



October 8, 2026

Multnomah County Land Use Planning Division
1600 SE 190th Avenue
Portland, Oregon 97233
via email to: LUP-comments@multco.us

Re: ACOM Consulting's application # T3-2026-0007 for a Conditional Use, National Scenic Area Site Review, and Parcel Determination to construct a utility facility consisting of a 140-foot-tall Monopine Wireless Communication Facility utilizing concealment technology, a generator, an equipment cabinet, fencing, a private driveway with an off-street parking area, and associated ground disturbance

To Whom It May Concern:

Friends of the Columbia Gorge ("Friends") has reviewed and submits these comments on the above-referenced application. Friends is a nonprofit organization with approximately 4,500 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

Friends reviews and comments on all land use applications subject to the National Scenic Area provisions of the Multnomah County Code ("MCC"). These comments are intended to identify application requirements and resource protection standards, to provide recommendations to the permitting agency and the public regarding legal requirements, and to establish standing.

Burden of Proof

The Multnomah County Code places the burden of proof on the applicant. MCC § 38.0580. The applicant must submit all necessary supporting documentation and information sufficient to demonstrate compliance with all applicable approval criteria and must prove with that evidence that all applicable approval criteria are or can be met.

Code Compliance

MCC § 38.0560 prohibits the County from making a land use decision 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 any permit approvals previously issued by the County unless:

- It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code; or
- It is necessary to protect public safety; or
- It is for work related to and within a valid easement over, on or under an affected property.

Application Requirements

Under section 38.0600 of the Multnomah County Code (MCC), a complete application is required prior to review. An application must not be accepted until any omissions or deficiencies have been corrected by the applicant. MCC § 38.0600(C). Approval of a land use proposal not accompanied by a complete and adequate application violates the county's scenic area ordinance, denies the public any meaningful opportunity to comment on the proposed development, and results in a decision not based on substantial evidence. Such a decision is subject to reversal, as held by the Gorge Commission unanimously in the *Eagle Ridge* case. CRGC No. COA-S-99-01 (June 22, 2001). It is similarly unlawful for the County to use conditions of approval to defer the submission of complete and adequate application materials. *Eagle Ridge* at 9–10.

Site Plan Map

Each site plan must contain a map of the project area. MCC § 38.0045(A)(2) contains a list of specific elements that must be included in site plan maps. Site plan maps must include the following required elements:

- North arrow
- Map scale
- Boundaries, dimensions, and size of the subject parcel
- Significant terrain features or landforms
- Groupings and species of trees and other vegetation on the parcel
- Location and species of vegetation that would be removed or planted
- Bodies of water and watercourses
- Location and width of existing and proposed roads, driveways, and trails
- Location and size of existing and proposed structures
- Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles, and lines, and outdoor lighting
- Location and depth of all proposed grading and ditching
- Proposed uses in streams, ponds, lakes, and their buffer zones must include the exact boundary of the ordinary high water mark or normal pool elevation and the prescribed buffer zone; and a description of actions that would alter or destroy the stream, pond, lake, or riparian area
- Proposed uses in water resources or water resources buffer zones must include the exact boundary of the water resource and the wetland buffer zone; and a description of actions that would affect the water resource
- New uses located in, or providing recreation river access to, the Columbia River or its fish bearing tributaries must show adjacent river areas at least 1/2 mile upstream and downstream from the project site, the locations at which river access is planned, and the locations of all tribal fishing sites known to the project applicant.
- Proposed uses on parcels contiguous to established recreation sites must provide a buffer between the proposed use and recreation site sufficient to insure that the proposed use will not detract from the use or enjoyment of the recreation site

Elevation Drawings

Pursuant to MCC § 38.0045(A)(3), applications for structures must provide scale elevation drawings showing:

- the appearance of proposed structures, including both natural and finished grade, and

- the geometric exterior of the length and width of structures seen from a horizontal view.

