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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: T2-2018-10925
Permit: National Scenic Area Site Review
Location: 46010 E. Historic Columbia River Hwy
Tax Lot , Section 21,
Township 1 North, Range 5 East W.M.
Tax Account: R945210090
Property ID: R322924
Applicant: Clint Davis
Owner: Allen and Colette Grieser

Vicinity Map

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Proposal: After the fact permitting of a septic system replacement. The septic failure was declared an emergency but post emergency application was not submitted within the required timeframe thus a National Scenic Area Site Review is required for replacement in the Gorge Special Forest – 40 Zone District.

Decision: Approved

Unless appealed, this decision is effective February 21, 2019, at 4:00 PM.

Issued by:


George Plummer, Planner

For: Michael Cerbone, AICP
Planning Director

Date: February 7, 2019

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 Staff Planner, George Plummer, Planner at (503) 988-0202 (8 am to 4 pm Tuesday through Friday) or george.a.plummer@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 February 21, 2019, at 4:00 PM. at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 38.0030: Existing Uses, MCC 38.2000-.2090: Gorge Special Forest – 40, MCC 38.7040: SMA Scenic Review Criteria, MCC 38.7050 SMA Cultural Resource Review Criteria, MCC 38.7075: SMA Natural Resource Review Criteria and MCC 38.7085 SMA Recreation Resource Review Criteria

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>

Scope of Approval

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.

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. PROJECT DESCRIPTION:

Staff: After the fact permitting of a septic system replacement that was declared an emergency. Because the post emergency application was not submitted within the required timeframe, a full National Scenic Area Site Review is required for replacement in the Gorge Special Forest Zone – 40 (GSF-40) District Zone.

2. PROPERTY DESCRIPTION & HISTORY

Staff: The subject property was developed with the existing dwelling in 1930. The property is accessed from the Historic Columbia River Highway. The property is heavily forested. There are no known compliance issues that are not resolved with this approval.

3. EXISTING USE / GORGE SPECIAL FOREST – 40 (GSF-40) ZONE

3.1. MCC 38.0030 (A) Right to Continue Existing Uses and Structures: Any existing use or structure may continue so long as it is used in the same manner and for the same purpose, except as otherwise provided.

Staff: The dwelling is an existing use established in 1930 and continues to be used as a dwelling. The septic system for the dwelling failed in 2015. A replacement of the septic system was installed under an emergency declaration. The emergency follow-up permit was not submitted within the required timeframe, thus the replacement of the septic system installation requires a full NSA site review as follows (see Sections 4, 5, 6, and 7 below).

4. SITE REVIEW CRITERIA

MCC 38.7040(A) All Review Uses and Conditional Uses visible from KVAs. This section shall apply to proposed development on sites topographically visible from KVAs:

Staff: The property is topographically and site visible from The Columbia River, I-84, the Historic Columbia River Highway. The septic system is installed below the ground level blending with the natural landscape. There are no protective buffers on the property. *Scenic Resources review criteria are met, more detailed findings below.*

4.1. (1) New developments and land uses shall be evaluated to ensure that the scenic standard is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from Key Viewing Areas.

Staff: The septic system is installed below the ground level thus the scenic standard of visual subordination is met. The project has no cumulative effects on scenic resources. *Criterion is met.*

4.2. (2) The required SMA scenic standards for all development and uses are summarized in the following table.

REQUIRED SMA SCENIC STANDARDS		
LANDSCAPE SETTING	LAND USE DESIGNA-TION	SCENIC STANDARD
Coniferous Woodland, Oak-Pine Woodland	Forest, Agriculture, Residential, Public Recreation	VISUALLY SUBORDINATE

Staff: The Landscape Setting is Coniferous Woodland. The scenic standard is Visually Subordinate for the site.

- 4.3. (3) In all landscape settings, scenic standards shall be met by blending new development with the adjacent natural landscape elements rather than with existing development.**

Staff: The septic system blends into the natural landscape elements because it is installed below the ground level and revegetated with grass. *Criterion is met.*

- 4.4. (4) Proposed developments or land use shall be sited to achieve the applicable scenic standards. Development shall be designed to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics. When screening of development is needed to meet the scenic standard from key viewing areas, use of existing topography and vegetation shall be given priority over other means of achieving the scenic standard such as planting new vegetation or using artificial berms.**

Staff: The septic system is installed below the ground level thus the scenic standard is met. *Criterion is met.*

- 4.5. (5) The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its degree of visibility from key viewing areas.**

Staff: The septic system has no degree of visibility from key viewing areas, thus there is no condition that would be proportionate given zero degree visibility from key viewing areas. *Criterion is met.*

- 4.6. (6) Sites approved for new development to achieve scenic standards shall be consistent with guidelines to protect wetlands, riparian corridors, sensitive plant or wildlife sites and the buffer zones of each of these natural resources, and guidelines to protect cultural resources.**

