

NOTICE OF DECISION

Case File: T2-2020-12984

Permit: Administrative Decision by the Planning Director for Post Emergency Response to Emergency/Disaster Event

Location: Located within the right of way of NW Rock Creek Road and the following properties:
Property 1: 16225 NW Rock Creek Rd, Portland
Tax Lot 100, Section 23D, Township 2 North, Range 2 West, W.M.
Alternate Account #R972230500 Property ID #R325855
Property 2: 16305 NW Rock Creek Rd, Portland
Tax Lot 200, Section 23D, Township 2 North, Range 2 West, W.M.
Alternate Account #R972230160 Property ID #R325818
Property 3: 16244 NW Rock Creek Rd, Portland
Tax Lot 400, Section 23D, Township 2 North, Range 2 West, W.M.
Alternate Account # R972230400 Property ID #R325843

Applicants: Alma Pradeepan, Multnomah County Transportation Division

Owners: **Property 1:** Ruth Dobbs Trust **Property 2:** Mary Cameron
Property 3: Morgan Beller and Sara Bowersox

Base Zone: Rural Residential (RR)

Overlays: Significant Environmental Concern for Wildlife Habitat (SEC-h)
Significant Environmental Concern for Streams (SEC-s)

Proposal Summary: Applicant requests an Administrative Decision by the Planning Director for a Post Emergency Response to an Emergency/Disaster Event. The response is to replace a culvert beneath NW Rock Creek Road and repair the road that was damaged during a storm event on January 5, 2020.

Decision: **Approved**

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Monday, March 22, 2021 at 4:00 pm.

Issued by:

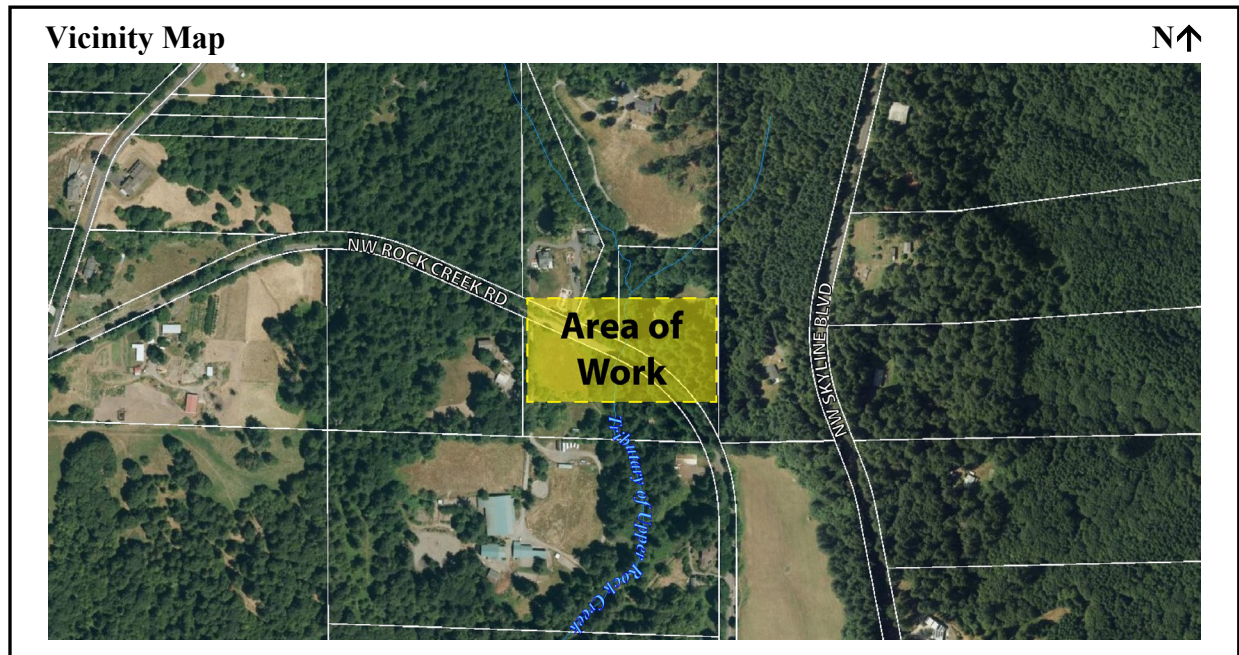
By: Rithy Khut, Planner

For: Carol Johnson, AICP
Planning Director

Date: Monday, March 8, 2021

Opportunity to Review the Record: The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review by contacting the case planner. Copies of all documents can be sent digitally or are available at the rate of \$0.35/per page. For further information, contact Rithy Khut, Staff Planner at 503-988-0176 or at rithy.khut@multco.us.

Opportunity to Appeal: 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 office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.



Applicable Approval Criteria:

For this application to be approved, the proposal will need to meet applicable approval criteria below:

Multnomah County Code (MCC): Violations, Enforcement and Fines: MCC 39.1515 Code Compliance and Applications

Rural Residential (RR): MCC 39.4365(D) Review Uses, Placement of Structures Necessary for Continued Public Safety Damaged During an Emergency/Disaster Event

Significant Environmental Concern (SEC): MCC 39.5515(A)(18) Exceptions

Responses to an Emergency/Disaster Event: MCC 39.6900 Responses to an Emergency/Disaster Event

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link:

Chapter 39 - Zoning Code

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*.

1.0 Project Description:

Staff: The applicant requests an Administrative Decision by the Planning Director for a Post Emergency Response to an Emergency/Disaster Event. The response was to replace a culvert beneath NW Rock Creek Road and repair the road surface that was damaged during a storm event on January 5, 2020. The applicant completed the replacement of the culvert and repaired NW Rock Creek Road. The road was reopened to traffic on March 30, 2020 and planting of trees and other vegetation on the slopes above the new culvert was completed on October 7, 2020.

2.0 Property Description & History:

Staff: The subject application is for the right of way of NW Rock Creek Road and tax lots 100, 200, and 400, Section 23D, Township 2 North, Range 2 West, W.M. The subject properties are located adjacent to NW Rock Creek Road within the Rural Residential (RR) zoning districts in the West Hills rural area. The area of focus is located within the Significant Environmental Concern for Wildlife Habitat (SEC-h) and Significant Environmental Concern for Streams (SEC-s) overlay.

3.0 Public Comment:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties per MCC 39.1105 as exhibited in Exhibit C.6. Staff did not receive any public comments during the 14-day comment period.

4.0 Code Compliance and Applications Criteria:

4.1 § 39.1515 CODE COMPLIANCE AND APPLICATIONS.

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit for any property that is not in full compliance with all applicable provisions of the Multnomah County Zoning Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Zoning Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger

the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

This standard was originally codified in the Zoning Code chapter related to land use application procedures and, by its terms, expressly applies to the application review process. Although now codified in the enforcement Part of the Zoning Code as a result of the more recent code consolidation project, the language and intent was not changed during that project and remains applicable to the application review process and not to the post-permit-approval enforcement process.

Importantly, a finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance. As such, an applicant has no initial burden to establish that all elements of the subject property are in full compliance with the Zoning Code and all previously approved permits; instead, in the event of evidence indicating or establishing one or more specific instances of noncompliance on the subject property, the applicant bears the burden to either rebut that evidence or demonstrate satisfaction of one of the exceptions in MCC 39.1515.

For purposes of the current application, this land use application is necessary to protect public safety. The road, NW Rock Creek Road is a local roadway that is a critical component within the County's infrastructure inventory and if the roadway was not fixed; the failed culvert could endanger life and the safety of public. The proposed work was also located within a valid easement that was granted to Multnomah County Transportation Division. Due to these factors, the County has the authority to issue this land use decision for properties not in full compliance or resolving the Lot of Record status of those properties. *This criterion is met.*

5.0 Rural Residential (RR) Criteria:

5.1 § 39.4365 REVIEW USES.

