

# NOTICE OF NSA EXPEDITED DECISION



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

**Case File:** T2-2024-0078

**Applicant** Sharon Domaschofsky, Department of  
State Lands

**Proposal:** NSA Expedited Review for a 14-foot wide and 3-foot tall single arm closure gate in the subject project to help prevent unauthorized vehicle access as unauthorized access is causing damage of the trees, vegetation, soil and water near the Sandy River.

**Location:** N SIDE/ NE JORDAN RD TROUTDALE

**Property ID #** R320667

**Map, Tax lot:** 1N3E25 -00100

**Alt. Acct. #** R943252300

**Base Zone:** Gorge Special Open Space (GSO) / Gorge Special Public Recreation (GSPR)

**Overlays:** Flood Hazard (FH)

**Key Viewing Areas:** Bridal Veil, Columbia River, Crown Point, Historic Columbia River Highway (HRCH), Interstate – 84 (I-84), Larch Mountain Rd., PDX Womens, Rooster Rock, State Route – 14 (SR-14), Sandy River,

**Landscape Setting:** River Bottomlands

**Preliminary Decision:** **Approved with Conditions**

The Planning Director is granting preliminary approval of the development. You have 14 days from the date of this decision to provide comments. If no comments are received, the decision shall become final at the close of business on the 14th day. If substantive written comments are submitted, the Planning Director may modify the decision to address the comments and re-issue it for a 14-day appeal period. Comments must be directed to the applicable approval criteria. *Failure to provide comments during this comment period will preclude a right to appeal.*

**This decision is final at the close of the comment period, unless comments are received. The deadline for providing comments is Tuesday, December 10, 2024 at 4:00 pm.**

**Opportunity to Review the Record:** The complete case file and all evidence associated with this application is available for review by visiting [www.multco.us/landuse/public-notice/](http://www.multco.us/landuse/public-notice/).

**Issued by:** \_\_\_\_\_

Marisol Cervantes, Planner

**For:**

Megan Gibb,  
Planning Director

**Date:** November 26, 2024

## Vicinity Map



## Applicable Approval Criteria:

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

Administration and Procedures: MCC 38.0560 Code Compliance and Applications

Expedited Uses: MCC 38.1010(A)(7) – Road closure gates, MCC 38.2623 GSO Expedited Uses

Expedited Development Review: MCC 38.7100 Expedited Development Review Criteria.

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link **Chapter 38: Columbia River Gorge National Scenic Area**

## Conditions of Approval

1. If, during construction, cultural or historic resources are discovered, the applicant/owner shall immediately cease development activities and inform the Multnomah County Land Use Planning Division, Columbia River Gorge Commission, and the U.S. Forest Service of any discovery pursuant to MCC 38.7045(L) & (M), or MCC 38.7050(H) as applicable. Once halted, construction activities shall not resume until these standards have been satisfied.
2. Approval of this land use permit is based upon the statements made in this application and attached materials. No work shall occur under this permit other than that which is specified in these documents.
3. This permit shall expire if the construction of the development has not commenced within two years of the date of the final decision. Commencement shall have the meaning described in MCC 38.0690(B)(3). The construction of the development and/or structure shall be completed within 2 years of the date of commencement and all conditions of approval met.
4. The gate and posts shall be painted with low reflective or non-reflective Dark Brown paint as specified in Exhibit A.4.

5. The applicant is required to apply for a Type I Floodplain permit for the proposed development including ground disturbance for two posts. [MCC 39.5000]

**Note:** The property owner may request an extension as provided in MCC 38.0700. The request for extension of the time frames listed in MCC 38.0700(D)(1), (D)(2) and (E) shall be submitted in writing before the applicable expiration date.

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

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

## Findings of Fact

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

### 1.0 Project Description:

**Staff:** The applicant (DSL) proposes to install a 14-foot-wide by 3-ft high single arm gate with a post on both sides to help prevent unauthorized vehicle access as unauthorized access is causing damage to the trees, vegetation, soil and water. Unauthorized vehicle access has been occurring at this access point and people have been abandoning vehicles on the edge of the Sandy River requiring Department of State Lands to tow the vehicles out of the water (Exhibit A.3). The gate and post will be painted brown (Exhibit A.4).

### 2.0 Property Description & History:

**Staff:** The proposed development will occur on State Lands. The gate is proposed to be placed in the southeast area of the subject property in the Gorge Special Open Space zoning (Exhibit A.4).