Staff: The septic system is a replacement system that serves existing development, a dwelling established in 1930, the project is not new development, it is a replacement of an existing use. There are no wetlands, riparian corridors, or buffers related to wetlands or streams on the property. The nearest mapped sensitive plant area and nearest mapped sensitive wildlife sites are more than a 1000 feet away from the project site, thus beyond the 1000 foot buffer zones of each of these natural resources. *Criterion is met.*

- 4.7. (7) Proposed developments shall not protrude above the line of a bluff, cliff, or sky-line as seen from Key Viewing Areas.**

Staff: The septic system is installed below the ground level meeting thus the scenic standard is met. *Criterion is met*

- 4.8. **(8) Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that compliance with this standard is not feasible considering the function of the structure.**

Staff: The septic system is installed below the ground level meeting thus the scenic standard is met. *Criterion is met*

- 4.9. **(9) The following guidelines shall apply to new landscaping used to screen development from key viewing areas:**

Staff: No new landscaping is proposed or needed other than planting the revalidation of the site with grass. *Criterion is not applicable.*

5. CULTURAL RESOURCE REVIEW CRITERIA

MCC 38.7050(A) The cultural resource review criteria shall be deemed satisfied, except MCC 38.7050 (H), if the U.S. Forest Service or Planning Director does not require a cultural resource survey and no comment is received during the comment period provided in MCC 38.0530 (B).

Staff: Chris Donnermeyer, USFS Heritage Resources Program Manager, Columbia River Gorge NSA, found that a Historic Survey was "Not Required" and Cultural Resources Reconnaissance Survey was required and completed. The cultural resource review criteria shall be deemed satisfied. No cultural resources were discovered during the project thus MCC 38.7050 (H) was not implemented. The project has no cumulative effects on cultural resources. *The cultural resource review is deemed satisfied.*

6. NATURAL RESOURCE REVIEW CRITERIA

- 6.1. **MCC 38.7075 (A) All Water Resources shall, in part, be protected by establishing undisturbed buffer zones as specified in MCC 38.7075 (2)(a) and (2)(b). These buffer zones are measured horizontally from a wetland, stream, lake, or pond boundary as defined in MCC 38.7075 (2)(a) and (2)(b).**

(1) All buffer zones shall be retained undisturbed and in their natural condition, except as permitted with a mitigation plan.

Staff: Stream buffers are 200 feet for fish bearing and 50 feet for non-fish bearing and forest wetland buffers are 200 feet. There are no wetlands, streams, ponds or lakes within 200 of the property, thus there are water resources buffers on the property thus no impacts on any of these buffer. The project has no cumulative effects on water resources or their buffers. *Natural Resource Review is deemed satisfied for water resources and their buffer.*

- 6.2. **MCC 38.7075(H) Protection of sensitive wildlife/plant areas and sites shall begin when proposed new developments or uses are within 1000 feet of a sensitive wildlife/plant site and/or area. Sensitive Wildlife Areas are those areas depicted in the wildlife inventory and listed in Table 2 of the Management Plan titled "Types of Wildlife Areas and Sites Inventoried in the Columbia Gorge", including all Priority Habitats Table. Sensitive Plants**

are listed in Table 3 of the Management Plan, titled “Columbia Gorge and Vicinity Endemic Plant Species.” The approximate locations of sensitive wildlife and/or plant areas and sites are shown in the wildlife and rare plant inventory.

Staff: The nearest mapped sensitive plant area and nearest mapped sensitive wildlife sites on the inventory maps are more than a 1000 feet away from the project site, thus beyond the 1000 foot buffer zones of each of these natural resources and no impacts. The project has no cumulative effects on sensitive wildlife/plant areas and sites or their buffers. *Natural Resource Review is deemed satisfied for sensitive wildlife sites and sensitive plant sites.*

7. RECREATION RESOURCE REVIEW CRITERIA

Staff: The replacement septic system is located on a residential property with dwelling established in 1930. There is no proposed recreation use of the property and the septic system will not have any cumulative effects that impact recreational uses. *Recreation Resource Review is deemed satisfied.*

8. CONCLUSION

Based on the findings and other information provided above, the applicant has carried the burden necessary for the NSA Site Review approval for the after the fact installation of a replacement septic system to a in the GSF zone. This approval is subject to the conditions of approval established in this report.

9. EXHIBITS

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application form	9/18/18
A.2	1	Site Plan	9/18/18
A.3	3	Narrative	9/18/18
A.4	1	Septic system installation permit	
‘B’	#	Staff Exhibits	Date
B.1	2	A&T Property Information	NA
‘C’	#	Comments Received	Date
C.1	2	Cultural Resource Review clearance document Chris Donnermeyer, USFS Heritage Resources Program Manager, Columbia River Gorge NSA,	10/26/18
C.2	2	Steven D. McCoy, Staff Attorney, Friends of the Columbia Gorge commenting on NSA Emergency Declaration Review for replacement septic system	11/13/18

C.3	7	Steven D. McCoy, Staff Attorney, Friends of the Columbia Gorge commenting on NSA Site Review for replacement septic system	12/4/18
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