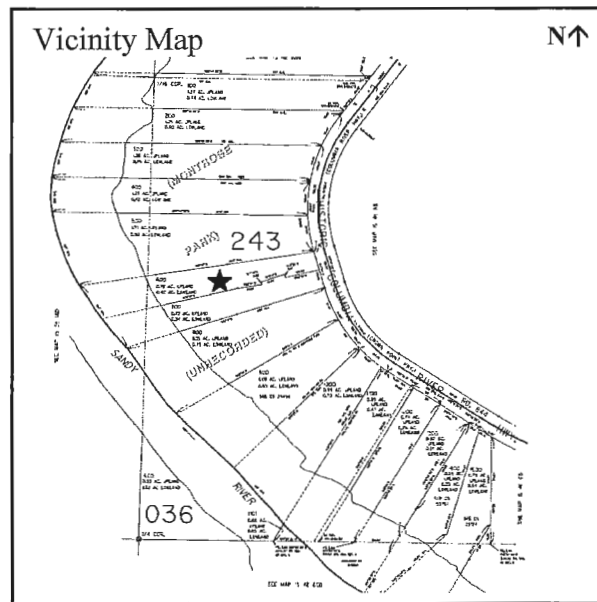
Case File: T2-2014-3625

Permit: National Scenic Area Post-Emergency/Disaster Response Site Review Application

Location: 28410 E. Historic Columbia River Hwy
Tax Lot 600, Section 06BC,
Township 1S, Range 4E, W.M.
#R994060750

Applicant: Jake Allen
Speedy Septic Service

Owner: Kay Struckman

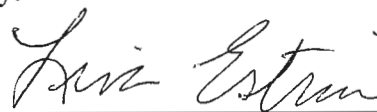


Summary: National Scenic Area Post Emergency Response Site Review application for the emergency replacement of an existing on-site sewage disposal system on the subject site. Work on the replacement of the onsite sewage disposal system was completed on July 31, 2014.

Decision: Approved with Conditions.

Unless appealed, this decision is effective Friday, November 7, 2014, at 4:00 PM.

Issued by:

By: 
Lisa Estrin, Planner

For: Karen Schilling- Planning Director

Date: Friday, October 24, 2014

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Lisa Estrin, Staff Planner at 503-988-3043, ext. 22597 or lisa.m.estrin@multco.us.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 38.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Columbia River Gorge Commission until all local appeals are exhausted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Friday, November 7, 2014 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 38.0560 Code Compliance; MCC 38.7090 Responses to an Emergency/Disaster Event.

Copies of the referenced Multnomah County Code (MCC) sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.multco.us/landuse>.

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in brackets.

1. Pursuant to MCC 38.0690, this land use permit shall expire two years from the date it becomes final unless all conditions of approval listed below are complied within the above time period. [MCC 38.0690]
2. Within three months of this decision becoming final, the property owners or their representatives shall obtain plumbing and electrical permits and obtain all necessary inspections, including the final. [MCC38.0015 Definitions, Existing Use, MCC 29.100 and MCC 29.201]
3. Within six months of this decision becoming final, the property owners or their representative shall complete all necessary inspections, including the final, for the On-Site Sewage Disposal/Alt Permit #2014-170267-000-00-SP.
4. By 1 year of this decision becoming final, the property owners shall have re-established the disturbed area with an 85% grass cover or other vegetative cover. An exception to the one year requirement may be granted upon demonstration of just cause, with an extension of up to one year. [MCC 38.7090(E)(1)(b)]
5. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

