
NOTICE OF NSA DECISION

Case File: T2-2021-14424 **Permit:** National Scenic Area Site Review

Applicant: Victoria Purvine **Owner(s):** Joseph Payne

Location: 47925 E Historic Columbia River Highway, Corbett
Tax Lot 900, Section 15DD, Township 1 North, Range 5 East, W.M.
Tax Account #R945150120 Property ID #R322911

Zoning: Gorge General Residential – 5 (GGR-5)

Key Viewing Areas: Bridal Veil, Cape Horn, Columbia River, Crown Point, Historic Columbia River Highway, I-84, Larch Mountain Road, SR-14

Landscape Setting: Rural Residential

Proposal Summary: National Scenic Area Site Review for the repair and replacement of an existing on-site wastewater treatment (septic) system. Most of the system will be located underground.


Decision: **Approved with Conditions**

This decision is final and effective at the close of the appeal period, unless appealed. The deadline for filing an appeal is **October 20, 2021, at 4:00 pm.**

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 staff planner. Copies of all documents are available at the rate of \$0.40/per page. For further information, contact Izze Liu, Staff Planner at 503-988-0213 or isabella.liu@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 Columbia River Gorge Commission until all local appeals are exhausted.

Issued By:


Izze Liu, Planner

For: Carol Johnson, AICP
Planning Director

Date: October 6, 2021

Vicinity Map



Applicable Approval Criteria

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

Multnomah County Code (MCC): General Provisions: MCC 38.0015 Definitions – Parcel, MCC 38.0045 Review and Conditional Use Applications - Submittal Requirements, MCC 38.0560 Code Compliance and Applications

GGR-5 Zone: MCC 38.3025 Review Uses, (A)(2) Accessory Structures, MCC 38.3060 Dimensional Requirements

NSA Site Review: MCC 38.7035 GMA Scenic Review Criteria, MCC 38.7045 GMA Cultural Resource Review Criteria, MCC 38.7055 GMA Wetland Review Criteria, MCC 38.7060 GMA Stream, Lake and Riparian Area Review Criteria, MCC 38.7065 GMA Wildlife Review Criteria, MCC 38.7070 GMA Rare Plant Review Criteria, MCC 38.7080 GMA Recreation Resource Review Criteria

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 38: Columbia River Gorge National Scenic Area

Conditions of Approval

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. 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. Permit Expiration – This land use permit shall expire as follows:

- a. Within two (2) years of the date of the final decision, when construction has not commenced. [MCC 38.0690(B)(1)]
 - i. For purposes of Condition #1.a., commencement of construction for utilities and developments without a frame or foundation, commencement of construction shall mean actual development or excavation of trenches for an approved underground utility or development.
- b. When the structure has not been completed within two years of the date of commencement of construction.
 - i. For purposes of Condition #1.b., completion of the utility (septic system) shall mean: (a) completion of the exterior surface(s) or the structure and (b) compliance with all conditions of approval.

Note: Expiration of the permit is automatic. Failure to give notice of expiration shall not affect the expiration of this approval. The property owner may request one (1) 12-month extension to the timeframe within which this permit is valid, as provided under MCC 38.0700, as applicable. The request for a permit extension must be submitted **prior to** the expiration of the approval period. [MCC 38.0700]

2. The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the local government and the SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are pre-contact or otherwise associated with Native Americans.
 - A. Halt of Construction. All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - B. Notification. The project applicant shall notify the local government and the Gorge Commission within 24 hours of the discovery. If the cultural resources are pre-contact or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours. The CRGNSA Heritage Program Manager, Chris Donnermeyer, should also be notified at 541-308-1711, Christopher.Donnermeyer@usda.gov.
 - C. Survey and Evaluation. The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the SHPO. (See Oregon Revised Statute [ORS] 273.705, ORS 358.905 to 358.955. and Revised Code of Washington [RCW] 27.53). It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the guidelines in the “Reconnaissance Survey Reports – Large Scale Uses” and “Evaluation of Significance: Evaluation Criteria and Information Needs” sections within the Management Plan for the Columbia River Gorge National Scenic Area, Chapter 2.

Based on the survey and evaluation report and any written comments, the local government shall make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant.

A mitigation plan shall be prepared if the affected cultural resources are significant.