Parcels Visible from Key Viewing Areas

If the project is proposed on a parcel visible from key viewing areas, then under MCC § 38.7035(B)(4) the application must also contain the following for all buildings:

- A written description of the proposed building height, shape, color, exterior building materials, and exterior lighting; and
- A description and illustration of all proposed screening vegetation, including the number, size, species, and exact location of all vegetation.

Without the above-mentioned required information, neither the County nor any other reviewing agency can accurately evaluate the potential impacts of the development. In addition, this information is required in order to afford the public a meaningful opportunity to comment on the proposed development.

Allowed Uses

Review for Legality of Lots

The County must apply the following definition of “parcel” found at MCC § 38.0015 in reviewing the legality of lots:

Parcel – A unit of land created as follows:

- 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;
- 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; or
- 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.

A unit of land must not be considered a separate parcel/lot of record simply because the subject unit of land:

- a. Is a unit of land created solely to establish a separate tax account;
- b. Lies in different counties;
- c. Lies in different sections or government lots;
- d. Lies in different land use or zoning designations; or
- e. Is dissected by a public or private road.

Roads

Construction, reconstruction, or modification of roads must be consistent with all applicable rules throughout MCC Chapter 38, including the resource protection criteria found at MCC sections 38.7000 through 38.7085 (scenic, cultural, natural, and recreational resources). *See* MCC § 38.0015 (definition of “development”).

Residential Zone (GGR)

The proposed project is located in a Residential zone in the General Management Area. MCC §§ 38.3025–.3030 specify which uses are allowed in GMA Residential zones. Utility facilities¹ are a conditional use in Residential zones. SCC § 3030(5). Pursuant to MCC § 38.7300(C):

- The proposed use must be compatible with the surrounding area. Review of compatibility must include impacts associated with the visual character of the area, traffic generation, effects of noise, dust, and odors.
- The proposed use must not require public services other than those existing or approved for the area.

The County must determine based upon the evidence in the record whether all potential project impacts associated with the visual character of the area, traffic generation, effects of noise, dust, and odors are compatible with the surrounding area. Due to the proposed height of the proposed tower, compatibility with the visual character of the area is especially important.

Resource Impact Review

Scenic Resource Protection

MCC § 38.7035 contains the scenic resource protection standards for the General Management Area. Whether or not the parcel is visible from key viewing areas (KVAs), new buildings and roads must be sited and designed to retain existing topography and to minimize grading to the maximum extent practicable. MCC § 38.7035(A)(1).

Key Viewing Areas

According to the Gorge Commission's Seen Areas GIS data layers, the subject parcel may be topographically visible from key viewing areas such as:

- Foreground
 - The Columbia River
 - Interstate 84
 - The Historic Columbia River Highway
- Middleground
 - Beacon Rock
 - Washington State Route 14
- Background
 - Cape Horn
 - The Pacific Crest Trail
 - Multnomah Falls

If so, then the following rules apply:

- New buildings and roads must be sited so that they are visually subordinate to their settings as seen from KVAs. MCC § 38.7035(B)(1). In determining the least visible site, existing topography and

¹ Under MCC § 38.0015 (definition of "Utility facility"), a utility facility is "[a]ny structure which provides for the transmission or distribution of water, sewer, fuel, electricity, or communications."

vegetation must be given priority over artificial means of screening. MCC § 38.7035(B)(2). Conditions may include, and must be applied in the following order of priority:

- Screening by existing topography.
- Siting (location of development on the subject property, building orientation, and other elements).
- Retention of existing vegetation on the applicant's property.
- Design and building materials (color, reflectivity, size, shape, height, architectural and design details and other elements).
- New landscaping on the applicant's property.
- New berms or other recontouring on the applicant's property, where consistent with other applicable provisions. MCC § 38.7035(B)(2).
- New buildings and roads must be sited and designed to minimize visibility of cut banks and fill slopes from KVAs. MCC § 38.7035(B)(7).
- **The County must evaluate all aspects of the development, including size, height, shape, color, reflectivity, landscaping, and siting, to ensure that the development will be visually subordinate to its setting. MCC § 38.7035(B)(2).**
- The County must evaluate the number of KVAs from which the development site is visible; the amount of area of the building site exposed to KVAs; the degree of existing vegetation providing screening; the distance from the building site to the KVAs; and, for linear KVAs such as roads, the linear distance along which the site is visible. MCC § 38.7035(B)(2).
- The County must evaluate the potential cumulative visual effects of the proposed development. MCC § 38.7035(B)(3). This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided. 16 USC 544(a)(3). **Since the visual subordination standard allows some visibility of the development, simply achieving the standard does not guarantee that there will not be cumulative adverse effects.**
- Exterior colors must be dark earth-tones found at the specific site or in the surrounding landscape. Actual specific colors meeting this standard must be proposed in the land use application. Colors that are not expressly approved by a land use decision may not be used. MCC § 38.7035(B)(10).
- Exterior lighting must be directed downward, hooded, and shielded. Hooding and shielding materials must be non-reflective and opaque. MCC § 38.7035(B)(9).

New development must be sited on the parcel in a location that will achieve visual subordination as seen from KVAs, using existing topography and vegetation for screening and applying any necessary design changes before requiring new screening measures.

Landscape Setting

MCC § 38.7035(C) specifies the standards for ensuring compatibility of development with the landscape setting in the GMA. This development is proposed in a Rural Residential landscape setting. Existing tree cover must be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices. If the parcel is visible from KVAs, existing tree cover must be retained and at least half of all new screening trees must be native and coniferous. MCC § 38.7035(C)(3).

Natural Resource Protection

The County must review whether the proposed development would contribute to cumulative adverse impacts to natural resources. MCC §§ 38.7053(C)(f), (D)(e), (E)(h). This includes evaluation of past, present, and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided. 16 USC 544(a)(3).

Water Resources

MCC § 38.7053 contains the standards for projects that may affect streams, ponds, lakes, wetlands, or other riparian areas in the General Management Area. If one or more of these resources is present on or adjacent to the subject parcel, then the applicant must determine the *exact* location of the water resource boundary and the County must verify the accuracy of the applicant's determination. MCC § 38.7053(F). In addition, the following buffer zones apply:

- The width of buffer zones for the following streams, identified by the Environmental Protection Agency in 2019 as priority cold water refuge fish habitat streams: Sandy River, Wind River, Little White Salmon, White Salmon, Hood River, Klickitat River, and Deschutes River, must be 200 feet. MCC § 38.7053(G)(2)(b).
- The width of buffer zones for streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams must be 100 feet. MCC § 38.7053(G)(2)(c).
- The width of buffer zones for intermittent streams, provided they are not used by anadromous or resident fish, must be 50 feet. MCC § 38.7053(G)(2)(d).
- The following buffer zone widths wetlands, lakes and ponds are required by MCC § 38.7053(G)(2)(a):
 - Forest communities: 75 feet
 - Shrub communities: 100 feet
 - Herbaceous communities: 150 feet

Water resource buffer zones must be undisturbed and maintained in their natural condition. MCC § 38.7053(G)(1).

Sensitive Wildlife Resources

MCC § 38.7065 contains the standards for projects in the GMA that may affect sensitive wildlife resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive wildlife area or site. This includes the following areas:

- Bald eagle habitat
- Deer and elk winter range
- Elk habitat
- Mountain goat habitat
- Peregrine falcon habitat
- Pika colony area
- Pileated woodpecker habitat
- Pine marten habitat
- Shallow water fish habitat (Columbia R.)
- Special streams
- Special habitat area

- Spotted owl habitat
- Sturgeon spawning area
- Tributary fish habitat
- Waterfowl area
- Western pond turtle habitat

MCC § 38.7065.

