



**MULTNOMAH COUNTY**  
**LAND USE AND TRANSPORTATION PROGRAM**  
1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233  
PH: 503-988-3043 FAX: 503-988-3389  
<http://www.multco.us/landuse>

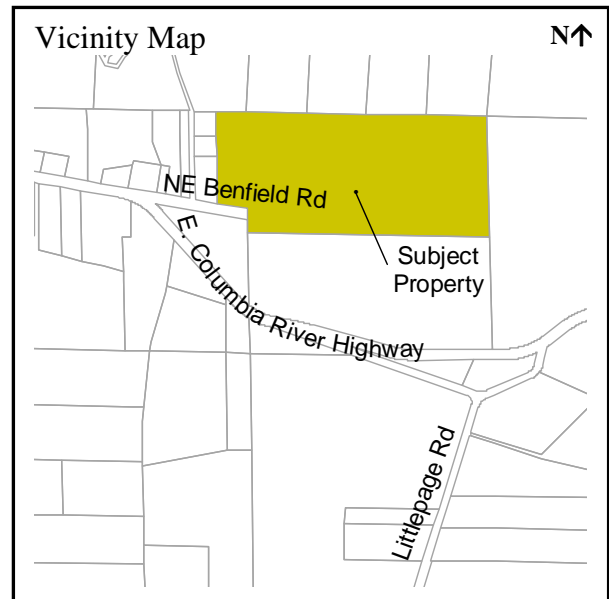
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## NOTICE OF DECISION

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This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

**Case File:** T2-2011-2047  
**Permit:** National Scenic Area Site Review  
**Location:** 37201 NE Benfield Road  
Tax Lot 1800, Section 35A,  
Township 1N, Range 4E, W.M.Tax  
Account #R944350020  
**Applicant:** Suzanne Olsen  
Mr. Sun Solar  
**Owner:** Sara Grigsby



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**Summary:** Install a roof-mounted 2.8kW Solar photo voltaic accessory alternative energy production system on the existing dwelling.

**Decision:** Approved With Conditions

Unless appealed, this decision is effective Tuesday, March 27, 2012, at 4:00 PM.

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Issued by:

By: \_\_\_\_\_  
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Tuesday, March 13, 2012

Instrument Number for Recording Purposes: #01038366

**Opportunity to Review the Record:** A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Don Kienholz, Staff Planner at 503-988-3043, ext. 29270.

**Opportunity to Appeal:** This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 38.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Columbia River Gorge Commission until all local appeals are exhausted.

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Tuesday, March 27, 2012 at 4:00 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): 38.0560 Code Compliance, 38.0015 Definitions, 38.2225(A)(22) GGA Review uses, 38.7035(A), (B), (C), and (D), 38.7045, 38.7055, 38.7060, 38.7065, 38.7070 and 38.7080 – NSA Site Review Approval Criteria.

Copies of the referenced Multnomah County Code (MCC) sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.multco.us/landuse>.

### **Scope of Approval**

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. **Pursuant to MCC 38.0690, this land use permit expires two years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 38.0700. Such a request must be made prior to the expiration date of the permit.**

### **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 brackets.

1. **Prior to zoning sign-off, the owner shall submit evidence the covenant regarding system abandonment has been recorded [MCC 38.2225(A)(22)(a)(4)].**
2. **The color of the racking and modules of the solar panels shall be black [MCC 38.7035(B)(12)].**

**Note:** Once this decision is final, application for building permits may be made with the City of Gresham. When ready to have building permits signed off, the applicant shall call the Staff Planner, Don

Kienholz, at (503) 988-3043 ext. 29270, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Gresham. 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 of \$53.00 will be collected. In addition, an erosion control inspection fee of \$77.00 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*.

### **1.00 Project Description:**

**Staff:** The applicant is seeking approval to mount a 2.8kW accessory alternative energy production system on an existing dwelling in the GGA zone.

### **2.00 Property History:**

**Staff:** The subject property has previously undergone County review for additions and modifications to the existing single family dwelling (T2-01-050).

### **3.00 Code Compliance:**

#### **MCC 38.0560 CODE COMPLIANCE AND APPLICATIONS.**

**Except as provided in subsection (A), the County shall not make a land use decision, or issue a building permit approving development, including land divisions and property line adjustments, 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.**

**Staff:** There are no known zoning violations for the subject property.

Part of being in full compliance is also having a property that is a Parcel as defined in MCC 39.0015 in order to have development approved. The property has been previously reviewed and approved by the County. The subject parcel was 20-acres prior to 1977 when it was consolidated with an adjacent 1.82-acre parcel to form the current property. The property did not need to be reviewed to be enlarged therefore it is a legal parcel.