D. Mitigation Plan. Mitigation plans shall be prepared according to the information, consultation, and report guidelines contained in the “Mitigation Plans: Mitigation Plan Criteria and Information Needs” section within the Management Plan for the Columbia River Gorge National Scenic Area, Chapter 2. Construction activities may recommence when the conditions in the mitigation plan have been executed. [MCC 38.7045(L)]

3. The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

- Halt of Activities. All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
- Notification. Local law enforcement officials, the local government, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
- Inspection. The coroner, or appropriate official, shall inspect the remains at the project site and determine if they are pre-contact/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
- Jurisdiction. If the remains are modern, the appropriate law enforcement officials shall assume jurisdiction and the cultural resource protection process may conclude.
- Treatment. In Oregon, pre-contact/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in ORS 97.740 to 97.760. In Washington, the procedures set forth in RCW 27.44 and 68.05 shall generally be implanted if the remains are pre-contact/historic.

If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements specified in the “Mitigation Plans: Mitigation Plan Criteria and Information Needs” section within the Management Plan for the Columbia River Gorge National Scenic Area, Chapter 2.

The mitigation plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set for in the “Mitigation Plans: Conclusion of the Cultural Resource Protection Process” section within the Management Plan for the Columbia River Gorge National Scenic Area, Chapter 2 are met and the mitigation plan is executed. [MCC 38.7045(M)]

4. No trees shall be removed for the installation of the septic system. [MCC 38.7035(C)(1)]

Note: Once this decision is final, the applicant shall contact the City of Portland, Bureau of Development Services, On-site Sanitation via e-mail septic@portlandoregon.gov or by phone at 503-823-6892 for information on completing the permit for the replacement septic system.

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 County Sanitarian declared an emergency on the subject property on September 10, 2020. The septic system for the existing single family dwelling was completed during the winter of 2020-2021. The applicant requests a National Scenic Area Site Review to authorize the work completed under the emergency declaration. The scope of work included the removal of an existing deck at the rear of the dwelling, the replacement of the existing 500-gallon septic tank with a 1,000-gallon tank, installation of a new AXT treatment tank, and installation of a new drainfield. Most of the system is located underground. At ground level the following features exist: two 24-inch green riser lids for the septic tank, one 5-ft by 8.5-ft green lid for the AXT treatment unit, one 12-inch by 18-inch green manifold utility box, three 6-inch green inspection ports and three 4-inch pipe inspection ports. The septic system is located behind the dwelling. The deck is not proposed to be replaced as part of this permit.

2.0 Property Description & History:

Staff: The subject property lays between the Historic Columbia River Highway and Interstate – 84. The subject property is zoned Gorge General Residential – 5 (GGR-5) and is topographically visible from the following key viewing areas: Bridal Veil, Cape Horn, Columbia River, Crown Point, Historic Columbia River Highway, Interstate-84 (I-84), Larch Mountain Road, and State Route-14 (SR-14). The subject property is developed with a single-family dwelling. The house was built in around the year 1912. Significant vegetation including trees exists on the northern portion of the property between the house and Interstate -84.

3.0 Agency Comments:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties per MCC 38.0530 as Exhibited in C.1 and C.3. Staff received two comments during the 14-day comment period. Staff summarizes the agency comment below.

1. U.S. Forest Service (Exhibit D.1)

Chris Donnermeyer, MA, RPA, Heritage Program Manager, submitted the following comment:

I have reviewed the proposed undertaking and area of potential effect as stated on the development review application, against the National Scenic Area records and inventories. These inventories include the cultural resource site inventory maintained by the State Historic Preservation Office. Based upon the information provided in these inventories and the requirements of the Gorge Commission’s Land Use Ordinances, it is recommended that:

A Cultural Resource Reconnaissance Survey is: Not Required

A Historic Survey is: Not Required

2. Friends of the Columbia Gorge (Exhibit D.2)

The Friends provided written comments to ensure that they will obtain a full written decision when issued. No specific concerns were addressed.

4.0 Administrative Procedures Criteria:

4.1 MCC 38.0560 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 Land Use 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.

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 38.0560.

For purposes of the current application, staff are not aware of any open compliance cases on the subject property, and there is no evidence in the record of any specific instances of noncompliance on the subject property. *This standard is met.*

5.0 Gorge General Residential Criteria:

5.1 MCC 38.3025 Review Uses

(A) The following uses may be allowed on lands designated GGR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(2) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (3) below.