### 3.0 Code Compliance and Applications Criteria:

#### 4.1 § 38.0560 CODE COMPLIANCE AND APPLICATIONS.

**Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit or zoning review approval of development or any other approvals authorized by this code for any property that is not in full compliance with all applicable provisions of the Multnomah County Code and/or any permit approvals previously issued by the County.**

**(A) A permit or other approval, including building permit applications, may be authorized if:**

**\*\*\***

**(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.**

**Staff:** This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

This standard codified in the Columbia River Gorge National Scenic Area Code chapter related to land use application procedures and, by its terms, expressly applies to the application review process. Importantly, a finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not

substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance.

For purposes of the current application, there are no known open compliance cases associated with the subject property, and there is no evidence in the record of any specific instances of noncompliance on the subject property. *Criterion met.*

#### **4.0 Expedited Development Review Criteria**

##### **4.1 MCC 38.7100 EXPEDITED DEVELOPMENT REVIEW CRITERIA**

**(A) Proposed developments reviewed using the expedited review process shall comply with the following resource protection guidelines:**

**(1) Scenic**

**(a) In the General Management Area, the scenic resource protection provisions MCC 38.7100 (A)(1)(b) through (f) shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.**

**Staff:** The application is not located in the General Management Area. Additionally, the property does not include installation of a woven-wire fencing.

**(b) Except signs, the colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval. This guideline shall not apply to additions to existing buildings smaller in total square area than the existing building, which may be the same color as the existing building.**

**Staff:** The gate is proposed to be painted brown, which is a dark earth tone (Exhibit A.4). The applicant proposes a brown color for the gate to meet the Scenic Area criteria and fit into the surrounding landscape. Painting the gate in a dark earth tone will be a condition of approval.

**(c) Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.**

**Staff:** The gate is topographically visible from a number of key viewing areas. The proposed brown color gate will utilize low or non-reflective paint (Exhibit A.2, A.4).

**(d) Any exterior lighting shall be directed downward and sited, limited to no more than 1,000 lumens per fixture, hooded, and shielded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes. Shielding and hooding materials shall be composed of non-reflective, opaque materials.**

**Staff:** The applicant has indicated that no outdoor lights are proposed. This criterion does not apply.

**(e) Signs shall comply with the applicable sign provisions of MCC 38.0080.**

**Staff:** The applicant is proposing signage on the gate to state “no vehicle access” compliant with MCC 38.0080(A)(6), which does not require review.

**(f) Structures within ½-mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident).**

**Staff:** The proposal will be required to meet the Not Visually Evident (SMA only) scenic standard, which means:

**Not visually evident (Special Management Area): “...A description of the relative visibility of a development, structure or use that provides for developments, structures or uses that are not visually noticeable to the casual visitor and the defining landscape setting characteristics appear intact. Deviations may be present but must repeat form, line, color, texture and pattern common to the natural landscape setting so completely and at such scale, proportion intensity, direction, pattern, etc., that it not be noticeable.” [MCC 38.0015 Definitions]**

**Staff:** The project is proposed in the Open Space (GSO) land use designation with a River Bottomlands landscape setting, and is subject to the “Not Visually Evident” standard. Due to the 3’ foot height of the proposed gate, the proposed Brown dark earth tone color, and the proximity of the proposed gate to the tall trees in the park, the proposal complies with the not visually evident standard.

## **(2) Cultural**

**(a) The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey. The GMA Cultural Resources Reconnaissance Survey Criteria in MCC 38.7045(A)(1) – (4) shall be used to determine if a reconnaissance or historic survey is required for a proposed development.**

**(b) The GMA provisions that protect cultural resources in MCC 38.7045(L) and human remains discovered during construction in MCC 38.7045(M) shall be applied as conditions of approval for all development approved under the expedited development review process.**

**Staff:** Although the proposed development is within the Special Management Area, the proposed development meets the cultural review exception of MCC 38.7045(A)(1)(d), as the gate is proposed in already disturbed land by human activities. The GMA provisions that protect cultural resources will be made conditions of approval.

## **(3) Recreation**

**The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.**

**Staff:** The applicant states that the purpose of the closure gate is to prevent unauthorized vehicle access that is causing damage to the trees, vegetation, and reduce potential fire hazards and eliminate the issue of abandoned vehicles. The gate proposal will not detract from the use and enjoyment of the park (Exhibit A.2 & A.4).

## **(4) Natural**

**(a) Water Resources (Wetlands, Streams, Ponds, Lakes, and Riparian Areas)**  
**The development is outside water resources and their buffer. This guideline shall not apply to lot line adjustments or development located inside road,**



**utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.**

**Staff:** The proposed development will occur within the mapped Floodplain and will be conditioned to apply for a Floodplain permit. The gate is to be placed in an area that is not authorized for public vehicles. The gate is to help prevent unauthorized vehicles from entering and disturbing vegetation. (Exhibit A.2, A.4).

