

PRE-APPLICATION CONFERENCE NOTES

This is an Informational Meeting and is not a Public Hearing

Case File No.: PA 2023-16546

MEETING TIME AND PLACE

February 23, 2023 at 10:30 am

The pre-application meeting will be conducted virtually through the Zoom platform.

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- WHAT:** A Pre-Application Meeting is to be held on the date above to discuss the applicable Multnomah County Land Use Code requirements and application for a National Scenic Area Site Review for a Conditional Use for a proposed wireless telecommunication facility within the Gorge General Residential – 2 (GGR-2) zone.
- LOCATION:** Address: 11499 NE McLoughlin Pkwy, Cascade Locks
Township: 1N, Range: 6E, Section: 02B, Tax Lot: 00100 WM
Alt. Acct. #R946020090 Property ID #R323214
- BASE ZONE:** Gorge General Residential (GGR-2)
- APPLICANT:** Agnes Heuker Properties, LLC
- OVERLAYS:** None
- KEY VIEWING AREAS:** Beacon Rock, Cape Horn, Columbia River, Historic Columbia River Hwy (HCRH), Interstate – 84 (I-84), Pacific Crest, State Route – 14 (SR-14)
- LANDSCAPE SETTING:** Rural Residential / Coniferous Woodlands

CONTACT: After the meeting, contact Marisol Cervantes at Marisol.Cervantes@multco.us or at (503)-988-9452 if you have any questions on the criteria, process, or next steps.

The following is for informational purposes only. No approvals or conclusions have been drawn about this project. Until such time as the necessary Land Use Applications are submitted and reviewed, no decisions will be or have been made regarding the project's compliance with the land use regulations of Multnomah County.

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Outline of the Pre-Application Meeting's Purpose and Process

1. Meeting Purpose:

- The Pre-Application meeting is to provide information to an applicant for a land use action that will assist them in completing the application.
- The objectives of the meeting are to clarify the proposal, inform the applicant of the applicable procedures and approval criteria, and to identify all known issues.
- A Pre-Application meeting is a standard requirement for all applications that require a public hearing.

2. Meeting Structure:

- This is not a public hearing and no decisions will be made. The meeting is meant to be informal in nature.
- The Multnomah County planning staff will be responsible for conducting the meeting. Staff will begin the meeting by asking for introductions of those in attendance.
- The applicant will be responsible for explaining their proposal. This explanation is especially helpful to the public who have not seen the application materials, and is an opportunity to share relevant information with their neighbors.
- Planning staff will be responsible for reviewing the applicable procedures and approval criteria and to identify all known issues.
- Members of the public and other agency representatives will be provided the opportunity to ask questions about the proposal and will be asked to identify any relevant issues.

- After the Pre-Application meeting, and after the application has been deemed “complete” by responding to each approval criteria, you will receive a notice announcing the date, time, and place of the Public Hearing. Failure to participate at the Pre-Application meeting will not preclude your involvement at the first scheduled hearing on the completed application.

Notwithstanding any representations by County staff at a pre-file meeting, staff is not authorized to waive any requirements of the County Code. Any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the county of any standard or requirement [MCC 38.0570(C)].

INTRODUCTION

The comments provided in this summary are based on the preliminary project description provided in the application materials. While every effort has been made to identify all related standards and issues, additional issues may arise and other standards not listed may become applicable as more information becomes available.

These notes are valid for a period of six months from the date of the meeting unless the County adopts new code language. The approval criteria and standards, which control the County’s review and decision on a complete application, are those, which were in effect on the date the application was first submitted. [MCC 38.0570(D) & MCC 38.0600(E)]

SUMMARY OF APPLICABLE PERMITS, CODES, POLICIES & FEES

These Multnomah County Code sections can be found at <https://multco.us/landuse/zoning-code/> under the link **Chapter 38: Columbia River Gorge National Scenic Area** and **Chapter 39: Multnomah County Zoning Code**.