Staff: The subject property is developed with a single-family dwelling. As an accessory to the existing single-family dwelling, the applicant is proposing to replace the existing septic system by replacing the 500-gallon tank with a 1,000-gallon tank, install a new AXT sanitation tank, and install a new drainfield. Limited features as discussed under Section 1.0 above will be located at ground level (Exhibit A.2 & B.2).

5.2 MCC 38.3060 Dimensional Requirements

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

Staff: As required in Table 2 of MCC 29.571, the rural standard for collector streets is a 60-foot right-of-way width. As shown on the road survey recorded with the County, (RD0754), the right-of-way for East Historic Columbia River Highway is currently 60 feet wide.

The only visible features to the replacement septic system are at ground level. Therefore, the location of the system does not need to adhere to the minimum yard requirements based on the County’s definition of “yard” in Chapter 39¹. *These criteria are met.*

6.0 National Scenic Area (NSA) Site Review Criteria:

6.1 MCC 38.7035 GMA Scenic Review Criteria

The following scenic review standards shall apply to all Review and Conditional Uses in the General Management Area of the Columbia River Gorge National Scenic Area:

(A) All Review Uses and Conditional Uses:

(1) New buildings and roads shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

(2) New buildings shall be compatible with the general scale (height, dimensions and visible mass) of similar buildings that exist nearby (e.g. dwellings to dwellings). Expansion of existing development shall comply with this guideline to the maximum extent practicable. For purposes of applying this standard, the term nearby generally means buildings within ¼ mile of the parcel on which development is proposed.

Staff: The applicant is not proposing to construct a new building or road. The applicant replaced the septic system for the dwelling. A septic system qualifies as a “Structure” pursuant to MCC 38.0015 Definitions, but not a building. *These criteria are not applicable.*

(3) New vehicular access points to the Scenic Travel Corridors shall be limited to the maximum extent practicable, and access consolidation required where feasible.

¹ MCC Chapter 39 defines “yard” as an open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the base zone.

Staff: The subject property is located on East Historic Columbia River Highway. As defined in MCC 38.0015, the Scenic Travel Corridors are those portions of Interstate 84, the Historic Columbia River Highway, Oregon Highway 35, and Washington State Routes 14, 141, and 142 located in the Scenic Area. The applicant is not proposing new vehicular access as part of this application. *This criterion is met.*

(4) Property owners shall be responsible for the proper maintenance and survival of any required vegetation.

Staff: The property owner is not required to plant additional vegetation for the proposed development. *This criterion does not apply.*

(5) For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan.

Staff: The subject property is located within the Rural Residential Landscape setting. The compatibility of the septic system in this landscape setting is discussed below.

(B) All Review Uses and Conditional Uses topographically visible from Key Viewing Areas:

(1) Each development shall be visually subordinate to its setting as seen from Key Viewing Areas.

(2) The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its potential visual impacts as seen from Key Viewing Areas. Decisions shall include written findings addressing the factors influencing potential visual impact including but not limited to: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas it is visible from, the number of Key Viewing Areas it is visible from, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads). Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from key viewing areas, including but not limited to siting (location of development on the subject property, building orientation, and other elements); retention of existing vegetation; design (color, reflectivity, size, shape, height, architectural and design details and other elements); and new landscaping.

(3) Determination of potential visual effects and compliance with visual sub-ordinance policies shall include consideration of the cumulative effects of proposed developments.

Staff: The subject property is topographically visible from the following Key Viewing Areas: Bridal Veil, Cape Horn, Columbia River, Crown Point, Historic Columbia River Highway (HCRH), I-84, Larch Mountain Road, and SR-14. The only portion of the replacement septic system visible are the green colored tank lids and other green colored access covers. The property is immediately adjacent to the HCRH and is very close to I-84. The equipment lids and access covers are located in the back yard of the single-family dwelling and are screened from the HCRH by either the house or vegetation adjacent to the dwelling. The lids and access covers are screened from I-84 by existing tree cover on the northern portion of the property. *Criterion met.*

(4) In addition to the site plan requirements in MCC 38.0045 (A) applications for all buildings visible from key viewing areas shall include a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used; number, size, locations of plantings; and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).

