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NOTICE OF NSA DECISION

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

Case File: T2-2017-7827
Permit: National Scenic Area Post-Emergency Response Site Review
Location: 1 Rooster Rock Road, Corbett
Tax Lot 1000, Section 30, Township 1 North, Range 5 East, W.M.
Tax Account #R945300220
Applicant: Clay Courtwright
Owner: Oregon Parks and Recreation
Zoning: Gorge Special Management Area Public Recreation (GSPR)
Landscape Setting: River Bottomlands

Summary: The applicant has submitted a National Scenic Area Post-Emergency Response application to authorize the emergency installation of a new on-site sewage disposal system at Rooster Rock State Park.

Decision: Approved with Conditions.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Thursday, March 29, 2018 at 4:00 pm.

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.

Issued by:

By: 

Lisa Estrin, Planner

For: Michael Cerbone, AICP
Planning Director

Date: Thursday, March 15, 2018



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 (*Tuesday-Friday 8am-4pm*). 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 estrinl, Staff Planner at 503-988-0167 or lisa.m.estrin@multco.us.

Applicable Approval Criteria: Multnomah County Code (MCC): 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 www.multco.us/landuse/zoning-codes under the link *Chapter 38 – Columbia River Gorge National Scenic Area*.

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. 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.
2. No additional work shall be completed or is authorized by this permit.

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.

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 subject application is for a Post Emergency Response Site Review for the replacement of a on-site sewage disposal system at Rooster Rock State Park serving the shop and host-site. The original system was failing. The emergency work included the replacement of the septic tank, the addition of a lift station inside the new septic tank, the boring of approximately 200 feet of a pipe, and a new distribution box and associated drain field. Care was taken to avoid any cultural and natural resource impacts on the site.

2.00 Post-Emergency Criteria:

2.01 § 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:

(C) Post-Emergency/Disaster Response Site Review Application Requirements

- (1) Within 30 days following notification, a post-emergency/disaster response application shall be submitted by the party conducting the response action to the Planning Director, or U.S. Forest Service for federal agency actions. In the case of an event with multiple responding parties, the agency providing initial notification as required herein shall submit the application. An exception to this may occur if another responding party, by mutual agreement with the other respondents, elects to submit the application. Requests to extend this submittal deadline may be made in writing and shall include the reason why an extension is necessary. Extensions shall not exceed 30 days in duration and no more than two**
- (2) extensions shall be granted.**
- (2) Post-emergency/disaster response applications shall only address development activities conducted during an emergency/disaster response. Applications shall specify if development placed during an emergency/disaster event is permanent or temporary. The terms “development activities” and “development” include the disposal of any soil materials associated with an emergency/disaster response action. Applicants shall be responsible for operations under their control and that of other responders, upon mutual agreement. Responders not agreeing to have another responder address their actions shall be responsible to submit an application for those actions.**
- (3) Emergency/disaster response actions not involving structural development or ground disturbance with mechanized equipment are exempt from these requirements, except for those actions with-in 500 feet of a known cultural resource (as determined in the notification process).**
- (4) Applications shall include the following information:**
 - (a) Applicant's name and address.**
 - (b) Location of emergency/disaster response.**

(c) A written description of the emergency/disaster response, including any structures erected, excavation or other grading activities, or vegetation removal.

(d) A map of the project area drawn to scale, at a scale of 1"=200' or a scale providing greater detail. The map shall include:

1. North arrow and scale.
2. Boundaries, dimensions and size of subject parcel(s).
3. Topography at a contour interval sufficient to describe the terrain of the project site.
4. Bodies of water, watercourses, and significant landforms.
5. Existing roads and structures.
6. New structures placed and any vegetation removal, excavation or grading resulting from the response actions.

(e) An exception to the scale requirements of subsection (4)(d) may be granted for an event encompassing an area greater than one square mile. In such cases, a clear sketch map of the entire response action area shall be provided. In addition, a map of 1"=200' or a scale providing greater detail shall be provided that shows a section of the response area exemplifying the specific actions taken.