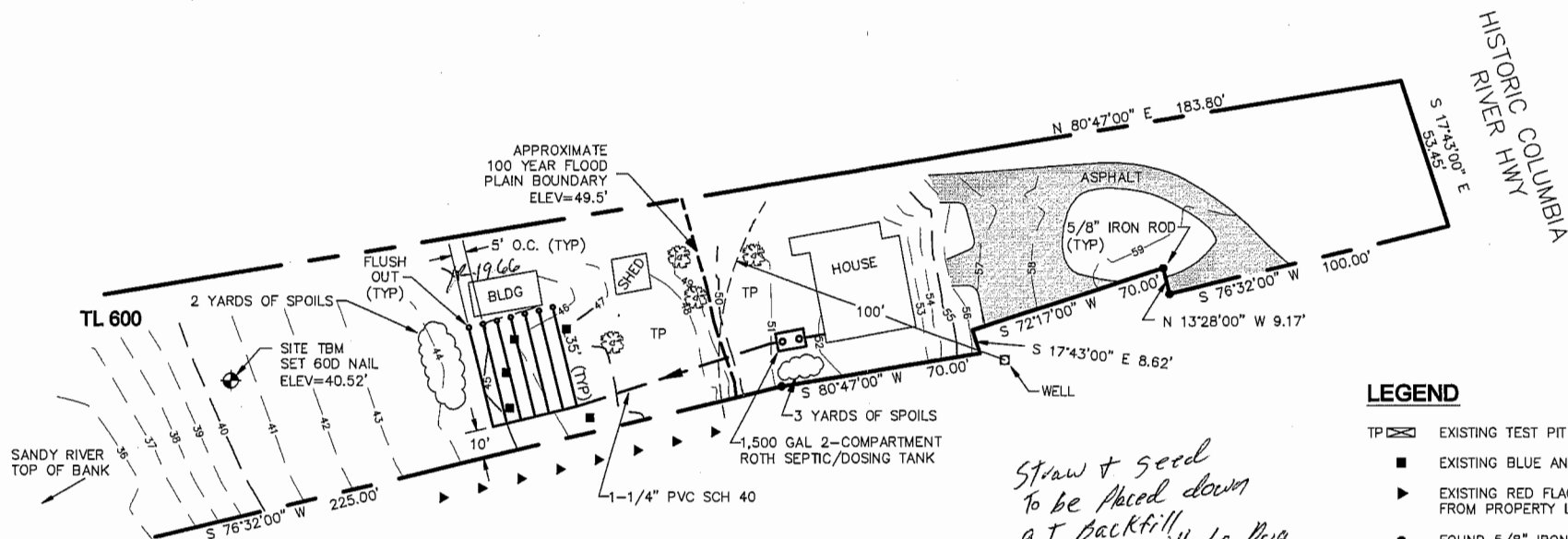
ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

SITE PLAN

RECEIVED

16 JUN -1 AM 11:33

MULTNOMAH COUNTY
PLANNING SECTION



LEGEND

- TP EXISTING TEST PIT
- EXISTING BLUE AND WHITE FLAGGING
- EXISTING RED FLAGGING AT 10FT OFFSET FROM PROPERTY LINE
- FOUND 5/8" IRON ROD
- LOCAL BENCHMARK ESTABLISHED
- EXISTING ASPHALT
- EXISTING WELL
- EXISTING DRAIN FIELD LATERAL FLUSH OUT
- EXISTING TREE

*Straw + seed
to be placed down
at backfill
Trenches will be dug
and backfilled in the
same way with spoil
locations to be placed
on level ground*

NOTES:

1. THE BASIS OF BEARINGS WAS PER SURVEY NUMBER 23085, MULTNOMAH COUNTY RECORDS.
2. LOCAL DATUM WAS ESTABLISHED BY GPS STATIC OBSERVATION ON JUNE 12, 2014, AND NGS OPUS SOLUTION REPORT.

W.O. No. 240
Design D. BOEGER
Drawn L. NYGAARD
Date 6/26/2014
Dwg 240-SANDY RIVER LOTS

SEPTIC SYSTEM REPAIR

NW 1/4 SEC 6, T1S, R4E, W.M.
28410 E HISTORIC COLUMBIA RIVER HWY
TROUTDALE, OR 97060

Sheet 1 of 1



B & A Boeger & Associates, LLC
Civil and Environmental Engineering

1158 High Street, Suite #102
Eugene, OR 97401

Ph: 541.302.4996
Fax: 541.302.4968
dboeger@boegerassociates.com

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as '**Staff:**' and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.00 Project Description:

Staff: The applicant has replaced the existing septic system for the existing single family dwelling on the property. The Sanitarian declared an Emergency on May 27, 2014 due to the failing septic system on the property. The replacement was completed by Speedy Septic Service on July 29, 2014. This application is to complete the post emergency review pursuant to MCC 38.7090(C) requirement.