Staff: The replacement of a septic system qualifies as a “Structure” and “Development” but not a “Building” pursuant to MCC 38.0015 Definitions. The above criteria are not applicable to a “Structure” or “Development”. The above criteria can be found on the County’s website, multco.us/landuse/zoning-codes under Chapter 38 – Columbia River Gorge National Scenic Area.

(5) For proposed mining and associated activities on lands visible from Key Viewing Areas, in addition to submittal of plans and information pursuant to MCC 38.7035 (A) (6) and subsection (4) above, project applicants shall submit perspective drawings of the proposed mining areas as seen from applicable Key Viewing Areas.

Staff: The applicant is not proposing mining or any associated activities on the subject property. *This criterion does not apply.*

(6) New development shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable.

(7) New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from key viewing areas.

(8) Existing tree cover screening proposed development from key viewing areas shall be retained as specified in MCC 38.7035(C).

Staff: The applicant has replaced the septic system in the same footprint as the failed system which is located in the back yard of the single-family dwelling. The location of the replacement septic system is screened from the HCRH by the existing dwelling and vegetation surrounding the dwelling. As stated above, the only portion of the replacement septic system visible are the green colored tank lids and other green colored access covers which are screened from I-84 by existing tree cover on the northern portion of the property. *These criteria are met.*

(9) Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.

(10) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features. The *Scenic Resources Implementation Handbook* includes a list of recommended exterior materials. These recommended materials and other materials may be deemed consistent with this code, including those that meet recommended thresholds in the “visibility and Reflectivity Matrices” in the Implementation Handbook. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordination. Recommended square footage limitations for such surfaces are provided for guidance in the Implementation Handbook

Staff: The replacement of a septic system qualifies as a “Structure” and “Development” but not a “Building” pursuant to MCC 38.0015 Definitions. The above criteria are not applicable to a “Structure” or “Development”. The above criteria can be found on the County’s website, multco.us/landuse/zoning-codes under Chapter 38 – Columbia River Gorge National Scenic Area.

(11) Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

Staff: The applicant is not proposing exterior lighting. *This criterion does not apply.*

(12) Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The *Scenic Resources Implementation Handbook* will include a recommended palette of colors.

Staff: The majority of the replacement septic system will be located underground. The only visible portion of the septic system are the green colored tank lids and other green colored access covers which will be screened from I-84 by the existing tree cover on the northern portion of the property. *This criterion is met.*

(13) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The *Scenic Resources Implementation Handbook* will include a recommended palette of colors.

Staff: The replacement of a septic system qualifies as a “Structure” and “Development” but not a “Building” pursuant to MCC 38.0015 Definitions. The above criteria are not applicable to a “Structure” or “Development”. The above criteria can be found on the County’s website, multco.us/landuse/zoning-codes under Chapter 38 – Columbia River Gorge National Scenic Area.

(14) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual sub-ordinance requirements for lands seen from Key Viewing Areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to such historic structures shall be consistent with National Park Service regulations for historic structures.

Staff: The applicant is not proposing to rehabilitate or modify an existing historic structure. *This criterion does not apply.*

(15) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. Variances may be granted if application of this standard would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the standard have been made.

(16) An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Areas, may itself protrude above the skyline if:

Staff: The replacement of a septic system qualifies as a “Structure” and “Development” but not a “Building” pursuant to MCC 38.0015 Definitions. The above criteria are not applicable to a “Structure” or “Development”. The above criteria can be found on the County’s website, multco.us/landuse/zoning-codes under Chapter 38 – Columbia River Gorge National Scenic Area.

(17) The following standards shall apply to new landscaping used to screen development from key viewing areas:

(a) New landscaping (including new earth berms) shall be required only when there is no other means to make the development visually subordinate from key

viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual sub-ordinance. Development shall be sited to avoid the need for new landscaping wherever possible.

(b) If new landscaping is required, it shall be used to supplement other techniques for achieving visual sub-ordinance.

(c) Vegetation planted for screening purposes shall be of sufficient size to make the development visually subordinate within five years or less of commencement of construction.

(d) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicant. The property owner(s), and their successor(s) in interest are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(e) The Scenic Resources Implementation Handbook includes recommended species for each landscape setting consistent with MCC 38.7035(C) and the minimum recommended sizes for tree plantings (based on average growth rates expected for recommended species).

(18) Conditions regarding new landscaping or retention of existing vegetation for new developments on land designated GMA Forest shall meet both scenic guidelines and the fuel break requirements of MCC 38.7305(A).

