

NOTICE OF NSA DECISION

Case File: T2-2020-13703

Permit: National Scenic Area Site Review and Parcel Determination

Applicant: Eric Mauck, Cascade Septic Tank Service
Owner(s): Cathy Schaefer & Khalid Rasulpuri

Location: 36810 NE Reed Road, Corbett
Tax Lot 900, Section 26CA, Township 1 North, Range 4 East, W.M.
Tax Account #R944260550 Property ID #R322258

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

Key Viewing Areas: Columbia River, Historic Columbia River Highway, I-84, Larch Mountain Rd, Sandy River, and SR-14

Landscape Setting: Rural Residential

Proposal Summary: Parcel Determination and National Scenic Area Site Review for the installation of an on-site wastewater treatment (septic) system. The system will be located underground, except for two (2) ground level manholes for access.

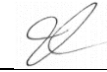
Decision: **Approved with Conditions**

This decision is final and effective at the close of the appeal period, unless appealed. The deadline for filing an appeal is **Monday, March 22, 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 \$0.35/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:

March 8, 2021



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, 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.

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. **Prior to land use sign-off for building plan check**, the property owners or their representative shall:
 - a. Obtain land use approval for the proposed ground disturbing activities related to the installation of the underground septic system and demonstrate compliance with the County’s Ground Disturbing Activity and Stormwater regulations of MCC 39.6200 through 39.6235. [MCC 39.7740(A)(4)(b)]
3. 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.

4. 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.

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

Note: Once this decision is final, if an application for a septic permit is required, it may be made with the City of Portland. When ready to have the plans signed off by land use planning, the applicant shall complete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, “Prior to land use sign-off for building plan check...” Be ready to demonstrate compliance with the conditions.
2. 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 how to complete the Septic Evaluation or Permit process for the proposed development. All existing and/or proposed septic system components (including septic tank and drainfield) must be accurately shown on the site plan.
3. Contact Izze Liu, Planner, at Isabella.Liu@multco.us, for an appointment to drop off the building plans and for review of the conditions of approval. The County office is not open to customers at this time and arrangements must be made for non-contact transfer of the plans. The other option is to send the plans digitally for review. Please ensure that any items required under, “Prior to land use sign-off for building plan check...” are ready for land use planning review. Land Use Planning must sign off on the plans before you can go to the Sanitation Division.

The above must be completed before the applicant can obtain a septic permit from the City of Portland. Three (3) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee may be collected and an erosion control inspection fee may be required.

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.0 Project Description:

Staff: The applicant requests a Parcel Determination and a National Scenic Area Site Review to install a new 1,500-gallon septic tank and drainfield. The proposed septic system will be located underground and will include two ground level manholes for access.

2.0 Property Description & History:

Staff: The subject property is zoned Gorge General Residential – 5 (GGR-5) and located within the following key viewing areas: Columbia River, Historic Columbia River Highway, I-84, Larch Mountain Rd, Sandy River, and SR-14. The subject property is developed with a single-family dwelling.

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.3. Staff received one agency comment and one public comment from the Friends of the Columbia River Gorge during the 14-day comment period. Staff summarizes the agency comment below.

U.S. Forest Service

On February 1, 2021, 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

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.*

4.2 MCC 38.0015 Definitions

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

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” pursuant to MCC 38.0015 Definitions, the subject property, when created or reconfigured, must have (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws.

The applicant provided a Warranty Deed recorded in 1974 (Exhibit A.2) that contains a legal description that matches the current legal description for the subject property (Exhibit A.3). The subject property was zoned Suburban Residential (SR) in 1974 per the historic County Zoning Maps (Exhibit B.2). In 1974, the SR zone had a minimum lot size ranging from 10,000 square feet to 40,000 square feet depending on access, infrastructure, and development (Exhibit B.3). The subject property is 1.84 acres which is over 80,000 square feet. *Based on the above, the subject property satisfied the applicable zoning laws of the SR zone in 1974.*

In 1974, the process to divide a property 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 November 17, 1986. As evidenced by the Warranty Deed recorded in 1974 (Exhibit A.2), the applicable land division laws were satisfied. *The subject property satisfied all applicable land division laws in 1974.*

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 install a 1,500-gallon septic tank and drainfield that will be located underground. The installation of the septic system will include two surface level manhole access covers. The manhole covers will be 2 feet wide for a total of 8 square feet (Exhibit A.17).

