

NOTICE OF PARCEL DETERMINATION AND NSA DECISION



www.multco.us/landuse ▪ Email: land.use.planning@multco.us ▪ Phone: (503) 988-3043

Case File: T2-2025-0024

Applicant: Tyler Fuhriman

Proposal: Request for a Legal Parcel Verification and a National Scenic Area Site Review for the replacement of the septic tank and drainfield, and retroactive review of a pool that was placed in the early 1980s without permits.

Location: 1010 NE Ogden Road, Troutdale

Property ID # R111623

Map, Tax lot: 1N4E32B -01000

Alt. Acct. # R053501700

Base Zone: Gorge General Residential 10 (GGR10)

Overlays: None

Key Viewing Areas: Historic Columbia River Highway

Landscape Setting: Rural Residential in Pastoral

Decision: **Approved with Conditions**

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is March 30, 2026 at 4:00 pm.

Opportunity to Review the Record: The complete case file and all evidence associated with this application is available for review by contacting LUP-comments@multco.us. Paper copies of all documents are available at the rate of \$0.71/page.

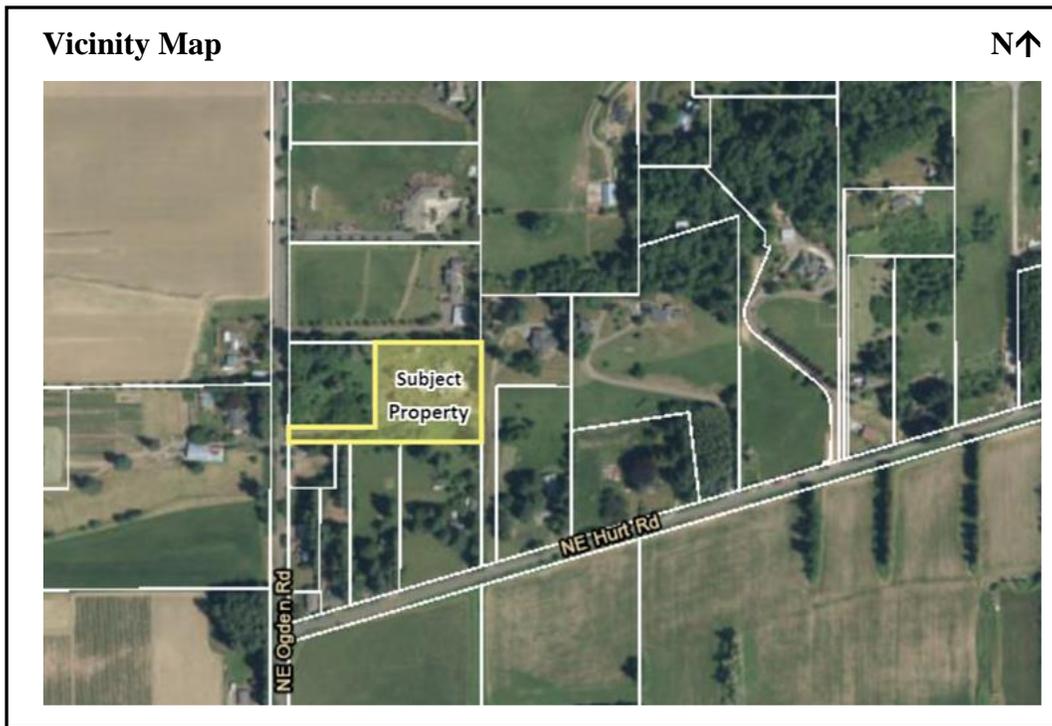
Opportunity to Appeal: The appeal form is available at www.multco.us/landuse/application-materials-and-forms. Email the completed appeal form to LUP-submittals@multco.us. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. This decision is not appealable to the Columbia River Gorge Commission until all local appeals are exhausted.