Staff: New landscaping will not be required as part of this proposal because the existing dense cover of trees surrounding the replacement system will provide adequate screening from the KVAs. *These criteria are not applicable.*

(19) New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.

Staff: The applicant is not proposing new main lines for the transmission of electricity, gas, oil, other fuels, or communications. *This criterion does not apply.*

(20) New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.

(21) New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that:

(a) The facility is necessary for public service;

(b) The break in the skyline is seen only in the background; and

(c) The break in the skyline is the minimum necessary to provide the service.

Staff: The applicant is not proposing to establish a new communication facility. *These criteria are not applicable.*

(22) Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a Key Viewing Area only upon a demonstration that:

(a) The facility is necessary for public service;

(b) The break in the skyline is the minimum necessary to provide the service.

Staff: The applicant is not proposing to establish an overpass, safety or directional signs, or other road and highway facilities. *These criteria are not applicable.*

(23) Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to the setback may be authorized.

Staff: Based on the County's GIS measuring tool, the entire property is located more than 300 feet from the Columbia River, therefore, the location of the replacement system will adhere to these setback requirements. *This criterion is met.*

(24) New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this standard. In determining the slope, the average percent slope of the proposed building site shall be utilized.

Staff: The replacement of a septic system qualifies as a "Structure" and "Development" but not a "Building" pursuant to MCC 38.0015 Definitions. The above criteria are not applicable to a "Structure" or "Development". The above criteria can be found on the County's website, multco.us/landuse/zoning-codes under Chapter 38 – Columbia River Gorge National Scenic Area.

(25) All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas shall include submittal of a grading plan. This plan shall be reviewed by the Planning Director for compliance with Key Viewing Area policies. The grading plan shall include the following:

(a) A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail, with contour intervals of at least 5 feet, including:

- 1. Existing and proposed final grades;**
- 2. Location of all areas to be graded, with cut banks and fill slopes delineated; and**
- 3. Estimated dimensions of graded areas.**

(b) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:

- 1. Its purpose;**
- 2. An estimate of the total volume of material to be moved;**
- 3. The height of all cut banks and fill slopes;**
- 4. Provisions to be used for compaction, drainage, and stabilization of graded areas (preparation of this information by a licensed engineer or engineering geologist is recommended);**
- 5. A description of all plant materials used to revegetate exposed slopes and banks, including type of species, number of plants, size and location, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings; and**
- 6. A description of any other interim or permanent erosion control measures to be utilized.**

Staff: The replacement septic system has been installed and the project does not involve more than 100 cubic yards of grading. *These criteria are not applicable.*

(26) Expansion of existing quarries and new production and/or development of mineral resources proposed on sites more than 3 miles from the nearest Key Viewing Areas from which it is visible may be allowed upon a demonstration that:

- (a) The site plan requirements for such proposals pursuant to this chapter have been met;**
- (b) The area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc. associated with the use would be visually subordinate as seen from any Key Viewing Areas; and**
- (c) A reclamation plan to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved. At minimum, a reclamation plans shall comply with MCC 38.7035 (A) (5); and**
- (d) A written report on a determination of visual sub-ordinance has been completed, with findings addressing the extent of visibility of proposed mining activities from Key Viewing Areas, including:**
 - 1. A list of Key Viewing Areas from which exposed mining surfaces (and associated facilities/activities) would be visible;**
 - 2. An estimate of the surface area of exposed mining surfaces which would be visible from those Key Viewing Areas;**
 - 3. The distance from those Key Viewing Areas and the linear distance along those Key Viewing Areas from which proposed mining surfaces are visible;**
 - 4. The slope and aspect of mining surfaces relative to those portions of Key Viewing Areas from which they are visible;**
 - 5. The degree to which potentially visible mining surfaces are screened from Key Viewing Areas by existing vegetation, including winter screening considerations.**
 - 6. The degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc. and appropriate time frames to achieve such results, including winter screening considerations.**

(27) Unless addressed by subsection (26) above, new production and/or development of mineral resources may be allowed upon a demonstration that:

- (a) The site plan requirements for such proposals pursuant to this chapter have been met;**
- (b) The area to be mined and the area used for primary processing, equipment storage, stockpiling, etc. associated with the use would be fully screened from any Key Viewing Area; and**
- (c) A reclamation plan to restore the area to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved. At minimum, the reclamation plan shall comply with MCC 38.7035 (A) (6) and (7).**

(28) An interim time period to achieve compliance with visual sub-ordinance requirements for expansion of existing quarries and development of new quarries

located more than 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the date of approval.