*Criterion met.*

### **4.00 Public Comment:**

**Staff:** An Opportunity to Comment was mailed to property owners within 750-feet of the subject property on January 18, 2012. Comments were received by the Friends of the Columbia Gorge (Exhibit C.1) and Bob Liepper (Exhibit C.2).

The Friends of the Gorge issued general comments regarding the scenic, historic, cultural, and natural resource protections of the Gorge Act and that the proposal must meet the applicable code standards.

Mr. Liepper submitted comments concerned about the content of the site plan, apparent contradictory statements in the applicant’s narrative and his concern of staff favoritism to the applicant since she is a sitting Gorge Commission Commissioner.

Issues raised by the Friends of the Gorge are addressed by the applicable approval standards. Issues raised by Mr. Liepper are also addressed by a supplemental letter from the applicant and the findings addressing the applicable code standards. Mr. Liepper’s concerns were over the adequacy of the

application materials. Staff reviewed the materials and confirmed the application was complete and findings of fact outline how the application meets the approval criteria.

## **5.00 Gorge General Agriculture (GGA):**

### **MCC 38.2225 REVIEW USES**

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

**(22) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that:**

#### **A. (a) For all systems:**

##### **1. (1) They are not a commercial power generating facility such as a utility;**

**Staff:** The proposed solar system is an Accessory Alternative Energy Production System as defined in MCC 38.0015 since it is only 2.8kW:

*Accessory Alternative Energy System -- A system accessory to a primary structure or use that converts energy into a usable form such as electricity, and conveys that energy to uses allowed on the same parcel. Accessory Alternative Energy Systems typically convert mechanical energy into electrical energy. An Accessory Alternative Energy System is a solar, photovoltaic or wind turbine structure, or is composed of multiple structures, that individually or together have a total installed rating capacity of up to 12kW.*

*Criterion met.*

##### **2. (2) The system meets all overlay zone requirements;**

**Staff:** A small portion of the subject property has some identified Slope Hazard zone on it. However, the proposal does not include an earth disturbance and is roughly 1000-feet from the Slope Hazard zone. The proposal must still meet the NSA Site Review approval Criteria of MCC 38.7035 etc.

*Criterion met.*

##### **3. (3) The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;**

**Staff:** The solar system is proposed to be roof mounted.

*Criterion met.*

##### **4. (4) The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned;**

**Staff:** The covenant shall be a condition of approval.

*Criterion met with condition of approval.*

- B. **(b) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;**

**Staff:** The applicant has submitted plans and a narrative indicating the system will not exceed the peak of the roof of the existing dwelling on which it is proposed to be located.

*Criterion met.*

**MCC 38.2260          DIMENSIONAL REQUIREMENTS**

- C. **(E) Minimum Yard Dimensions – Feet**

<b>Front</b>	<b>Side</b>	<b>Street Side</b>	<b>Rear</b>
<b>30</b>	<b>10</b>	<b>30</b>	<b>30</b>

**Maximum Structure Height – 35 feet**

**Minimum Front Lot Line Length – 50 feet.**

**Staff:** The placement of the solar panels meets all the dimensional requirements.

*Criteria met.*

- D. **MCC 38.0060          AGRICULTURAL BUFFER ZONES**

**All buildings, as specified, shall satisfy the following setbacks when proposed to be located on a parcel which is adjacent to lands designated GGA– 20 or GGA– 40:**

Type of Agriculture	Type of Buffer		
	Open or fenced	Natural or created vegetation barrier	8 foot berm or terrain barrier
Orchards	250'	100'	75'
Row crops/vegetables	300'	100'	75'
Livestock grazing pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

**(A) Earth berms may be used to satisfy, in part, the setbacks. The berm shall be a minimum of 8 feet in height, and contoured at 3:1 slopes to appear natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of 15 feet.**

**(B) The planting of a continuous vegetative screen may be used to satisfy, in part, the setback standards. Trees shall be at least 6 feet high when planted and reach an ultimate height of at least 15 feet. The vegetation screen shall be planted along the appropriate parcel line(s), and be continuous.**

**(C) The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.**

**(D) If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.**

**(E) A variance to buffer setbacks may be granted upon a demonstration that the standards of MCC .0065 have been satisfied.**

**Staff:** While the subject property and some of the adjacent properties are zoned agricultural use, the proposed solar array is not a new building and is not subject to the agricultural buffers.