Issued by:

Anna Shank-Root, Planner

For: Megan Gibb,
Planning Director

Date: March 16, 2026



Applicable Approval Criteria:

Multnomah County Code (MCC): General Provisions: MCC 38.0015 Definitions, MCC 38.0030 Existing Uses and Discontinued Uses, MCC 38.0110 Tribal Treaty Rights and Consultation

Administration and Procedures: MCC 38.0560 Code Compliance and Applications

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

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 parenthesis.

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)]
 - i. For the purposes of 1.a, commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For utilities and developments without a frame or foundation, commencement of construction shall mean development or actual excavation of trenches for an approved underground utility or development.
 - ii. For purposes of 1.a, notification of commencement of construction shall be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to the date of commencement. Notification shall be sent via email to LUP-

submittals@multco.us with the case no. T2-2025-0024 referenced in the subject line. [MCC 38.0660(A)]

- b. Within **two (2) years** of the date of commencement of construction when the structure has not been completed. [MCC 38.0690(B)]
 - i. For the purposes of 1.b, completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.
 - ii. For purposes of 1.b, the property owner shall provide building permit status in support of completion of exterior surfaces of the structure and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to LUP-submittals@multco.us with the case no. T2-2025-0024 referenced in the subject line. [MCC 38.0660(A)]

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. 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. [MCC 38.0660(B)]
3. The applicant shall acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to assist you. The signed document shall be submitted and uploaded when submitting Building Plans for Zoning Review and Review of Conditions of Approval. [MCC 38.0660(A) & (B)]
4. Demonstrate compliance with the County's Ground Disturbing Activity regulations by obtaining an Erosion and Sediment Control Permit or Minimal Impact Project Permit for the replacement septic system. [MCC 38.0560 and MCC 39.6210]
5. Submit Accessory Structure Registrations for the gazebo and storage structure. [MCC 39.3025(A)(3)].
6. The property owner(s) or their representative shall put into action the following procedures, if any Cultural Resources and/or Archaeological Resources are located or discovered on the property during this project, including but not limited to finding any evidence of historic campsites, old burial grounds, implements, or artifacts. Additionally, all survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and the SHPO. Native American tribal governments shall also receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.:
 - a. 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.
 - b. Notification - The project applicant shall notify the County 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 Native American tribal governments within 24 hours. Procedures required in MCC 38.7045(L) shall be followed.

- c. Survey and Evaluation - The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from Oregon State Historic Preservation Office (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).
 - d. 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. [MCC 38.7050(H)]
7. The property owner(s) or their representative shall put into action the following procedures, if human remains are discovered during excavation or construction (human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts):
- a. Halt Activities - All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
 - b. Notification - Local law enforcement officials, the Multnomah County Planning Director, the Gorge Commission, and the Native American tribal governments shall be contacted immediately.
 - c. 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.
 - d. Jurisdiction - If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.
 - e. 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.
 - f. 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).
 - g. 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. [MCC 38.7050(H)]

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: Request for a Legal Parcel Verification and a National Scenic Area Site Review for the replacement of the septic tank and drainfield, and retroactive review of a pool that was placed in the early 1980s without permits.

2.0 Property Description & History:

Staff: The subject property is zoned Gorge General Residential 10 (GGR10) and located within the Historic Columbia River Highway key viewing area. The subject property is developed with a single-family dwelling, a detached garage, farm building, tennis court and pool.

3.0 Public Comment:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties pursuant to MCC 38.0530 (Exhibit C.2). Staff received one (1) comment during the 21-day comment period and received one (1) comment regarding Cultural Resources during the 30-day comment period.

3.1 U.S. Forest Service Archaeologist Luciano Legnini submitted a cultural resources survey determination on August 28, 2025 (Exhibit D.1).

Staff: USFS comments indicate that neither a cultural resource survey nor a historic survey is required for this project scope.

3.2 Friends of the Gorge Staff Attorney Steven D. McCoy provided written comments on September 18, 2025 (Exhibit D.2).

Staff: Friends of the Gorge comments lay out the required submissions for the applicants, as well as the code sections that apply to this proposal. Staff takes the information under advisement throughout this decision.