General Zoning Requirements	Code Section	Fees ¹
Gorge General Residential (GGR-2)	<i>General Provisions:</i> MCC 38.0045 Review and Conditional Use Applications – Submittal Requirements MCC 38.0560 Code Compliance and Violations <i>Gorge General Residential (GGR-2):</i> MCC 38.3030(A)(5) – Conditional Uses, Utility Facility MCC 38.3060(C), (D), and (E) – Dimensional Requirements MCC 38.3085 Off-Street Parking and Loading	
Required Land Use Applications	Code Section	Fees ¹
Parcel Verification (Type II)	MCC 38.0015 Definitions “Parcel”	\$990
National Scenic Area Site Review	MCC 38.7300(C)(1)-(2), and (C)(4) Conditional Uses	\$3,684, or full

(Type III)	MCC 38.7305(A), (B), (D), (E), (F), (G), (H), (K) – Fire Protection in Forest Zones MCC 38.4100 – 38.4215 Off-Street Parking and Loading <i>Site Review Criteria:</i> MCC 38.7035 GMA Scenic Review Criteria <i>Staff will let you know if any of the following criteria are applicable to your project after you submit your application and partner agencies provide comments. If applicable, partner agencies may require historic/cultural/natural resource surveys by a professional:</i> MCC 38.7045 GMA Cultural Resource Review Criteria MCC 38.7053 GMA Water Resources 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 MCC 38.0110 Tribal Treaty Rights and Consultation	recovery deposit estimate ³
Notice Fee		\$277
Notice Hearing Sign (will be required to be posted on the property frontage)		\$30 each
Development Codes (Type I Process²)	Code Section	Fees¹
Ground Disturbance Standards	MCC 39.6210 Permits Required	
	<i>Minimal Impact Project:</i>	
	MCC 39.6220 Minimal Impact Project Permit - or - <i>Erosion and Sediment Control Permit:</i>	\$66 - or -
	MCC 39.6225 Erosion and Sediment Control Permit MCC 39.6235 Stormwater Drainage Control	\$685 \$66
Erosion Control Inspection		\$250

¹ Land Use Planning's complete fee schedule can be found at: <https://multco.us/landuse/land-use-planning-fees/>

² See MCC 38.0530 Summary of Decision Making Processes

³ The Planning Director has discretion to require the listed minimum deposit fee, or a full recovery deposit estimate fee when the total actual processing cost is estimated by the Planning Director to likely exceed the listed minimum deposit fee.

KEY ISSUES

1. In order for the County to be able to approve any land use application for development or building permits, the property must be in full compliance with all applicable codes [MCC 38.0560]. Full Compliance means the property is a Parcel, any structures on site were properly reviewed or permitted, and any conditions from previous land use decisions were satisfied.
 - a. Permit Record: According to the County's Assessor's data, the subject property contains a discontinued school that was built in 1956. The County permit records show an addition to the school was applied for in August 1962 under permit #27907.

- i. As the use of the former school building is discontinued, establishing any new use in the building would require a National Scenic Area Site Review process for a proposed Review and/or Conditional Use. A separate pre-filing or pre-application meeting would be the first step to discuss relevant requirements.
 - b. Parcel Verification: The County has not made a determination on the parcel status for the subject property previously. As part of the application process, you will need to request a Parcel verification, which is discussed below.
 - c. Compliance: There are no active compliance cases on any of the subject properties.
2. **Parcel Verification (Type II)**: As part of any Type 3 Review, County staff must make Parcel findings. A Parcel is a property that, when first placed in its current configuration, met all zoning and land division rules in place at that time.
- a. Through the “Parcel” Verification process, Land Use Planning will review historic deed information to verify that when the subject property was created or reconfigured, it met the zoning and land division regulations at the time.
 - i. Your application needs to include a copy of the oldest deed (first deed) with a legal description describing the subject property in its current configuration.
 - ii. You will also need to include a copy of the most current deed and legal description for the subject property.