2.00 Property Description:

Staff: The subject property is immediately adjacent to the Sandy River and is currently 1.18 acres. The property is occupied by an existing single family dwelling originally constructed in 1967 and expanded in 1991. It also contains an existing 288 sq. ft. accessory building that has existed since 1967 or earlier. There is also a 12-ft by 12-ft shed on the site. This structure is not shown on 1991 site plan for the dwelling expansion. There are no known violations on the property [MCC 38.0560].

3.00 Response to an Emergency/Disaster:

3.01 MCC 38.7090 RESPONSES TO AN EMERGENCY/DISASTER EVENT

Responses to an emergency/disaster event are allowed in all zoning districts within the Columbia River Gorge National Scenic Area when in compliance with the following standards:

(A) General standards for all response activities.

- (1) Following emergency/disaster response actions, best management practices (BMPs) to prevent sedimentation and provide erosion control shall be utilized whenever disaster response actions necessitate vegetation removal, excavation, and/or grading. BMPs may include but are not limited to: use of straw bales, slash windrows, filter fabric fences, sandbags, straw cover, jute netting, etc.**
- (2) Structures or development installed or erected for a temporary use (e.g. sandbags, check dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one year following an emergency event. If it can be demonstrated that the continued use of these devices is necessary to protect life, property, public services or the environment, an extension of no more than two years may be granted by the Planning Director, or the U.S. Forest Service for federal agency actions.**
- (3) The new exploration, development (extraction or excavation), and production of mineral resources, used for commercial, private or public works projects, shall not be conducted as an emergency/disaster response activity.**
- (4) No spoils resulting from grading or excavation activities shall be deliberately deposited into a wetland, stream, pond, lake, or riparian area within the National Scenic Area (NSA) as a part of an emergency/disaster response action. The only exception to this is for construction of a fire line during a wildfire, where avoiding the aquatic area or its buffer zone has been considered and determined to not be possible without further jeopardizing life or property.**

Staff: The County issued a Grading and Erosion Control permit and a Flood Development

permit, T1-2014-3575 for the emergency replacement of the on-site sewage disposal system. The septic installer used best management practices during and after the septic system installation. The disturbed areas were reseeded and mulched immediately upon the completion. The on-site sewage disposal system qualifies as a structure pursuant to MCC 38.0015 Definitions, Structure. The system is permanent as it is needed to protect life, property and the environment. All spoils were taken off the property and disposed of in the City of Portland at Portland Sand and Gravel. No exploration or development of mineral resources was conducted during the emergency repair. *Criteria met.*

3.02 (D) Post-Emergency/Disaster Response Site Review

All applications for post-emergency/disaster response Site Review shall be processed pursuant to the procedural provisions of MCC 38.0530 (B) and evaluated for compliance with the standards of MCC 38.7090 (E).

Staff: The County is processing the emergency response under MCC 38.7090(E).

3.03 (E) Post-Emergency/Disaster Response Site Review Approval Criteria

Actions taken in all land use designations that are in response to an emergency/disaster event shall be reviewed for compliance with the following standards:

(1) Scenic Resources

(a) Impacts of emergency/disaster response actions shall be evaluated to ensure that scenic resources are not adversely affected. In the GMA, such actions shall be rendered visually subordinate in their landscape setting as seen from key viewing areas to the greatest extent practicable, except for actions located in the Corbett Rural Center zoning district. In the SMA, such actions shall meet the scenic standard to the greatest extent practicable.

Staff: The subject property is southwest of the Historic Columbia River Highway – a Key Viewing Area (KVA) and southeast of the Sandy River – a KVA. The new septic tank was installed in the ground 100 feet back from the Historic Highway. Only the tank lid is above ground and it is earthtone (green) (Exhibit A.6). The drainfield was installed completely underground. It is not visible from the Sandy River or the Historic Highway. The installed system is visually subordinate from the KVAs. *Criterion met.*

3.04 (b) Vegetation shall be used to screen or cover road cuts, structural development, landform alteration, and areas denuded of vegetation, as a result of emergency/disaster response actions.