(29) An interim time period to achieve compliance with full screening requirements for new quarries located less than 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the date of approval. Quarrying activity occurring prior to achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

Staff: The applicant is not proposing to expand an existing quarry or establish a new site for the production or development of mineral resources. *These criteria are not applicable.*

(C) All Review Uses and Conditional Uses within the following landscape settings, regardless of visibility from KVAs:

* * *

(3) Rural Residential

(a) Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practice

Staff: The applicant is not proposing to remove any trees during the repair of the existing septic system (Exhibit A.2). *This criterion is met.*

(b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:

- 1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.**
- 2. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.**
- 3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.**

Staff: The applicant did not remove any trees in installing the replacement septic system (Exhibit A.2). There is significant number of trees and vegetation to the north of the yard area where the system was installed. This vegetation screens the physical improvements from I-84. There is also trees west of the dwelling that screen the backyard from the HCRH. No additional vegetation is needed to screen the installed septic system. *These criteria is met.*

(c) Compatible recreation uses include should be limited to small community park facilities, but occasional low-intensity resource-based recreation uses (such as small scenic overlooks) may be allowed.

Staff: The applicant is not proposing a recreational use. *This criterion is not applicable.*

7.0 Resource Review Criteria:

7.1 MCC 38.7045 GMA Cultural Resource Review Criteria

(A) Cultural Resource Reconnaissance Surveys

Each proposed use or element of a proposed use within an application shall be evaluated independently to determine whether a reconnaissance survey is required; for example,

an application that proposes a land division and a new dwelling would require a reconnaissance survey if a survey would be required for the dwelling.

(1) A cultural reconnaissance survey shall be required for all proposed uses, except:...

(f) Proposed uses occurring in areas that have a low probability of containing cultural resources, ...

Staff: Chris Donnermeyer, Columbia River Gorge Scenic Area Heritage Resources Program Manager, submitted a Cultural Resource Survey Determination stating that “A Cultural Resource Reconnaissance Survey is: Not required” as the proposed use or element of the proposed use, “would occur on a site that has been determined to be located within a low probability zone”, “is not within 100 feet of a high probability zone”, and “Does not occur within 500 feet of a known cultural resource” (Exhibit D.1). *These criteria are met.*

* * *

(4) A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the buildings or structures that are 50 years old or older.

* * *

Staff: Chris Donnermeyer, Columbia River Gorge Scenic Area Heritage Resources Program Manager, submitted a Cultural Resource Survey Determination stating that a historic survey is not required because the proposed use “would not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older” and “would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older” (Exhibit D.1). Therefore, a historic survey is not required. *These criteria are met.*

(B) The cultural resource review criteria shall be deemed satisfied, except MCC 38.7045 (L) and (M), if:

(1) The project is exempted by MCC 38.7045 (A) (1), no cultural resources are known to exist in the project area, and no substantiated comment is received during the comment period provided in MCC 38.0530 (B).

Staff: As stated above, a cultural resource review is not required. *These criteria are deemed satisfied.*

(L) Cultural Resources Discovered After Construction Begins The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

(1) Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.

(2) Notification – The project applicant shall notify the Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.

(3) Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from SHPO (see ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045 (C) (2) and MCC 38.7045 (E).

(a) The Planning Director shall, based on the survey and evaluation report and any written comments, make a final decision within 10 days of the receipt of the report of the Gorge Commission on whether the resources are significant.

(b) The Planning Director shall require a Mitigation Plan if the affected cultural resources are found to be significant.

(c) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B).

(d) The decision of the Planning Director shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B). Construction activities may recommence if no appeal is filed.

(4) Mitigation Plan – Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J). Construction activities may recommence when the conditions in the mitigation plan have been executed.

(M) Discovery of Human Remains The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

(1) Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.

(2) Notification – Local law enforcement officials, the Planning Director, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.

(3) Inspection – The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.

(4) Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.

(5) Treatment – Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, Chapter 97.740 to 97.760.

(a) If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report standards of MCC 38.7045 (I).

(b) The plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the standards of MCC 38.7045 (J) are met and the mitigation plan is executed.