*Criteria met.*

## **6.00 Site Review Criteria:**

### **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. (A) All Review Uses and Conditional Uses:**

1. **(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 proposed solar system is roof mounted and will not require grading.

*Criterion met.*

2. **(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:** No new buildings are proposed. The proposed solar panels will not add visible mass as defined since they will be mounted parallel to the roof and as flush as practicable using the roof mount. The system will not encroach above the peak height of the existing dwelling and will not add any enclosed space or area.

*Criterion met.*

3. **(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 proposal does not include any new accesses to the property.

*Criterion met.*

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

**Staff:** Due to the angle and color of the proposed solar array, Staff finds that the solar system will be visually subordinate as seen from all Key Viewing Areas, including the Historic Columbia River Highway. With a reflectivity of 4%, the black color and angle, the system will not be noticeable to those traveling east bound on the highway even if the stand of trees in front of the subject property were removed. As such, no vegetation is required as a condition of approval.

*Criterion met.*

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

**Staff:** After reviewing the site plan, staff finds that the addition of roof-mounted solar is compatible with residential development and compatible with the Pastoral landscape setting.

*Criterion met.*

6. **(6) For all new production and/or development of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable.**

**Staff:** None of the listed uses above are proposed as part of the project.

*Criterion met.*

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

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

**Staff:** The proposed development is a rack of solar panels on an existing dwelling. According to the submitted site plan (Exhibit A.9) showing the location of the panels on the dwelling, they will be oriented to the southwest, facing away from all Key Viewing Areas except the Columbia River Highway. The array will be a few feet below the peak of the roof, will stand only 6-8 inches off the roof with the racking system and be parallel to the roof. The racking will be black anodized racking and flashings and be covered by low-reflective black solar modules. A sample system is shown in Exhibit A.5. The technical



specs (Exhibit A.4) of the panels show the reflectivity rate at 4% - in conformity with the County's previous interpretations on "low-reflectivity."

The closest and only KVA the site is potentially visible from is the Columbia River Highway to the southwest. As determined from the maps demonstrating potential visibility from the Gorge Commission, the area the panels are proposed to be located on is topographic screened from all the other KVA's. Due to the color the racking system and panels, the low reflectivity, the viewing angle and the speed at which cars travel on the highway, the system is highly unlikely to be noticed from the Columbia River Highway if all intervening vegetation were removed. Additionally, the distance to The Columbia River Highway renders the racking system nearly invisible – if it could even be made out against the backdrop of the bulk of the existing dwelling.

The panels will be visually subordinate.

*Criterion met.*

2. **(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, build-ing orientation, and other elements); retention of existing vegetation; design (color, reflectivity, size, shape, height, architectural and design details and other elements); and new landscaping.**

**Staff:** Any conditions shall be proportional to the impact of the use and its potential visual impact.

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

**Staff:** The panels will essentially be within the existing bulk of the dwelling and will not cause an increase in visible mass, bulk, or ground coverage. There will be no cumulative impact to visual subordination policies.

*Criterion met.*

4. **(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 applicant has provided the necessary information on color, reflectivity, materials etc.

*Criterion met.*

5. **(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:** No mining activities are proposed

*Criterion met.*

6. **(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.**

**Staff:** The proposed development is to be located on a portion of an existing dwelling that has the least impact on Key Viewing Areas.

*Criterion met.*

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

**Staff:** The proposed development will not alter the existing topography and will not require vegetation for screening purposes.

*Criterion met.*

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

**Staff:** No tree cover will be removed.

*Criterion met.*

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

**Staff:** No grading, cut banks or fill slopes are proposed as part of this project.

*Criterion met.*

10. **(10) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of nonreflective 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:** No new buildings are proposed. The solar panel is considered a structure. That said, a module will cover the metal racking system. The rack, and the modules will be black and have a 4% reflective surface.

*Criterion met.*

11. **(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:** No lights are proposed as part of this project.

*Criterion met.*

12. **(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 color of the structure shall be black as proposed by the applicant.

*Criterion met.*

13. **(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:** No square footage is being added to the existing dwelling.