Gorge General Residential (GGR-2)

- 3. In the GGR-2 zone a wireless facility may be considered through the National Scenic Area Site Review process as a Conditional Use. [MCC 38.3030(A)(5)]
- 4. The proposed 135 foot wireless facility with “tree branches” at 140 feet and the 50’x50’ lease area will need to meet the dimensional standards of the GGR-2 zone. Per **MCC 38.3060(E)**, because the proposed wireless tower exceeds 35 feet, the tower and fenced lease area must be located at least 30 feet from any property line.
- 5. Off-Street Parking and Loading - The proposed tower will require two parking spaces for the fenced lease area. Refer to MCC 38.4100 – 38.4215 for additional design and other related requirements for the required parking for the site.
 - a. The parking spaces would need to meet the dimensional standards in MCC 38.4175 and improvement standards in MCC 38.4180.

Conditional Use Criteria

- 6. Conditional Uses in Residential Zones - Your application will need to address the criteria outlined in MCC 38.7300(C)(1)-(2), and (C)(4), which includes demonstrating that the proposed wireless facility:
 - a. Is compatible with the surrounding area. The review of compatibility must include the impacts associated with the visual character of the area, traffic generation, effects of noise dust and odors. [MCC 38.7300(C)(1)]
 - b. Will not require public services other than those existing or approved for the area. Public services include fire service, utilities, etc. [MCC 38.7300(C)(2)]

- c. Meets the Fire Protection requirements of **MCC 38.7305**, which includes the requirements described below. This requirement is due to the subject property being located within 500 feet of lands designated in GGF. [MCC 38.7300(C)(4)]
 - i. The fenced area where the equipment storage cabinet(s) would be located must be setback at least 50 feet from slopes exceeding 30% grade in order to minimize the risks associated with wildfire.
 - ii. A defensible space (fire) fuel break of at least 50 feet shall surround the fenced area where the equipment storage cabinet(s) would be located. Hazardous fuels shall be removed and irrigated or fire resistant vegetation may be planted within the fuel break. Trees should be spaced greater than 15 feet between crowns and pruned. Accumulated leaves and other dead vegetation shall be removed from beneath trees.
 - 1. If slopes exceed 10% in the surrounding area, the fire fuel break must be extended down the slope according to MCC 38.7305(B)(1).
 - iii. Access drives shall be a minimum of 12 feet in width and not exceed a grade of 12 percent. Turnouts shall be provided a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. [MCC 38.7305(E)]
 - iv. Utility supply systems shall be underground whenever possible. Roof of structures shall be constructed of fire-resistant materials, such as asphalt shingles. [MCC 38.7305(G) & (H)]

National Scenic Area (NSA) Site Review Criteria:

- 7. The NSA site review approval criteria addresses visual, historical, cultural, and natural resources. As such, approval of an NSA Site Review application is not preliminary, it is based on the submitted written narrative(s) and plan(s). If you gain approval of the NSA Site Review, you will be expected to construct the physical improvements and specified in the narrative and plans unless modified by the conditions of approval. Any changes to plans or physical development will likely result in the project needing to repeat the NSA Site Review process.
- 8. Application Materials: You will need to provide the required materials listed in MCC 38.0045, including: a scaled site plan, depths and location of proposed ground disturbance and ditching, elevation drawings, the amount of grading on slopes over 10 percent, location/buffer of sensitive plant areas, streams or wetlands and a narrative addressing each approval criteria.
 - a. Your written narrative must address all applicable approval criteria [outlined in the “Summary Table” on pp. 3 - 4 of these notes] and demonstrate how each criterion is met. The narrative needs to address ‘how’ or ‘why’ a standard is satisfied or not applicable. Conclusory statements or repeating standards back is not sufficient.
- 9. The subject property is topographically visible from various Key Viewing Areas (KVAs). The KVAs include Beacon Rock, Cape Horn, Columbia River, Historic Columbia River Hwy (HCRH), Interstate – 84 (I-84), Pacific Crest, State Route – 14 (SR-14). As such, any proposed development will be required to achieve the “Visually Subordinate” scenic standard defined in MCC 38.0015:

The relative visibility of a structure or use where that structure or use does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a

Key Viewing Area). Structures which are visually subordinate may be partially visible, but are not visually dominant in relation to their surroundings. Visually subordinate forest practices in the Special Management Area shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.