Staff: On April 5, 2017, the Oregon Parks and Recreation Department notified Multnomah County of an emergency response activity for the failure of the septic system for the park's shop and host-site [Exhibit A.1].

On June 6, 2017, Oregon Parks and Recreation Department filed the subject application meeting the requirements of MCC 38.7090(C)(1) [Exhibit A.3].

The subject application only deals with the emergency replacement of an on-site sewage disposal system. No other development activities have been included as part of the subject application.

The new septic system will be permanent and will serve the shop and host-site for the extent of its lifespan.

The on-site sewage disposal system qualifies as *Structural Development* as a structure is defined as "is built or constructed, ...or any piece of work ...composed of parts joined together in some definite manner...." and development is defined as including "Any mining dredging, filling, grading, paving, excavation,or structure...". In addition, the boring and installation of the drainfield constitutes ground disturbance as demonstrated by applicant's exhibit A.14 triggering the need for further review through MCC 38.7090.

The applicant has provided a site plan and various other exhibits to meet the requirements of MCC 38.7090(C)(4).

Criteria Met.

2.02 (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 in the SMA (Special Management Area). The area of disturbance for the drainfield replacement has been returned to lawn. Visitors will not be able to tell the area has a drainfield there once the lawn is regrown. *Criterion met.*

- 2.03 (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.**

Staff: The replacement of the on-site sewage disposal system was done in a manner to preserve existing vegetation. The septic tank was installed in the same area as the old tank. The installation of the distribution line from the tank to the drainfield was bored to preserve vegetation. The applicant states in Exhibit A.2 & A.15 that the area disturbed for installation of the new underground drainfield has been revegetated to its previous state of grass. No trees or shrubs were removed during installation. *Criterion met.*

- 2.04 (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: The only area where vegetation was removed was in a lawn. Oregon Park and Recreation states that after they completed the installation of the on-site sewage disposal system, they revegetated the drainfield area [Exhibit A.2 & A.14]. *Criterion met.*

- 2.05 (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 drainfield is located underground in a lawn area (Exhibit A.14). The septic tanks are located to the rear of the office structure and are screened by existing vegetation and trees on three sides. The building screens the tank from the west. *Criterion met.*

- 2.06 (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: The replacement of a septic system is not an addition. *Criterion not applicable.*

- 2.07 (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 subject property is not located in the General Management Area. *Criterion not applicable.*

2.08

(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 land-scape setting or ecoregion 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, which ever comes first.

Staff: The work is in the Special Management Area. It appears that no spoils remain from the installation of the new septic system (Exhibit A.2, A.14 & A.15). *Criterion met.*

2.09 (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: The US Forest Service determined that the emergency replacement of the on-site septic system did not require either a Historic Survey or a Cultural Resource Reconnaissance Survey (Exhibit B.2). *Criteria met.*

2.10 (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(E).

Staff: Rooster Rock State Park is adjacent to the Columbia River south of Bonneville Dam. The buffer zone for the Columbia River is 100 feet. The installed septic system is approximately 400 feet from the edge of the tax lot adjacent to the Columbia River (Exhibit 12). The work is outside of the riparian buffer zone. The buffer zone for sensitive wildlife or rare plants is 1000 feet. US Forest Service and Oregon Department of Fish and Wildlife were noticed of the emergency application and provided no comments of sensitive wildlife or rare plants in the area. *Criteria met.*

2.11 3. Deer and Elk Winter Range

Any fencing permanently erected within deer and elk winter range, as a result of an emergency/disaster response, shall satisfy the standards of MCC 38.7065 (E).

Staff: No permanent fencing was installed. *Criterion met.*

2.12 (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 emergency replacement of the on-site sewage disposal system in Rooster Rock State Park has occurred within areas that are not active recreational areas of the park. The areas have been restored and are available for passive recreational activities. *No adverse effects have been identified.*

8.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the National Scenic Area Post-Emergency Response Site Review for the emergency replacement of an on-site sewage disposal system in the Gorge Special Management Public Recreation zone. This approval is subject to the conditions of approval established in this report.