(D) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months

following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

Staff: The applicant has applied for an Administrative Decision by the Planning Director in response to an emergency/disaster event. The response is to replace a failed culvert and repair NW Rock Creek Road after a storm event on January 5, 2020. The replacement culvert, a structure, is necessary for the continued public safety and protection of essential public services as it allows water to travel from one side of NW Rock Creek Road to the other. As the culvert is buried, the structure is not required to meet minimum yard requirements or height requirements found in MCC 39.4375 Dimensional Requirements and Development Standards. They have met the approval criteria as described in this Decision, which is discussed below.

6.0 Responses to an Emergency/Disaster Event Criteria:

6.1 § 39.6900- RESPONSES TO AN EMERGENCY/DISASTER EVENT.

Responses to an emergency/disaster event are allowed in all base zones 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.

Staff: The applicant utilized Management Practices (BMPs) in their initial response activities. The BMPs employed were sediment barriers (straw wattles), sediment fences and a bonded fiber matrix that was sprayed on all the areas disturbed by the emergency/disaster response. Photos provided by the applicant and screenshot photos taken from video posted on YouTube show that the straw wattles and sediment fences were installed and bonded fiber matrix was applied the disturbed areas (Exhibit A.10 and B.5). The Site Plan also shows that Type 3 and Type 8 sediment barriers were installed downslope of NW Rock Creek Road (Exhibit A.6). *This criterion is met.*

(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.

Staff: On October 7, 2020, the applicant completed all work associated with the emergency/disaster event. All structures that were being used for temporary use have been removed. The final component of work was the planting of trees and other vegetation on the slopes above the new culvert. As the disaster was declared on January 5, 2020, the completion date of October 7, 2020 was within the one-year requirement. *This criterion is met.*

(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.

Staff: The project is a response to an emergency/disaster event and does not contain any new exploration, development (extraction or excavation), and production of mineral resources. This project is for replacement of a culvert and road, and then a rehabilitation of the disturbed soil with plants and vegetation. *This criterion is met.*

(4) No spoils resulting from grading or excavation activities shall be deliberately deposited into a wetland, stream, pond, lake, or riparian area within Multnomah County 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 applicant indicated in their narrative that no spoils were deliberately deposited into the creek. After initial stabilization of the road and surrounding slopes, the applicant erected sediment fencing and other erosion control measures to limit spoils from entering the waterbody (Exhibit A.8). After finishing the excavation of soil to replace the culvert, the remaining the spoils were taken to the Multnomah County District 1 yard where other similar material is stockpiled. That action insured that no spoils were deposited into a wetland, stream, pond, lake, or riparian area. *This criterion is met.*

(B) Notification Requirements.

(1) Actions taken in response to an emergency/disaster event, as defined in MCC 39.2000, are allowed in all land use designations, subject to the following notification requirements.

(a) Notification of an emergency/disaster response activity shall be submitted either within 48 hours of the commencement of a response action, or by the next business day following the start of such an action, whichever is sooner. Notification shall be submitted by the party conducting an emergency/disaster response activity or their representatives. In the case of multiple responding parties, the first party to respond shall provide the required notification, unless, upon mutual agreement of responding parties, another responder elects to assume this responsibility.

(b) Notification shall be submitted by mail, fax, telephone, e-mail or in person. If notification occurs by telephone, a hard copy of the notification shall be submitted by mail or in person within 7 days.

(c) At a minimum, the following information shall be required at the time of notification:

- 1. Nature of emergency/disaster event.**
- 2. Description of emergency/disaster response activities and magnitude of response actions to be taken, if applicable (such as extent of earth movement, erection of structures, etc.).**
- 3. Location of emergency/disaster response activities.**
- 4. Estimated start and duration of emergency/disaster response activities.**

5. Contact person and phone number for the parties conducting emergency/disaster response actions.

(d) Repair and maintenance of an existing serviceable structure to its previously authorized and undamaged condition are not subject to the above referenced notification requirements.