- a. The proposed wireless facility must be sited to retain existing topography and minimize grading activities. The development must be compatible with the general scale (height, dimensions and visible mass of similar development that exist within ¼ mile of the property. Your application will need to include a table describing the scale of nearby buildings as the proposed development (i.e. fenced equipment area) is considered a building. [MCC 38.7035(A)(1)-(2)]
10. New communication facilities on lands visible from KVAs, 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. [MCC 38.7035(B)(17)]
 - a. Your application will need to address alternative locations at other nearby wireless communication facility sites. You will need to provide an analysis of these alternative sites and justification on how you determined the alternative sites were not practicable for your proposal. You will then need to discuss how the proposed location was selected following the alternatives analysis.
11. As outlined in MCC 38.7035(B)(18), new communication facilities may protrude above the skyline visible from a KVA only upon demonstration that the facility is:
 - a. Necessary for public service;
 - b. The break in the skyline is visible only in the background; and
 - c. The break in the skyline is the minimum necessary to provide the service.

You will need to address this criteria in detail as the proposed tower is 135 feet in height protruding and shown from the existing Key Viewing Areas.
12. Exterior materials shall be composed of non-reflective materials or materials with low reflectivity. Exterior lighting shall be directed downward and sited, hooded and shielded. Paint colors shall be of dark earth-tones found in the surrounding landscape. Refer to the Scenic Implementation Resources Handbook for examples. [MCC 38.7035(B)(10) – (12)]
13. The subject property is classified as both the Rural Residential and Coniferous Woodland Landscape Setting, this means you must meet the requirements of MCC 38.7035(C)(2) and MCC 38.7035(C)(3):
 - a. Coniferous Woodland:
 - i. Structure height shall remain below the forest canopy level. [MCC 38.7035(C)(2)]
 - ii. In portions of this setting visible from KVAs, except as is necessary for construction of access roads, building pads, etc., the existing tree coverage for screening shall remain; at least half of any trees planted for screening purposes shall be native to the setting and at least half of any trees planted for screening purposes shall be coniferous for winter screening. [MCC 38.7035(C)(2)]
 - b. Rural Residential:

- i. New development (i.e. cell tower and fenced equipment area) shall maintain the existing tree cover as much as possible, except as is necessary for site development, safety purposes or as part of forest management practices.
 - ii. In portions of this setting visible from KVAs you will need to achieve visual sub-ordinance as much as possible by using the existing tree coverage for screening, at least half of any trees proposed to be planted shall be species native to the setting and at least half of any trees planted for screening purposes shall be coniferous for winter screening.
 - iii. Any proposed recreation uses shall be limited to small community facilities and low intensity resource based recreation uses.
- c. In situations where there is a conflict between the Landscape Setting requirements, the standards for the more rural setting (Coniferous Woodland) shall apply, unless you can demonstrate that the application of such standards would not be practicable. [MCC 38.7035(C)(4)(b)]
 - i. For your application, you would need to address the practicability of having the height of the proposed wireless communication facility be below the forest canopy level to meet MCC 38.7035(C)(2)(a).

KEY ISSUES: TYPE I DEVELOPMENT PERMITS

Ground Disturbance Activity Requirements (Type I Permit)

14. As mechanical ground disturbance will need to occur to establish the proposed development, the property owner will need to apply for either an Erosion and Sediment Permit or a Minimal Impact Project (MIP) permit depending on the final project proposal.
 - a. The Minimal Impact Project (MIP) permit standards are found at MCC 39.6220 and are for small projects that meet the following conditions:
 - i. Less than 10,000 sq. ft. of ground surface will be disturbed;
 - ii. Disturbed areas are not within 200 ft. from the top of the bank of a water body;
 - iii. Unsupported finished slopes will be less than 33% grade (3 Horizontal: 1 Vertical) and will not exceed four ft. in height;
 - iv. Slopes before development where ground disturbance is proposed are 10% grade or less;
 - v. The ground disturbing activity will involve less than 10 cubic yards of fill and the fill will be composed of earth materials only;
 - vi. Fill will not be used to physically support a building requiring a structural building permit;

For the MIP permit, you will need to provide the materials listed in MCC 39.6220(A), meet the standards in MCC 39.6220(B) and use erosion and sediment control best management practices. When you are ready to submit building plans for zoning review, you will need to demonstrate compliance with the MIP permit standards.