9.00 Exhibits

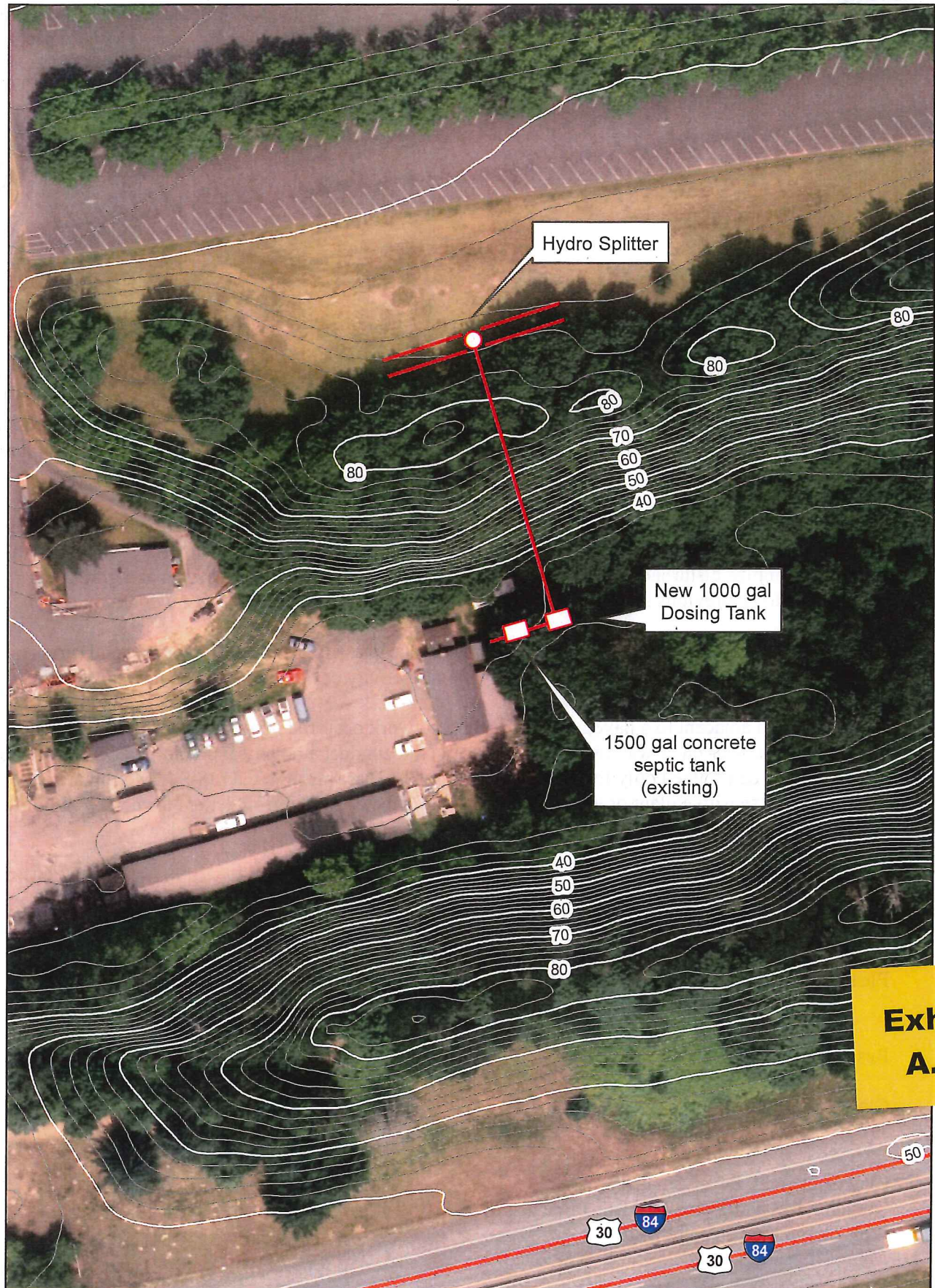
- 'A' Applicant's Exhibits
- 'B' Staff Exhibits
- 'C' Procedural Exhibits
- 'D' Comments Received