Except uses allowed outright, proposed uses may be allowed within 1,000 feet of a Priority Habitat or sensitive wildlife site, subject to compliance with MCC § 38.7065(C). If the proposed project is within 1,000 feet of one of these areas, the County must transmit the site map to the Oregon Department of Fish and Wildlife, which will review the application to determine the precise locations of wildlife habitat and activities, as well as potential impacts to wildlife areas or sites. As part of its review, ODFW may in its discretion conduct site visits. MCC § 38.7065(C)(1). Oregon white oak may not be removed if practicable alternatives exist. If no practicable alternative exists, a wildlife survey and mitigation plan is required. MCC § 38.7065(C)(8).

Fences

Pursuant to MCC § 38.7065(E), new fences in deer and elk winter range are allowed only where necessary to control livestock or pets, or to exclude wildlife from specific areas, such as gardens. Fenced areas must be the minimum necessary to meet the needs of the project applicant. If the proposed fence is in deer and elk winter range, the top wire must be no more than 42 inches high, the distance between the two top wires must be at least 10 inches apart, the bottom wire must be at least 16 inches above the ground and must consist of smooth wire, stays or braces must be placed between fence posts to create a more rigid fence, and woven wire may not be used as fencing material. Applicants must demonstrate a specific need for any variance from these rules.

Rare Plant Species

MCC § 38.7070 contains the standards for projects in the GMA that may affect sensitive plant resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive plant species. This includes the following plant species:

- species endemic to the Columbia River Gorge and vicinity; and
- species listed as endangered or threatened by federal or state authorities, including the Oregon Biodiversity Information Center.

MCC § 38.7070.

If the proposed project is within 1,000 feet of such a species, the next step is for the applicant to prepare a more detailed site plan map. MCC § 38.7070(C). The County must transmit the more detailed map to the Oregon Biodiversity Information Center, which will review the application to determine if the project could affect sensitive plants. The Center must identify the precise location of the affected plants and must delineate a 200-foot buffer zone to protect these plants. MCC § 38.7070(C). New uses are prohibited within rare plant buffer areas, except for those uses that are allowed outright. MCC § 38.7070(C)(3).

Cultural Resource Protection

MCC § 38.7045 contains the standards for protection of cultural resources in the General Management Area.

The applicant is responsible for preparing a cultural resource reconnaissance survey and report for communications, water, sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances. MCC § 38.7045(A)(1)(f). Reconnaissance surveys and reports for these uses must comply with the standards at MCC § 38.7045(D)(2).

Significant Cultural Resource

If a cultural resource is identified, it must be evaluated for significance. MCC § 38.7045(F). If the resource is determined to be significant, the County must determine whether the project is likely to adversely affect the resource. MCC § 38.7045(I)(2). If an adverse effect is likely, then a mitigation plan must be prepared pursuant to MCC § 38.7045(I)(2).

Historic Resources

MCC § 38.7045 contains the standards for protection of historic resources. Historic surveys are required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are at least 50 years old. MCC § 38.7045(A)(4). The applicant is responsible for conducting historic surveys for all large-scale uses, as defined at MCC § 38.7045(D)(2). MCC § 38.7045(D)(2)(e). The Columbia River Gorge Commission is responsible for conducting historic surveys for all other uses. Historic surveys must contain the following elements:

- a documentation of the location, form, style, integrity, and physical condition of historic buildings and structures
- photographs and maps
- a description of any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures
- detailed architectural drawings and building plans that clearly illustrate all proposed alterations
- copies of all written comments of Indian tribal governments and other interested persons, plus copies of meeting minutes from all consultation meetings.

MCC § 38.7045(D)(3).

Conditions of Approval

All conditions of approval must be entered into the deeds of the affected parcels and registered with the county.

Conclusion

Thank you for this opportunity to comment.

Sincerely,



Steven D. McCoy
Staff Attorney