- b. If your project cannot meet the MIP permit standards, an Erosion and Sediment Control (ESC) permit will be required for the proposed development.

- i. For the ESC Permit, you will need to fill out a Type I application form, state you are applying for an ESC permit, and submit it to LUP-submittals@multco.us along with the required materials listed in MCC 39.6225(A).
 1. Your ESC plan must comply with the standards of MCC 39.6225(B).
 2. You will need to document the proposed fill materials, compaction methods, locations and volume of proposed cuts and fills, and proposed erosion control measures.
- ii. You may submit the ESC application after the issuance of a Type III Land Use Permit(s), but your application must reflect any physical improvement or ground disturbance alterations required by the Type III approval.

KEY ISSUES: ADDITIONAL REVIEW

1. You will need to submit the following service provider forms to the respective service provider for your area. The service provider will return a “packet” with the completed review form and any supplemental documents. The packet(s) need to be submitted as part of your land use application. Please keep copies for your records. Do not submit the unsigned forms to Land Use Planning for completion.
 - **Fire Service Agency Review** – The Fire Service Agency serving your property will review your project to ensure compliance with the Oregon Fire Code.
 - **On-Site Sanitation Septic Review** – The Sanitarian will review your proposal and make sure that it will not harm the on-site sewage disposal system and its back up area. A completed and signed Septic Review Certificate must be submitted with your application materials along with any signed letters and plans.
 - **Stormwater Drainage Control Certificate** – this certificate and the supplemental materials must be completed by an Oregon licensed professional engineer. This certificate is only required for projects creating 500 square feet or more of new impervious surfaces.
 - **Transportation Planning Review** – Transportation Planning ensures that Multnomah County Road Rules on access and driveway spacing are satisfied. Please see contact Right-of-Way Permits office.

NEXT STEPS:

1. **NSA Application Form:** When filling out the NSA Application Form, you must state the applications you are requesting at the bottom of the form. An example would be “We are requesting a NSA Site Review in order to construct a new 5,000 sq. ft.” In addition, all property owners must sign the form. If all the property owners do not fit on the form, you may provide a Letter of Authorization with additional property owners’ signatures. [MCC 38.055]
2. **Application Narrative:** You will need to prepare a written narrative providing a clear and complete description of your proposal and specifically addressing each applicable code section [see the ‘Summary of Applicable Permits, Codes...’ section of these notes]. In your narrative, list the code reference you are responding to, then your response to that criterion. At the end of your response, you may reference any documents (i.e. Site Plan) included in your application that support your response. An example of the narrative format is shown below:

National Scenic Area Site Review:

MCC 38.12345(A)(1): All required site plans and information listed in (A)(1) are included in this application. See Exhibits 4 – 12.

MCC 38.12345(A)(2): The proposed new single-family dwelling is designed in a location to retain the existing topography. The location will result in minimal grading activities. See the site plan included as Exhibit 2.

MCC 38.12345(B)(2): The exterior lighting for the proposed building will be directed downward. The included building plan (Exhibit 2) shows the location of the exterior lighting. The design specifications of the exterior lighting (Exhibit 3) show that the lighting is hooded, shielded, and composed of non-reflective and opaque materials.

3. **Site Plan(s) / Building Plan(s):** Prepare your site plan(s) and building plan(s) according to the requirements listed in the ‘Application Checklist’ below and the various permit sections. Please note that additional requirements apply for certain permit types (i.e. GH). The applicable code sections for each permit type outline any additional site plan / building plan requirements. Please make sure that your plan clearly identifies what is existing and what is proposed.
4. **Other Documents:** Prepare all other documents, including those documents listed in the ‘Application Checklist’ below. Make sure your service provider packets include all documents returned to you by the service provider after they complete their review.