(c) Areas denuded of vegetation as a result of emergency/disaster response actions shall be revegetated with native plant species to restore the affected areas to its pre-response condition to the greatest extent practicable. Revegetation shall occur as soon as practicable, but no later than one year after the emergency/disaster event. An exception to the one year requirement may be granted upon demonstration of just cause, with an extension of up to one year.

Staff: Staff: As noted above, the septic system is in-ground and only the tank lid daylights at the ground surface. No trees were removed to install the drainfield. The area where the drainfield was installed was returned to a grassy area. *Criterion met.*

3.05 (d) The painting, staining or use of other materials on new structural development shall be used to ensure that the structures are non-reflective, or

of low reflectivity, and visually subordinate in their landscape setting as seen from key viewing areas, unless the structure is fully screened from key viewing areas by existing topographic features.

Staff: The only component of the system located above ground is the tank lid. It is currently a green color and is flush with the ground. The tank lid is visually subordinate. *Criterion met.*

- 3.06** (e) Additions to existing structures, resulting from a emergency/disaster response action, which are smaller in total height, bulk or area than the existing structures may be the same color as the existing development. Additions larger than the existing development shall be visually subordinate in their landscape setting as seen from key viewing areas to the greatest extent practicable.

Staff: No additions to existing structures are proposed. *Criterion met.*

- 3.07** (f) In the General Management Area, spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action, shall comply with the following standards:

1. The spoil materials shall either be:

- a. Removed from the NSA or**
- b. Deposited at a site within the NSA where such deposition is, or can be, allowed, or**
- c. Contoured, to the greatest extent practicable, to retain the natural topography, or a topography which emulates that of the surrounding landscape.**

2. The County shall decide whether an applicant removes the spoil materials (MCC 38.7090(E)(1)(f) 1.a.), deposits the spoil materials (MCC 38.7090(E)(1)(f) 1.b.), or contours the spoils materials (MCC 38.7090(E)(1)(f)1.c.) The applicant does not make this decision.

3. The County shall select the action in MCC 38.7090(E)(1)(f) 1. that, to the greatest extent practicable, best complies with the provisions in Chapter 38 that protect scenic, cultural, recreation, and natural resources.

4. Disposal sites created according to MCC 38.070(E)(1)(f)1.b. shall only be used for spoil materials associated with an emergency/disaster response action. Spoil materials from routine road maintenance activities shall not be deposited at these sites.

Staff: The property is located within the General Management Area. The spoils materials were removed off site and disposed of in the City of Portland at Portland Sand and Gravel. *Criterion met.*

- 3.08** (g) In the Special Management Area, spoil materials associated with grading, excavation, and slide debris removal activities in relation to an emergency/disaster response action shall comply with the following standards:

1. The spoil materials shall either be:

- a. Removed from the NSA, or
 - b. Deposited at a site within the NSA where such deposition is, or can be, allowed within two years of the emergency.
2. After the spoils materials are removed, the emergency disposal site shall be rehabilitated to meet the scenic standard.
 3. All grading (i.e. contouring) shall be completed within 30 days after the spoils materials are removed.
 4. Sites shall be replanted using native plants found in the landscape setting or eco-region to the maximum extent practicable.
 5. All revegetation shall take place within one (1) year of the date an applicant completes the grading.
 6. MCC 38.7090 (E) (1) (g) shall take effect on August 3, 2006, or approval of a disposal site, whichever comes first.

Staff: The subject property is located within the General Management Area. *Criteria not applicable.*

3.09 (2) Cultural Resources and Treaty Rights

- (a) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect cultural resources. Emergency/disaster response actions shall not affect Tribal treaty rights.
- (b) The U.S. Forest Service shall determine if a reconnaissance survey or historic survey is necessary within three days after receiving notice that a post-emergency land use application has been received by the Planning Director.
 1. Reconnaissance surveys shall be conducted by the U.S. Forest Service and comply with the standards of MCC 38.7045 (D) (1) and (D)(2)(c).
 2. Historic surveys shall be conducted by the USDA Forest Service and shall describe any adverse effects to historic resources resulting from an emergency/disaster response action. Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. Such surveys shall also include original photographs, if available, and maps, and should use archival research, blueprints, and drawings as necessary.