*Criterion met.*

14. **(14) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual subordination 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 dwelling the solar panels are proposed to be constructed on old enough to be considered a historic structure. However, the US Forest Service has determined that a Historic Survey is not required.

*Criterion met.*

15. **(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.**

**Staff:** With the solar panel array remaining below the peak of the dwelling's roof, it will not break the skyline of a bluff, cliff, or ridge as seen from a KVA's.

*Criterion met.*

16. **(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:**

**(a) The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and**

**(b) There is no practicable alternative means of altering the building without increasing the protrusion.**

**Staff:** The proposal does include an alteration to a building constructed prior to November 17, 1986. However, the alteration will not increase the height of the dwelling or extend beyond the established peak or a skyline.

*Criterion met.*

17. **(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:** No new landscaping is proposed for the proposed development.

*Criterion met.*

18. **(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:** Landscaping is not required to render the solar panels visually subordinate.

*Criterion met.*

19. **(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:**

**Staff:** No utility lines or communication facilities are proposed as part of the project.

*Criterion met.*

20. **(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:** No highway facilities are proposed.

*Criterion met.*

21. **(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:** No recreation uses are proposed.

*Criterion met.*

22. **(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:** No new buildings are proposed.

*Criterion met.*

23. **(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:** No grading is proposed as part of the application.

*Criterion met.*

24. **(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:**

**(28) An interim time period to achieve compliance with visual subordination 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:** No new quarries or alterations to any quarries are proposed as part of the project.

*Criteria met.*

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

**(1) Pastoral**

1. **(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.**

**Staff:** The solar array is considered an accessory structure and it is to be constructed on the existing dwelling and thus is considered clustered.

*Criterion met.*

2. **(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:**

- a. **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.**

**Staff:** No tree cover is proposed to be removed.

*Criterion met.*

- b. **2. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.**

**Staff:** The proposed location of the solar array will not alter the open character of the existing pasture on the property.

*Criterion met.*

- c. **3. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, bigleaf maple, and black locust (primarily in the eastern Gorge). The Scenic Resources Implementation Handbook includes recommended minimum sizes.**

**Staff:** No trees are required to be planted.

*Criterion met.*

- d. **4. At least one-quarter of any trees planted for screening shall be coniferous for winter screening.**

**Staff:** No trees are required to be planted.

*Criterion met.*

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

**Staff:** No recreational uses are proposed.

*Criterion met.*

**D. (D) All Review Uses and Conditional Uses within scenic travel corridors:**

1. **(1) For the purposes of implementing this section, the foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Historic Columbia River Highway and I- 84.**

**Staff:** The subject property is within ¼ mile of the Historic Columbia River Highway.

2. **(2) All new buildings and alterations to existing buildings, except in a GGRC, shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to MCC 38.0065. All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.**

**Staff:** The subject property is zoned GGA. The solar panels are proposed over 500-feet from the Columbia River Highway.

*Criterion met.*

3. **(3) Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a Scenic Travel Corridor roadway except in a GGRC, shall comply with subsection (2) above to the maximum extent practicable.**

**Staff:** The proposed development is more than 500-feet from the pavement of the Historic Columbia River Highway.



*Criterion met.*

4. **(4) All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following:**

**(a) An evaluation of potential visual impacts of the proposed project as seen from any Key Viewing Area;**

**(b) An inventory of any rare plants, sensitive wildlife habitat, wetlands or riparian areas on the project site. If such re-sources are determined to be present, the project shall comply with applicable standards to protect the resources.**

**Staff:** The solar panel project is not located within a public right-of-way.

*Criteria met.*

5. **(5) When evaluating which locations to consider undergrounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for undergrounding in the Columbia River Gorge National Scenic Area Corridor Visual Inventory prepared in April, 1990.**

**Staff:** No railroad or utility companies are part of the subject application.

*Criterion met.*

6. **(6) New production and/or development of mineral resources proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic Travel Corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within time frames specified in MCC 38.7035 (B) (29).**

**Staff:** No mineral resources are proposed to be developed as part of this application.

*Criterion met.*

7. **(7) Expansion of existing quarries may be allowed pursuant to MCC 38.7035 (B) (26). Compliance with visual subordination requirements shall be achieved within time frames specified in MCC 38.7035 (B) (28).**