Staff: On January 5, 2020, the applicant began the operation of water pumps to move water over the roadway in order to bypass a damaged culvert. Then on January 14, 2020, Carrie Warren, P.E. County Engineer notified Land Use Planning that in writing that an emergency/disaster response activities were to commence (Exhibit C.1). The emergency/disaster response included design services and evaluation to understand the extent of the damage of the culvert and study alternatives to correct the situation. The notification email contained all of the information required above. *These criteria are met.*

(2) Upon notification of an emergency/disaster response action, the Planning Director shall, as soon as possible:

- (a) Review their natural resource inventory data and notify the contact person for the emergency/disaster response actions of all inventoried natural resource sites, and their buffers, that are within or adjacent to the response area or that may be adversely affected by response activities;**
- (b) Notify applicable agencies of all emergency/disaster response activities.**

Staff: At receipt of the notification, Planning Staff notified the Transportation Division that the project is located the Significant Environmental Concern for Wildlife Habitat (SEC-h) overlay and potentially located within the Geological Hazards (GH) overlay (Exhibit C.2). No other applicable agencies were notified. *These criteria are met.*

(3) Upon response from applicable agencies, the applicant shall take necessary measures based on the recommendations of the applicable agencies to minimize impacts to resources from emergency/disaster response actions. If the recommendations of the applicable agencies conflict with those of the County or other jurisdictions, the recommendations of the County shall prevail for the purposes of this section.

Staff: No responses were received from the applicable agencies. *This criterion is met.*

(C) Post-Emergency/Disaster Response 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. 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 extensions shall be granted.

Staff: On January 14, 2020, Carrie Warren, P.E. County Engineer notified Land Use Planning that in writing that an emergency/disaster response activities were to commence (Exhibit C.1). The application was submitted on February 14, 2020. *This criterion is met.*

(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. 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.

Staff: The applicant has submitted a narrative and plans detailing the development activities conducted during the emergency/disaster response (Exhibit A.6 and A.8). The development activities that were completed included the construction of a check dam, placement of erosion control measures and the placement of a new culvert to replace the damaged culvert. The check dam and erosion control measures are temporary, whereas the culvert is permanent. *This criterion is met.*

(3) Emergency/disaster response actions not involving structural development or ground disturbance with mechanized equipment are exempt from these requirements, except for those actions within 500' of a known cultural resource (as determined in the notification process).

Staff: The emergency/disaster response requires both structural development and ground disturbance with mechanized equipment. Therefore, the response is not exempt from the requirements of MCC 39.6900.

(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: The applicant has submitted a narrative and plans detailing the development activities conducted during the emergency/disaster response as required above (Exhibit A.6 and A.8). *This criterion is met.*

(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 a Type II decision and in compliance with the approval criteria of this section.

Staff: The application for post-emergency/disaster response is being processed as a Type II decision. *This criterion is met.*

(E) Post-Emergency/Disaster Response 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) 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 applicant has included a Re-vegetation Plan to show the location of various plantings used for screening. The planting occurred between October 1, 2020 and November 15, 2020. The vegetation that was used is a mixture of cascade Oregon grape, red flowering currant, baldhip rose, snowberry, serviceberry, Douglas-fir, and cascara (Exhibit A.9). The mixture of native plants, shrubs, and trees will ensure that the development that is a result of the emergency/disaster response actions will be screen. *This criterion is met.*

(2) 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 discussed previously, the applicant has included a Re-vegetation Plan to show the location of various plantings. As the culvert needed to be removed, most of the slope around NW Rock Creek Road was denuded of vegetation, as shown in the site photos provided by the application (Exhibit A.10). After a new culvert was installed, a bonded fiber matrix was installed to promote grass growth. Subsequently, the applicant has returned to the site to finish the planting proposed by the Landscaping Plan (Exhibit A.9). The planting occurred between October 1, 2020 and November 15, 2020. As the disaster was declared on January 5, 2020, the completion date of October 7, 2020 the planting was within the one-year requirement above. *This criterion is met.*

(3) Spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action, shall either be:

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

Staff: The replacement of the culvert and associated ground disturbance resulted in spoil materials at the site. The applicant elected to contour the slope to retain the natural topography of the area. The site plan and applicant photos indicate that the area is steeply sloped from NW Rock Creek Road to the bottom of the creek bed (Exhibit A.6 and A.10). After the contouring was completed, the remaining the spoils were taken to the Multnomah County District 1 yard where other similar material is stockpiled. *These criteria are met.*