APPLICATION SUBMITTAL

Please refer to the checklist below as you prepare to submit your application packet. The following website contains all Application and Service Provider forms: <https://multco.us/landuse/application-materials-and-forms/>.

To submit an application packet, email your materials to LUP-Submittals@multco.us. We will send you a digital invoice via email and you will need to pay with a credit or debit card. Your application is not “submitted” until such time as we receive full payment of your invoice.

Application Checklist		Required	Included
1.	NSA Application Form: signed by the all property owners and the applicant along with the required fee(s).	X	
2.	Narrative: Written narrative providing a clear and complete description of your proposal and specifically addressing each applicable code section. List the code reference you are responding to in your narrative, then your response to that criterion. Applicable criteria you must address in your narrative are previously listed in these notes. Reference in your narrative any supporting documents you are attaching (including required site map) to demonstrate how your proposal meets a particular code criterion.	X	
3.	Scaled Site Plan: The site plan shall be drawn to scale using either an engineer scale (i.e., 1:10 or 1:20) or architect scale (i.e., 1’ = 1/2” or 1’ = 1/8”). The site plan for shall include the following: ☐ Boundaries, dimensions, address and size of the subject parcel;	X	

	☐ Date, north arrow, scale; ☐ Location of watercourses or drainage features on or near the property. ☐ Location, size, and label of all proposed and existing buildings and structures; distances from buildings and structures to property lines (measured to nearest point of the building); and buildings to be removed; ☐ Location of the existing well and septic system (tank, drainfield & replacement field) and storm water system (existing and/or proposed); ☐ Contour lines and topographic features such as ravines or ridges; ☐ Proposed fill, grading, site contouring or other landform changes; ☐ Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas; ☐ Location and width of existing and proposed driveways, and service corridors; ☐ Location of abutting public right-of-way with distances from the right-of-way line to the centerline of the adjoining road; and ☐ Location and width of existing, proposed, and/or altered access points/driveway cuts to the property.		
4.	Floor plans of the buildings to be permitted drawn to scale using either an engineer scale (i.e., 1:10 or 1:20) or architect scale (i.e., 1" = 1/2" or 1" = 1/8"). The floor plans should include dimensions and room use noted, such as kitchen, bathroom, bedroom, garage, etc.	X	
5.	Building/Structure Elevations (side views) drawn to scale using either an engineer scale (i.e., 1:10 or 1:20) or architect scale (i.e., 1" = 1/2" or 1" = 1/8") of new buildings, additions or structures, with all height dimensions, and relationship to existing and finished grade adjacent to the building/structure	X	
6.	Parcel Determination status: Submit copy of current deed for the property & first deed that described the subject property in its current configuration	X	
7.	Septic Review Certification form and site plan signed by the Sanitarian	X	
8.	Fire District Review Form and site plan signed by the Fire Official	X	
9.	Transportation Certification form - Please e-mail Right of Way at row.permits@multco.us or call (503) 988-3582	X	
Type I Permits			
1.	Minimal Impact Project (MIP) Permit (at time of Zoning Review Approval)	?	
2.	Erosion and Sediment Control (ESC) Permit	?	

APPLICATION COMPLETENESS

Once an application is submitted, it will be assigned to a planner. The planner has 30 days, by state law, to determine whether the application is complete. If an application is incomplete, the applicant has 180 days, by state law, to submit the requested additional information to make the application complete. If your application is found to be incomplete, we request that you submit the additional information required in one packet rather than trickling information in. This avoids confusion as to whether or not you intend to submit additional information, and allows us to act on your application more quickly.

ADDITIONAL ASSISTANCE

Please contact staff planner Marisol Cervantes at (503) 988-9452 or *Marisol.Cervantes@multco.us* with any questions regarding your application or the notes. If your planner is out for the day or on vacation, they will respond as soon as they are able when they return. Additional fees may need to be paid after the conclusion of the land use process to ensure compliance with conditions of approval and to allow zoning review of the building plans.

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