



Deschutes County Board of Commissioners
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AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of April 13, 2016

Please see directions for completing this document on the next page.

DATE: March 30, 2016

FROM: David Doyle Legal Counsel x6625

TITLE OF AGENDA ITEM:

Consideration of second reading by title only, and adoption of Ordinance No. 2016-004, amending Code relating to DEQ rules and allowances..

PUBLIC HEARING ON THIS DATE? No.

BACKGROUND AND POLICY IMPLICATIONS:

This is a housekeeping amendment. Specifically, the Environmental Soils Division of CDD has ascertained that reference language and fee setting language in DCC 13.08 are not current with Oregon DEQ rules and allowances. This amendment corrects that omission.

FISCAL IMPLICATIONS:

New fee language will allow County to recover actual costs.

RECOMMENDATION & ACTION REQUESTED:

Move adoption and signature of Ordinance 2016-004, an Ordinance Amending Deschutes County Code, Chapter 13.08 to Reflect Current Reference Material and Allowable Fees.

ATTENDANCE: Todd Cleveland, Nick Lelack, CDD

DISTRIBUTION OF DOCUMENTS:

Original to BOCC

Copies to CDD, Legal

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County
Code, Chapter 13.08 to Reflect Current
Reference Material and Allowable Fees.

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ORDINANCE NO. 2016-004

WHEREAS, the Environmental Soils Division of the Deschutes County Community Development Department has ascertained that the On-Site Sewage Disposal Rules applicable by reference within DCC 13.08 and administered by the Environmental Soils Division are not current; and

WHEREAS, the allowable fees charged by the Environmental Soils Division as prescribed by the State Department of Environmental Quality may include actual costs; and

WHEREAS, the Board of County Commissioners of Deschutes County considered this matter at a duly noticed public hearing on March 30, 2016, and concluded that the public will benefit from the proposed changes to DCC 13.08; now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. The Deschutes County Code, Chapter 13.08 is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strike through~~.

Dated this _____ of _____, 2016

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ALAN UNGER, Chair

TAMMY BANEY, Vice Chair

ATTEST:

Recording Secretary

ANTHONY DEBONE, Commissioner

Date of 1st Reading: ____ day of _____, 2016.

Date of 2nd Reading: ____ day of _____, 2016.

Commissioner	Record of Adoption Vote			
	Yes	No	Abstained	Excused
Anthony DeBone	<hr/>			
Alan Unger	<hr/>			
Tammy Baney	<hr/>			

Effective date: ____ day of _____, 2016.

EXHIBIT A

Chapter 13.08. ON-SITE SEWAGE DISPOSAL AND SEPTIC TANKS

13.08.010. Document Adopted by Reference.

13.08.020. Construction of Pit Privies Prohibited.

13.08.030. Septic Location Approval.

13.08.040. Permit Fees.

13.08.050. Violation.

13.08.010. Document Adopted by Reference.

A certain book or publication, a copy of which is on file with the County Clerk, marked and entitled On-Site Sewage Disposal Rules (dated September 16, 1986, as amended by enactments dated March 11, 1988 and June 14, 1991, and as subsequently amended), hereinafter referred to as "sewage disposal rules" is adopted in its entirety as the sewage disposal rules for the unincorporated areas of the County, for regulating and controlling the construction, alteration, repair, operation and maintenance of on-site sewage disposal systems in the unincorporated areas of the County. The sewage disposal rules so adopted and on file in the office of the County Clerk are referred to and by this reference made a part of DCC 13.08 as though fully set out in DCC 13.08.

(Ord. 2016-004 §1; Ord. 95-037 §1, 1995; Ord. 91-043 §3, 1991; Ord. 83-057 §1, 1983)

13.08.020. Construction of Pit Privies Prohibited.

The construction of a pit privy after the effective date of the ordinance codified in DCC 13.08 shall not be permitted, DCC 13.08.010 notwithstanding.

(Ord. 83-057 §2, 1983)

13.08.030. Septic Location Approval.

- A. A septic location approval is required with every building permit for any expansion of an existing building or the construction of an additional structure on property where an existing permitted on-site sewage disposal system is located.
- B. Approval can be granted without a field visit if the certificate of satisfactory completion matches the plot plan submitted and in the judgment of the Sanitarian or his delegates the submitted documents clearly indicate that the existing on-site sewage disposal system and its replacement area will not be impacted.
- C. If the Sanitarian or his delegates cannot determine from the documents submitted whether the existing on-site disposal system or replacement area will be impacted or if the documents clearly indicate an impact to the on-site sewage disposal system, a field visit is required.
- D. If the expansion or additional structure would impact the existing permitted on-site sewage disposal system or replacement area, approval under DCC 13.08.030 may be given only if in the determination of the Sanitarian or his delegates the existing system or its replacement area can be modified consistent with applicable DEQ rules in a manner to accommodate the proposed expansion or additional structure.
- E. An approval under DCC 13.08.030 granted in reliance upon information submitted that is misleading or inaccurate shall be void.

(Ord. 94-034 §1, 1994; Ord. 83-002 §1, 1983)

13.08.040. Permit Fees.

The fees for permits and services under DCC 13.08 shall be the fees prescribed by the State Department of Environmental Quality. The County may set any permit fee at an amount ~~lower than that does not exceed an amount necessary to cover costs for efficiently conducting services; additionally, the County may than the fees adopted by the state, or~~ set a fee for a permit for which the state has failed to set a fee by proper resolution. Such fees may be waived by the Board of County Commissioners, the County Administrator or the Director of the County Community Development Department.

(Ord 2016-004 §1; Ord. 2006-001 § 1, 2006; Ord. 83-060 § 1, 1983; Ord. 83-057 §3, 1983)

13.08.050. Violation.

- A. It is unlawful to construct, alter, repair, operate or maintain on-site sewage disposal systems in the unincorporated areas of the County, or cause the same to be done, contrary to or in violation of any of the provisions of DCC 13.08.
 - B. Violation of any provision of DCC 13.08 is a Class A violation.
- (Ord. 2003-021 §29, 2003; Ord. 83-057 §4, 1983)