- (4) If cultural resources are discovered within the area disturbed by emergency response actions, the project applicant shall immediately cease work and contact the Planning Director and the State Historic Preservation Office (SHPO).**

Staff: The applicant indicated that no cultural resources were discovered within the area disturbed by the emergency response actions. *This criterion is met.*

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

Staff: As required, to the greatest extent practicable, the response actions shall not adversely affect natural resources. As discussed previously, the applicant has responded to the emergency/disaster by removing the culvert and replacing it with a new culvert. After the culvert was replaced, the applicant contoured the slope to retain the natural topography of the area. The site plan and applicant photos indicate that the area is steeply sloped from NW Rock Creek Road to the bottom of the creek bed (Exhibit A.6 and A.10). After the contouring was completed, the applicant applied a bonded fiber matrix to promote grass growth (Exhibit B.5). Lastly, the applicant has returned to the site to finish the planting proposed by the Landscaping Plan (Exhibit A.9). The planting occurred between October 1, 2020 and November 15, 2020.

Based on these actions, the natural resources of the site, which include the creek, the riparian area surrounding the creek, and the forested areas were returned to their pre-existing state prior to the emergency. As such, the actions did not adversely affect the natural resources. *This criterion is met.*

- (6) Buffer zones for wetlands, streams, ponds, riparian areas, sensitive wildlife sites or areas, and sites containing rare plants, shall be maintained to the maximum extent practicable.**

- (a) When emergency/disaster response activities occur within wetlands, streams, ponds, lakes, riparian areas, or the buffer zones of these areas, the applicant shall demonstrate the following:**

- 1. All reasonable measures have been applied to ensure that the response actions have resulted in the minimum feasible alteration or destruction of the functions, existing contours, vegetation, fish and wildlife resources, and hydrology of wetlands, streams, ponds, lakes, or riparian areas.**

2. Areas disturbed by response activities and associated development will be rehabilitated to the maximum extent practicable.

Staff: The emergency/disaster response occurred within a stream area as the applicant was replacing a culvert. As described in the applicant's narrative, the applicant utilized BMPs to control erosion, and a check dam and pumps to divert water from the north side of the creek to the south side of creek (Exhibit A.8). The plans show the location of erosion control measures utilized as part of the response actions (Exhibit A.6). Photos confirm that the erosion control measures were installed (Exhibit A.10).

Lastly, as was previously discussed, the applicant rehabilitated the disturbed areas after the culvert was replaced. The rehabilitation included the contouring of the slope to retain the natural topography of the area, the application of a bonded fiber matrix to promote grass growth, and planting as proposed by the Landscaping Plan (Exhibit A.9). *These criteria are met.*

(b) Impacts to wetlands, streams, ponds, lakes, and riparian areas, and their buffers will be offset through mitigation and restoration to the greatest extent practicable. Mitigation and restoration efforts shall use native vegetation, and restore natural functions, contours, vegetation patterns, hydrology and fish and wildlife resources to the maximum extent practicable.

Staff: The applicant has offset the impacts through mitigation and restoration of the impacted area. The denuding of the surface soil, excavation of soil, and the removal of 15 trees was mitigated by the recontouring of the slope and planting of various shrubs and trees. The Landscaping Plan indicated that 30 serviceberry, 6 Douglas-fir, and 18 cascara were planted to replace the 15 trees. Additionally, 48 cascade Oregon grape, 109 red flowering currant, 84 baldhip rose, and 77 snowberry were also planted. (Exhibit A.9). These mitigation and restoration actions ensure that the impacts are offset to the greatest extent practicable. *This criterion is met.*

(c) If the Planning Director determines that the emergency/disaster response actions had minor effects on the aquatic area or its buffer zone that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. If the project applicant accepts these recommendations, the Planning Director shall incorporate them into the Site Review decision.