4.0 Code Compliance and Applications Criteria:

4.1 § 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 or zoning review approval of development or any other approvals authorized by this code for any property that is not in full compliance with all applicable provisions of the Multnomah County 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:

* * *

(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 codified in the Columbia River Gorge National Scenic Area Code chapter related to land use application procedures and, by its terms, expressly applies to the application review 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.

The applicant has submitted application requests for a Parcel Determination and a National Scenic Area Site Review permit for the replacement of an existing septic tank and drainfield. In this request, they have also included retroactive review of a pool that was constructed on the subject property without permits. This action will resolve any potential compliance issues on the subject property by ensuring that all structures have obtained required permits.

This criterion is met.

5.0 Parcel Criteria:

5.1 MCC 38.0015 DEFINITIONS

Parcel:

- (a) Any unit of land legally created by a short division, partition, or subdivision, that was legally recognized under all state laws and local ordinances in effect on November 17, 1986. A unit of land that is eligible for consolidation as provided in the Management Plan shall not be considered a parcel.**
- (b) Any unit of land legally created and separately described by deed, or sales contract, or record of survey prior to November 17, 1986, if the unit of land complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986.**
- (c) A unit of land legally created and separately described by deed or sales contract after November 17, 1986 if the unit was approved under the Final Interim Guidelines or a land use ordinance consistent with the Management Plan, or by the U.S. Forest Service Office prior to the Final Interim Guidelines.**
- (d) A unit of land shall not be considered a separate parcel simply because it:**
 - 1. Is a unit of land created solely to establish a separate tax account;**
 - 2. Lies in different counties;**
 - 3. Lies in different sections or government lots;**
 - 4. Lies in different zoning designations; or**

5. Is dissected by a public or private road.

Staff: To qualify as a “Parcel,” the subject property, when created or reconfigured meet the definition above and demonstrate that the subject property satisfied all applicable zoning laws and satisfied all applicable land division laws. The applicant provided a complete deed history to support the Parcel Determination request (Exhibit A.4).

The first deed containing a legal description matching the current configuration of the subject property is Warranty Deed, Book 1003, Page 1020, which was recorded in 1974 (Exhibit A.4). In 1974, the subject property was zoned F2 per historical County zoning maps (Exhibit B.3).

The F2 zone had a minimum lot size of 2 acres. There was no requirement for road frontage or minimum front lot line length or lot width. The subject property is 2.95 acres and met the minimum lot size requirements.

The subject property complied with all applicable zoning laws at the time of its creation or reconfiguration.

In 1974, the process to create or divide a parcel required a deed or sales contract dated and signed by the parties to the transaction. The document needed to be in recordable form or recorded with the County Recorder prior to October 19, 1978. As evidenced by the 1974 deed, the applicable land division laws were satisfied (Exhibit A.4).

6.0 Gorge General Residential 10 (GGR10) Criteria:

6.1 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.**

(15) **Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.**

Staff: The applicant is proposing to replace an existing septic tank and drainfield, and retroactive review of a pool. Pool deck, storage structure and gazebo accessory to the 1973 single-family dwelling (Exhibits A.1-A.3).

6.2 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.**

Staff: The definition of “yard” in MCC 39.0015 specifies that development less than 30 inches in height are not subject to yard requirements. The replacement septic tank and drainfield as well as the pool and pool deck that were installed without permits are all less than 30 inches in height and are therefore not subject to the above requirements. *These criteria are met.*

7.0 National Scenic Area (NSA) Site Review Criteria:

7.1 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.

Staff: The applicant indicates that the replacement septic system is entirely subsurface (Exhibit A.3). The pool, pool deck, gazebo and storage structure were placed in the 1980s and are being reviewed retroactively by this permit. The pool deck is designed to follow the existing contours on the site and the entirety of the development is located within the pool deck, clustering the development and minimizing the required grading to the maximum extent practicable to accommodate the development (Exhibit A.10). *This criterion is met.*

(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. New buildings that are 1,500 square feet or less are exempt from this requirement. Findings addressing this requirement shall include but are not limited to:

* * *

Staff: No new buildings exceeding 1,500 square feet are proposed. The storage building is approximately 215 square feet and the gazebo is approximately 265 square feet (Exhibit A.2). *This criterion is 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.