Staff: *As conditioned, these criteria are met.*

7.2 MCC 38.7055 GMA Wetland Review Criteria

(A) The wetland review criteria shall be deemed satisfied if:

- (1) The project site is not identified as a wetland on the National Wetlands Inventory (U.S. Fish and Wildlife Service, 1987);**
- (2) The soils of the project site are not identified by the Soil Survey of Multnomah County, Oregon (U.S.D.A. Soil Conservation Service, 1983) as hydric soils;**
- (3) The project site is adjacent to the main stem of the Columbia River.**
- (4) The project site is not within a wetland buffer zone; and**
- (5) Wetlands are not identified on the project site during site review.**

Staff: According to the County's GIS data, there are no wetlands or hydric soils identified on the subject property. The subject property is also not located adjacent to the main stem of the Columbia River. The project site is not located in a wetland buffer zone as this and adjacent properties do not have wetlands on them. No wetlands were identified during this NSA Site Review by planning staff. *These criteria are met.*

7.3 MCC 38.7060 GMA Stream, Lake and Riparian Review Criteria

(A) The following uses may be allowed in streams, ponds, lakes and riparian areas, and their buffer zones, when approved pursuant to the provisions of MCC 38.0045, MCC 38.7060 (C), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085:

* * *

Staff: The subject property does not contain streams, ponds, lakes, and riparian areas. *These criteria are met.*

7.4 MCC 38.7065 GMA Wildlife Review Criteria

Wildlife Habitat Site Review shall be required for any project within 1,000 feet of sensitive wildlife areas and sensitive wildlife sites (i.e., sites used by sensitive wildlife species).

* * *

Staff: Based on the maps provided by the United States Forest Service for Sensitive Wildlife, there does not appear to be any sensitive wildlife areas and sensitive wildlife sites within 1,000 feet of the subject property. *These criteria are met.*

7.5 MCC 38.7070 GMA Rare Plant Review Criteria

Rare Plant Site Review shall be required for any project within 1,000 feet of endemic plants and sensitive plant species.

* * *

Staff: Based on the maps provided by the United States Forest Service for Sensitive Wildlife, there does not appear to be any endemic plants and sensitive plant species within 1,000 feet of the subject property. *These criteria are not applicable.*

7.6 MCC 38.7080 GMA Recreation Resource Review Criteria

The following uses are allowed, subject to compliance with MCC 38.7080 (E) and (F).

* * *

(B) Recreation Intensity Class 2

- (1) All uses permitted in Recreation Intensity Class 1.
- (2) Parking areas for a maximum of 25 cars, including campground units, to serve any allowed uses in Recreation Intensity Class 2.
- (3) Simple interpretive signs and displays, not to exceed a total of 100 square feet.
- (4) Entry name signs not to exceed 20 square feet per sign.
- (5) Boat ramps, not to exceed two lanes.
- (6) Campgrounds for 20 units or less, tent sites only.

Staff: The subject property is located within the Recreation Intensity Class 2, however the applicant is not proposing any recreation based uses. *These criteria are met.*

8.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the National Scenic Area Site Review for the emergency replacement of the septic system in the Gorge General Residential zone. This approval is subject to the conditions of approval established in this report.

9.0 Exhibits

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

All exhibits are available for review in Case File T2-2020-13703 by contacting case planner, Izze Liu, Staff Planner at 503-988-0213 or isabella.liu@multco.us.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	Application Form	03.26.2021
A.2	3	Narrative	03.26.2021
A.3	6	Supplemental Materials	03.26.2021
A.4	1	Septic LUCS	03.26.2021
A.5	3	Site Plans	03.26.2021
A.6	1	Representative Authorization	03.26.2021
‘B’	#	Staff Exhibits	Date
B.1	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 1N5E15DD -00900 (Alt Acct# R945150120)	03.26.2021
B.2	2	Email from Sanitarian regarding septic system improvements	09.3.21
‘C’	#	Administration & Procedures	Date
C.1	4	Agency Review	08.04.2021
C.2	1	Complete Letter (Day 1)	04.23.2021
C.3	4	Opportunity to Comment	08.04.2021
C.4	15	Administrative Decision	10.06.2021
‘D’	#	Comments Received	Date
D.1	3	USDA Comment	08.13.2021

D.2	6	Friends of the Columbia Gorge Comment	09.03.2021
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