**Staff:** No quarry is a part of this application.

*Criterion met.*

## **7.00 Cultural Resource Review Criteria:**

### **MCC 38.7045 GMA CULTURAL RESOURCE REVIEW CRITERIA**

#### **(A) Cultural Resource Reconnaissance Surveys**

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

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

**1. Residential development that involves two or more new dwellings for the same project applicant;**

**2. Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;**

**3. Public transportation facilities that are outside improved rights-of-way;**

**4. Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and**

**5. Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.**

**Areas that have a low probability of containing cultural resources will be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the U.S. Forest Service, public agencies, and private archaeologists.**

**The Gorge Commission, after consulting Indian tribal governments and state historic preservation officers, will prepare and adopt a map showing areas that have a low probability of containing cultural resources. This map will be adopted within 200 days after the Secretary of Agriculture concurs with the Management Plan. It will be refined and revised as additional reconnaissance surveys are conducted. Areas will be added or deleted as warranted. All revisions of this map shall be reviewed and approved by the Gorge Commission.**

**Staff:** The site has been determined to have a low-probability of containing cultural resources. The development is proposed on an existing dwelling established prior to the adoption of the NSA code.

*Criteria met.*

2. (2) A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resources, including those listed above in MCC 38.7045 (A) (1) (a) through (f). The location of known cultural resources are shown in the cultural resource inventory.

(3) 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:** No known cultural resources are located within 500-feet of the project. Marge Dryden, US Forest Service Archeologist responsible for identifying such resources determined the property has a low probability for cultural resources.

*Criteria met.*

#### **8.00 Wetland Review Criteria:**

##### **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:** The proposed solar panels do not trigger a wetland review since they are to be located on an existing structure and no ground disturbance will occur.

*Criterion met.*

#### **9.00 Stream, Lake, and Riparian Area Review Criteria:**

##### **MCC 38.7060 GMA STREAM, LAKE AND RIPARIAN AREA REVIEW CRITERIA**

**(A) The following uses may be allowed in streams, ponds, lakes and riparian areas 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 site is not within a stream, lake or riparian area according to the zoning maps and Gorge maps on file with the County.

*Criterion met.*

#### **10.00 Wildlife Review Criteria:**

##### **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**

**Staff:** The proposed solar panels will be located on an existing structure that had also has a previous NSA Site Review approval for an addition. There are also no known sensitive wildlife areas within 1000-feet of the site.

*Criterion met.*

#### **11.00 Wildlife Review Criteria**

##### **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:** As seen on the county's NSA maps provided by the Columbia River Gorge Commission, there are no known rare plants within 1,000-feet of the subject property.

#### **12.00 Recreation Review Criteria:**

##### **MCC 38.7080 GMA RECREATION RESOURCE REVIEW CRITERIA**

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

**Staff:** The proposed development does not include any recreational use or recreational zone property.

#### **13.00 Conclusion:**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the NSA Site Review to establish a 2.8 kW solar panel array on the existing dwelling in the GGA zone. This approval is subject to the conditions of approval established in this report.

**14.00 Exhibits:**

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Comments Received (if needed)

Exhibits with a “\*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2011-2047 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit
A.1	1	NSA Application Form
A.2	12	Applicant Narrative
A.3	1	Applicant’s December 16, 2011 Site Plan
A.4*	1	Applicant’s Solar Panel Technical Bulletin
A.5	2	Applicant’s Racking System Informational Sheet
A.6*	1	Satellite Photo Showing Location of Solar Array
A.7	8	Applicant’s Photos Showing Dwelling and Location of Solar Array
A.8	2	Applicant’s Copy of Type 2 Checklist
A.9*	1	Applicant’s January 9, 2012 Site Plan
A.10	2	Applicant’s Response to Mr. Liepper’s Comment Letter
‘B’	#	Staff Exhibits
B.1	1	A&T Property Information
B.2	29	Agency Review Packet
B.3	2	Incomplete Letter and Packet
B.4	1	Complete Letter
B.5	8	Opportunity to Comment Packet and Mailing List
B.6	2	USGS Maps Showing Topography and Historical Structures
B.7	1	1986 Multnomah County Land Use Survey
B.8	1	Building Permit Card For Sunroom Addition
B.9	1	1961 Building Permit Card For Residential Addition
B.10	1	A&T Property Improvement Information
B.11	1	1986 Air Photo
‘C’	#	Comments Received
C.1	7	Comment Letter from Friends of the Columbia Gorge
C.2	1	Comment Letter from Bob Liepper