Staff: The subject property does not take access from a Scenic Travel Corridor. *This criterion does not apply.*

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

Staff: No additional vegetation will be required to be planted on the subject property to demonstrate compliance with the scenic review criteria. The proposed development will not be visible from the Historic Columbia River Highway which is the only Key Viewing Area identified for the subject property. Staff addresses the scenic view standards further below. *This criterion is not applicable.*

(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 within the Rural Residential in pastoral landscape setting. The compatibility of the proposed detached accessory structures in this landscape setting are 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...**
- (3) Determination of potential visual effects and compliance with visual sub-ordinance policies shall include consideration of the cumulative effects of proposed developments.**
- (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: A portion of the subject property east of the dwelling is identified as being topographically visible from the Historic Columbia River Highway. However, the entirety of the area where pool, pool deck, gazebo, storage structure, and all components the septic system are located is not mapped as topographically visible. *These criteria are not applicable.*

- (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: A portion of the subject property east of the dwelling is identified as being topographically visible from the Historic Columbia River Highway. However, the entirety of the area where the pool, pool deck, gazebo, storage structure, and all components the septic system are located is not mapped as topographically visible. Additionally, no trees will be removed to accommodate the proposed development (Exhibit A.3). *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.**

Staff: The applicant is not proposing any modifications to the existing driveway. *This criterion is met.*

- (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 proposed development is not located on lands visible from Key Viewing Areas. *This criterion is applicable.*

(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 any exterior lighting (Exhibits A.2 and A.3). *This criterion is not applicable.*

(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 proposed development is not located on lands visible from Key Viewing Areas. *This criterion is applicable.*

(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 applicant is not proposing an addition to an existing building. *This criterion is not applicable.*

(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 proposed development is not located on lands visible from Key Viewing Areas. *This criterion is applicable.*

(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 proposed development is not located on lands visible from Key Viewing Areas. *This criterion is applicable.*

(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 subordination. 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 subordination.

(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).

Staff: Additional landscaping is not required to screen the proposed development from the KVA. *These criteria are not applicable.*

(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: The subject property is zoned Gorge General Residential (GGR-10). The existing vegetation does not need to comply with the fuel break requirements. *This criterion is 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.

(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: ...

(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: ...

Staff: The applicant is proposing replacement of an existing septic system, and retroactive review of a pool and pool deck, and are not subject to the standards above. *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: The proposed development is not water dependent and is not located within 100 feet of the Columbia River. *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 proposed development is not located on lands visible from the Key Viewing Areas according to County GIS Mapping Resources. *This criterion is not applicable.*

(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: ...

Staff: The proposed development is not located on lands visible from the Key Viewing Areas according to County GIS Mapping Resources. *This criterion is 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: ...

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

Staff: The applicant is not proposing these uses. *These criteria are not applicable.*

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

* * *

(4) Rural Residential in Conifer Woodland or Pastoral

- (a) New development in this setting shall meet the design standards for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral or Coniferous Woodland), unless it can be demonstrated that compliance with the standards for the more rural setting is impracticable. Expansion of existing development shall comply with this standard to the maximum extent practicable.**
- (b) In the event of a conflict between the standards, the standards for the more rural setting (Coniferous Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such standards would not be practicable.**
- (c) Compatible recreation uses should be limited to very low and low-intensity resource-based recreation uses, scattered infrequently in the landscape.**

(1) Pastoral

- (a) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.**

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

* * *

- (c) **Compatible recreation uses include resource-based recreation uses of a very low or low-intensity nature, occurring infrequently in the landscape.**

(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 practices.**

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

* * *

- (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 replacement septic system and the pool and pool deck are all clustered within existing landscaped areas on the subject property (Exhibit A.2). No trees are proposed to be removed to accommodate the septic system replacement, and aerial images of the subject property from 1977 and 1986 show that no trees were removed when the pool and pool deck were placed (Exhibits B.7 and B.8). Neither the septic system components nor the pool and pool deck are visible from Key Viewing areas. No recreational uses are proposed. *These criteria are met.*