Staff: Prior to installation of the new on-site sewage disposal system, planning staff contacted the US Forest Service to determine if there were any cultural resources in the area. Review of their cultural resource maps found no known resources within 500 feet of the project site. In addition, an Opportunity to Comment was sent to the US Forest Service, SHPO and the Tribal governments as part of the processing of this land use application. The US Forest Service found that no cultural resource reconnaissance survey or historic survey were required. *Criteria met.*

- ### 3.10 (c) Following the submittal of a post-emergency land use application, in addition to other public notice requirements that may exist, the Planning Director shall notify the Tribal governments when:
1. A reconnaissance survey is required, or

2. Cultural resources exist in the project area.

All such notices shall include a copy of the site plan required by MCC 38.7090 (C) (4) (d). Tribal governments shall have 15 calendar days from the date a notice is sent to submit written comments. Written comments should describe the nature and extent of any cultural resources that exist in the project area or treaty rights that exist in the project area and how they have been affected, and identify individuals with specific knowledge about them. The Planning Director shall send a copy of all comments to the Gorge Commission.

(d) When written comments are submitted in compliance with (C)(2) above, the project applicant shall offer to meet within five calendar days with the interested persons. The five day consultation period may be extended upon agreement between the project applicant and the interested persons. A report shall be prepared by the Planning Director following the consultation meeting. Consultation meetings and reports shall comply with the standards of MCC 38.7045 (C)(1) and (2) and 38.0110 (A)(1) and (2).

(e) If cultural resources are discovered within the area disturbed by emergency response actions, the project applicant shall have a qualified professional conduct a survey to gather enough information to evaluate the significance of the cultural resources and what effects the action had on such resources. The survey and evaluation shall be documented in a report that follows the standards of MCC 38.7045 (D) (2)(c) and, (F).

* * *

Staff: The US Forest Service has determined that no reconnaissance or cultural resource survey were required. Nonetheless, notice of the application was sent to the required Tribal governments. No comments from Tribal governments were received. No cultural resources were discovered during the installation of the on-site sewage disposal system. *Criteria met.*

3.11 (3) Natural Resources

(a) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect natural resources.

(b) Buffer zones for wetlands, streams, ponds, riparian areas, sensitive wildlife sites or areas, and sites containing rare plants, shall be the same as those established in MCC .7060(F).

Staff: The subject property is adjacent to the Sandy River. The Sandy River has a 100-foot riparian buffer zone. The on-site sewage disposal system was installed outside of the riparian buffer (Exhibit A.5). The project had no adverse affect on natural resources in the vicinity. *Criterion met.*

3.12 (4) Recreational Resources

(a) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect recreational resources.

(b) Mitigation measures shall be implemented to mitigate any adverse effects on existing recreation resources caused by emergency/disaster response activities to the maximum extent practicable.

Staff: The subject property is in private ownership and is not zoned for recreation. *Criterion*

met.

4.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the approval of the National Scenic Area Post-Emergency/Disaster Response Site Review Application in the GGR-5 zone. This approval is subject to the conditions of approval established in this report.

5.00 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Comments Received

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2013-2963 at the Land Use Planning office.

Exhibit #	# of Pages	Applicant Exhibits	Date
A.1	1	Notice of Declared Emergency dated July 1, 2014 from Sanitarian Erin Mick	7/1/2014
A.2	1	Repair Permit Issued	7/29/2014
A.3	1	NSA Application Form	8/6/2014
A.4	5	Photographs of Site after Completion of On-site Sewage Disposal System	8/6/2014
A.5	1	Site Plan	9/11/2014
A.6	1	Narrative	9/11/2014
‘B’	#	Staff Exhibits	Date
B.1	1	Repair Permit Issued	7/29/2014
B.2	2	Assessment and Taxation Property Information for 1S4E06BC - 00700	8/6/2014
B.3	2	Opportunity to Comment and Mailing List	9/26/2014
‘C’	#	Comments Received	Date
C.1	1	Marge Dryden, US Forest Service	10/6/2014
C.2	7	Friends of the Columbia Gorge Comments	10/9/2014