Staff: Based on the response actions undertaken, no minor effects on the aquatic area or its buffer zone could be eliminated with simple modifications. As the applicant was replacing a culvert, the actions are water-dependent and there are no actions that could be undertaken outside of the aquatic area or buffer zone. As such, this criterion is not applicable. *This criterion is not applicable.*

(d) Unless addressed through (C) above, mitigation and restoration efforts shall be delineated in a Rehabilitation Plan. Rehabilitation Plans shall satisfy the following:

- 1. Plans shall include a plan view and cross-sectional drawing at a scale that adequately depicts site rehabilitation efforts. Plans will illustrate final site topographic contours that emulate the surrounding natural landscape.**
- 2. Planting plans shall be included that specify native plant species to be used, specimen quantities, and plant locations.**
- 3. The project applicant shall be responsible for the successful rehabilitation of all areas disturbed by emergency/disaster response activities.**

Staff: The applicant has included all mitigation and restoration efforts. The site plan illustrates a plan view and cross-sectional drawings. The rehabilitation plan also includes a Landscape Plan that details the specific native plant species that were planted. The applicant has returned to the site to finish the planting proposed by the Landscaping Plan at some point between October 1, 2020 and November 15, 2020. *These criteria are met.*

7.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for an Administrative Decision by the Planning Director for a Post Emergency Response to an Emergency/Disaster Event in the Rural Residential (RR) zone.

9.0 Exhibits

- ‘A’ Applicant’s Exhibits
- ‘B’ Staff Exhibits
- ‘C’ Procedural Exhibits

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. Those exhibits have been reduced to a size of 8.5” x 11” for mailing purposes. All other exhibits are available for review in Case File T2-2020-12984 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	02/14/2020
A.2	3	Permit of Entry – Ruth Dobbs (2N2W23D-00100)	02/14/2020
A.3	2	Permit of Entry – Mary Cameron (2N2W23D-00200)	02/14/2020
A.4	3	Permit of Entry – Morgan Beller and Sarah Bowersox (2N2W23D-00400)	02/14/2020
A.5	4	Narrative	02/14/2020
A.6*	3	Plans (reduced to 11” x 17”) <ul style="list-style-type: none"> - Sheet No. 3-A – Plan View - Sheet No. 4 – Profile View - Sheet No. 4 – Profile View of Sandbag Dam for TWMP 	02/14/2020

A.7	5	Hydraulic Analysis completed by Roderick B. Buen on May 12, 2020	06/05/2020
A.8	1	Revised Narrative	07/13/2020
A.9*	2	Landscape Plans (11" x 17") - Sheet No. L-1 – Re-Vegetation Plan - Sheet No. L-2 – Re-Vegetation Plan	07/13/2020
A.10	3	Site Photos	07/13/2020
‘B’	#	Staff Exhibits	Date
B.1	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 2N2W23D -00100 (Alt Acct #R972230160)	02/19/2020
B.2	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 2N2W23D -00200 (Alt Acct #R972230500)	02/19/2020
B.3	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 2N2W23D -00400 (Alt Acct #R972230400)	02/19/2020
B.4	1	Division of Assessment, Recording, and Taxation (DART): Map with 2N2W23D -00100, 00200, and 00400 (Alt Acct #R972230160, #R972230500, and #R972230400) highlighted	02/19/2020
B.5	4	Screenshots taken from YouTube video of NW Rock Creek Road reconstruction	11/20/2020
‘C’	#	Administration & Procedures	Date
C.1	3	Emergency/Disaster Event Notification sent by Carrie Warren, Registered Professional Engineer, Multnomah County Transportation Division	01/14/2020
C.2	2	Land Use Planning Response to Emergency/Disaster Event Notification sent by Kevin Cook, Senior Planner	01/16/2020
C.3	4	Incomplete letter	02/12/2020
C.4	1	Applicant’s acceptance of 180 day clock	03/25/2020
C.5	1	Complete letter (day 1)	08/07/2020
C.6	10	Opportunity to Comment and mailing list	11/23/2020
C.7	1	Extension of 150 Day Clock	11/23/2020
C.8	1	2 nd Extension of 150 Day Clock	02/11/2021

C.9	21	Administrative Decision and mailing list	03/08/2021
C.10	9	“Short” Administrative Decision and mailing list	03/08/2021