7.2 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:**

Staff: Luciano Legnini, an Archaeologist for the US Forest Service, submitted a Cultural Resource Survey Determination stating that “A Cultural Resource Reconnaissance Survey is: Not required” as the proposed use or element of the propose 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 archaeological site” (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: Luciano Legnini, an Archaeologist for the US Forest Service, submitted a Cultural Resource Survey Determination. The letter stated that a historic survey is not required because the proposal “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 not applicable.*

(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, according to the USFS determination (Exhibit D.1) a cultural resource review is not required. *This criterion is met.*

(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.

* * *

(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.

* * *

Staff: Conditions of approval require the property owner(s) to comply with the procedures outlined in (L) and (M) above. *As conditioned, these criteria are met.*

7.3 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 County’s GIS data, there are no wetlands or hydric soils 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 no wetlands were identified during this NSA Site Review by planning staff. *These criteria are met.*

7.4 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: According to County’s GIS data, the subject property does not contain streams, ponds, lakes, and riparian areas. *These criteria are not applicable.*

7.5 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: According to County’s GIS data, 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 not applicable.*

7.6 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: According to County’s GIS data, 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.*

7.7 MCC 38.7080 GMA Recreation Resource Review Criteria

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

(A) Recreation Intensity Class 1

* * *

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 not applicable.*

8.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Parcel Determination and an NSA Site Review for the replacement of an existing septic tank and drainfield, and retroactive approval of a pool in the GGR-10 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

Exhibits with an ‘*’ have been reduced in size and included with the mailed decision. All exhibits are available for digital review by sending a request to LUP-comments@multco.us.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	06.27.2025
A.2*	1	Site Plan	02.16.2026
A.3	3	Code Narrative	06.27.2025

A.4	13	Deed History	06.27.2025
A.5	1	Floor Plan	06.27.2025
A.6	2	Fire Service Provider Review Form	06.27.2025
A.7	2	Septic Review Certification	06.27.2025
A.8	1	Water Service Certification	06.27.2025
A.9	1	Stormwater Memo	06.27.2025
A.10	10	Site Photos	02.16.2026
'B'	#	Staff Exhibits	Date
B.1	5	Assessment and Taxation Property Information for 1N4E32B -01000 (Property ID # R111623/Alt. Acct. # R053501700)	06.27.2025
B.2	1	Current Tax Map for 1N4E32B	07.25.2025
B.3	1	1974 Zoning Map	07.25.2025
B.4	2	1974 Zoning Ordinance	07.25.2025
B.5	1	1974 F2 Zoning District	07.25.2025
B.6	3	Parcel Record Card R053501700	07.25.2025
B.7	1	1977 Aerial Image 1N4E32	01.05.2026
B.8	1	1986 Aerial Image 1N4E32	01.05.2026
'C'	#	Administration & Procedures	Date
C.1	1	Complete letter (day 1)	07.25.2025
C.2	3	Opportunity to Comment	08.28.2025
C.3	16	Decision	03.16.2026
'D'	#	Comments	Date
D.1	2	US Forest Service – Cultural Resources Survey Determination	08.28.2025
D.2	8	Steve McCoy Comments	09.18.2025

Don & Yvonne Aigner
 1010 NE Ogden Rd.
 Troutdale, OR 97060

1N4E32B -01000
 2.95 Acres

No changes to existing structures.

Elevations:
 Top of Tank: 100.00'
 Tank Outlet Invert: 99.00'

Drainfield	Beg	Mid	End
Line 1:	82.08'	82.08'	82.08'
Line 2:	80.50'	80.50'	80.50'
Line 3:	78.87'	78.87'	78.87'
Line 4:	77.42'	77.42'	77.42'
Line 5:	75.50'	75.50'	75.50'

Surface Elevations:	
TBM(Tank Lid):	100'
A:	99.25'
B:	97.08'
C:	92.75'
D:	88.25'
E:	86.83'
F:	95.50'