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 local streets is a 50-foot right-of-way width. As shown on the road survey recorded with the County, (RD0338), the right-of-way for NE Reed Road is currently 30 feet wide.

Although NE Reed Road has an insufficient right-of-way width, the proposed septic system will be buried underground and the visible manhole covers are level with the ground (Exhibit A.17). 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. *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.

Staff: The subject property is located on NE Reed Road, which is not a Scenic Travel Corridor. 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. *This criterion is not applicable.*

(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.

* * *

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 in the following Key Viewing Areas: Columbia River, Historic Columbia River Highway, I-84, Larch Mountain Rd, Sandy River, and SR-14. The proposed underground septic system will not be visible from the Key Viewing Areas. The only portion of the system that will be visible above ground are the two manhole covers that will be 2 feet wide for a total of 8 square feet (Exhibit A.17). The manhole covers will be level with the ground and will be visually subordinate from the KVAs due to the distance and existing vegetation on the subject property. *Criterion met.*

(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 installation of the underground septic system (Exhibit A.18). According to the applicant, the vegetation that will be most impacted are English Ivy and Himalaya Blackberries (Exhibit A.18). *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: As discussed previously, the proposed underground septic system except the two manhole covers will not be visible from KVAs. No existing trees on the site will be removed. No new trees will need to be planted to screen these manhole covers from the KVAs. *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:

Staff: Chris Donnermeyer, Columbia River Gorge Scenic Area Heritage Resources Program Manager, submitted a Cultural Resource Survey Determination on February 1, 2021 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 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 on February 1, 2021. 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, a cultural resource review is not required. *These criteria are not applicable.*

(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 not applicable.*

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 not applicable.*

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 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 the National Scenic Area Site Review to install an underground 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

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. Those exhibits have been reduced to a size of 8.5” x 11” for mailing purposes. All other exhibits are available for review in Case File T2-2020-13703 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	09.02.2020
A.2	2	1974 Warranty Deed	09.02.2020
A.3	2	Warranty Deed recorded February 08, 2019 as instrument no. 2019-014037	09.02.2020
A.4	1	Table of Contents	09.02.2020
A.5	1	Geologic Hazards Information and Lidar Map	09.02.2020
A.6	1	Site Description and Project Scope	09.02.2020
A.7	1	System Layout and Elevations	09.02.2020
A.8	1	Visual Impact Information	09.02.2020
A.9	1	Erosion Control Information	
A.10	1	Septic Tank Specification	09.02.2020
A.11	1	Pump Calculations	09.02.2020
A.12	1	Drainfield Construction Detail	09.02.2020
A.13	1	Revised Table of Contents	10.26.2020
A.14	1	Revised Geologic Hazards Information and Lidar Map	10.26.2020
A.15	1	Revised Site Description and Slope Information	10.26.2020
A.16	1	Revised Elevations	10.26.2020
A.17	1	Visual Impact Information	10.26.2020
A.18	1	Revised System Layout and Elevations	10.26.2020
A.19	1	Revised Erosion Control Information	10.26.2020
A.20	1	Revised Pump Calculations	10.26.2020
A.21	1	Revised Drainfield Construction Detail	10.26.2020
‘B’	#	Staff Exhibits	Date
B.1	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 1N4E26CA -00900 (Alt Acct# R944260550)	09.02.2020

B.2	1	Historic Zoning Map	03.08.2021
B.3	41	Residential ZO 1974 5-17	03.08.2021
'C'	#	Administration & Procedures	Date
C.1	4	Incomplete Letter	09.29.2020
C.2	1	Complete Letter (Day 1)	11.20.2020
C.3	4	Opportunity to Comment	01.25.2021
C.4	15	Administrative Decision	03.08.2021
'D'	#	Comments Received	Date
D.1	3	USDA Comment	02.01.2021
D.2	3	Friends of the Columbia River Gorge	02.08.2021