All exhibits are available for review in Case File T2-2017-7827 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Letter from Clay Courtright, Park Manager Oregon Parks and Recreation Department declaring an emergency to repair a failed septic drainfield dated April 5, 2017	4/5/2017
A.2	1	Letter from Clay Courtright, OPRD revised Emergency Work Description	5/26/2017
A.3	1	NSA Application Form	6/6/2017
A.4	1	Letter from Noel Bacheller, Natural Resource Coordinator/Botanist dated March 6, 2017	6/6/2017
A.5	49	Archaeological Resource Evaluation of Area 2, Oregon State Parks, 2006 Surveys	6/6/2017
A.6	1	Google Maps Rooster Rock State Park Septic Plan	6/6/2017
A.7	1	Google Maps Rooster Rock State Park Plan drawn by Hayden Buley, Speedy Septic on 11-22-16 (SER 52-16)	6/6/2017
A.8	2	1939 Aerial Photo with Approximate Western Park Boundary showing Former Structures and Features (30.5) 1955 Aerial Photo Showing Former Structures and Features of Rooster Rock State Park (30.6)	6/6/2017
A.9	2	1939 Aerial Photo showing Former Structures and Features in the Central Portion of Rooster Rock State Park (30.7) 1955 Aerial Photo showing Central Portion of Rooster Rock State Park (30.8)	6/6/2017

A.10	2	Site 35MU166 (30.13) Site 35MU124 (30.14)	6/6/2017
A.11	4	Page 30.15 through 30.18	6/6/2017
A.12	1	Photo Plan for Rooster Rock Shop Septic Project	11/27/2017
A.13	1	Rooster Rock State Park Description	11/27/2017
A.14	1	RR Septic 1 Photo	11/27/2017
A.15	4	Courtright Email	11/27/2017
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Records for 1N5E -01000	6/7/2017
B.2	3	USDA Forest Service Cultural Resources Survey Determination	6/26/2017
'C'	#	Administration & Procedures	Date
C.1	6	Incomplete Letter	7/5/2017
		Application Complete	12/06/2017
C.2	4	Opportunity to Comment	1/18/2018
C.3	9	Administrative Decision	3/15/2018
'D'	#	Comments Received	Date
D.1	9	Friends Comments	2/1/2018

Rooster Rock State Park - Shop Drainfield 2017



Contour Interval 2ft - Source 2010 Lidar



0 50 100 200 Feet



Kate Brown, Governor

Parks and Recreation Department

West Gorge Management Unit

1 Rooster Rock Road

Corbett, Oregon 97019

Office (503) 695-2261

Fax (503) 695-2226



November 27, 2017

Dear Multnomah County Land Use Planning Department:

This letter is written after the septic system emergency repair of the shop and host site at Rooster Rock State Park. As a result of the original system failing, and due to environmental benefits, we added a lift station inside the septic tank and bored approximately 200 feet to a distribution box. This distribution box and associated drain field were installed in fill (river dredge) and foreign soil to avoid any cultural and natural resource impacts.

There are no scenic resource impacts (38-S1) as the entire septic system is underground and not visible in any way from the Columbia River or other scenic resources. Additionally, the distribution line was bored to minimize disturbance. The site, which previously consisted of fill material and grass, was revegetated to its previous state. No trees or shrubs were removed during the installation.

Spoils (38-S2) were removed from the site so no contour lines are visible in the revegetated (grass) site. Since the entire system is underground, there is no reflectivity or other above ground visual issues.

Work occurred adjacent to a paved parking lot and no work occurred in, or around, riparian zones, wetlands, streams or other waterways (38-S2,3). We did conduct a botany and wildlife (ODFW) review of the site and determined only foreign fill material with grass was affected (38-S4). No threatened, endangered or sensitive plant or wildlife species were affected. Supporting letters for botany, wildlife and cultural resources are on file.

No impacts to recreational resources occurred whatsoever. In fact, the system allows the West Gorge Management Unit team's headquarters park to continue to function and serve the 22 park properties in the Unit.

Please let me know if you have any questions or would like additional information.

Respectfully,

Clay S Courtright

Clay Courtright, Park Manager
Oregon Parks and Recreation Department
West Gorge Management Unit

**Exhibit
A.13**