**(b) Sensitive Wildlife and Sensitive Plants**

**1. The development meets one of the following:**

**a. The development is at least 1,000 feet from known Priority Habitats or sensitive wildlife sites (excluding sensitive aquatic species, and deer and elk winter range) and known rare plants; or**

**b. The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or**

**c. For sensitive wildlife, the development is within 1,000 feet of known Priority Habitats or sensitive wildlife sites (excluding sensitive aquatic species, and deer and elk winter range), but an appropriate federal or state wildlife agency determines:**

**1) the Priority Habitat or sensitive wildlife site is not active; or,**

**2) the proposed development would not compromise the integrity of the Priority Habitat or sensitive wildlife site or occur during the time of the year when wildlife species are sensitive to disturbance.**

**For rare plants, the development is within 1,000 feet of known rare plants, but the Oregon Biodiversity Information Center or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the rare plants.**

**2. Development eligible for expedited review shall be exempt from the field surveys for sensitive wildlife in MCC 38.7065 (A) or sensitive plants in MCC 38.7070 (A).**

**Staff:** The development meets MCC 38.7100(4)(b)1.b. as it will occur within a roadway.

**(B) Proposed developments reviewed using the expedited review process shall comply with the following treaty rights protection guidelines:**

**(1) Proposed developments shall not adversely affect treaty or other rights of any Indian tribe.**

**(2) The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.**

**(3) Except as provided in MCC 38.7100(B)(2) above, the GMA and SMA treaty rights, and the consultation process discussed in MCC 38.0110 shall not apply to proposed developments reviewed under the expedited review process.**



**Staff:** The proposed project is occurring within an area that has already been disturbed, and the applicant states that will not adversely affect treaty or other right of any Indian tribe. If an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development, the expedited development review process will cease and the proposed development will be required to be reviewed through a full development review process.

## 5.0 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

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

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	09.24.2024
A.2	6	NSA Expedited Review Application Form	09.24.2024
A.3	1	Applicant Code Narrative	09.24.2024
A.4	4	Gate location (site plan), gate color and size	09.24.2024
<b>‘B’</b>	<b>#</b>	<b>Staff Exhibits</b>	<b>Date</b>
B.1	2	Assessment and Taxation Property Information for 1N3E25 - 00100 (Alt Acct#R943252300 / Property ID# R320667)	09.24.2024
B.2	1	Current Tax Map for 1N3E25 -00100	09.24.2024
<b>‘C’</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	9	Preliminary Decision	11.26.2024

# APPLICATION FORM

Land Use Planning Division

T2-2024-0078

Email: [land.use.planning@multco.us](mailto:land.use.planning@multco.us) ▪ Phone (503) 988 – 3043 ▪ [www.multco.us/landuse](http://www.multco.us/landuse)



## Property Information: (Include all properties)

Property Address: Parcel #R943252300 Sandy River Delta, a.k.a. 1000 Acres

Tax Account #(s): \_\_\_\_\_

## Applicant Information:

Printed Name(s): sharon Domaschofsky , for Dept of State Lands

Mailing Address: 775 Summer St

City: Salem State: OR Zip: 97301 Phone: 503-302-1507

Email(s): sharon.k.domaschofsky@dsl.oregon.gov

## Property Owner Information: (Signatures from all property owners are required)

☒ Property Owner(s) or ☐ Contract Purchaser(s) [Include Copy of Signed Contract]

Printed Name(s): Oregon Dept of State Lands , \_\_\_\_\_

Mailing Address: 775 Summer ST

City: Salem State: OR Zip: 97301 Phone: \_\_\_\_\_

Email(s): sharon.k.domaschofsky@dsl.oregon.gov

I, as a property owner grant permission for applicant  
(Applicant Name) to apply for all required applications to complete the proposal in the  
'Application Request' section below.

Signature #1: Sharon

Digitally signed by Sharon  
Date: 2024.09.04 15:40:42 -07'00'

Date: 9/4/24

Signature #2: \_\_\_\_\_

Date: \_\_\_\_\_

**NOTES:** If the property owner is a Corporation, LLC, Non-Profit or other entity that is not an individual, please provide documentation that the person signing for the entity is authorized to sign.

☐ If more than two property owner(s), or if the property owners do not have the same mailing address, attach a signed Letter of Authorization from the additional owner(s). All signatures shall be dated within the last six months.

## Application Request:

What is being proposed for the property (ex: Establish a new single-family dwelling):

Project includes installation of a 14 foot, single arm gate, with a post on both sides. Installation will include digging footings and pouring concrete for the two posts. The footings will not disturb vegetation. Gate to be installed on DSL owned land.

Associated Pre-files/Pre-Application/Land Use Cases: \_\_\_\_\_

**Permit Request:** (Click 'Application Picker' on the portal to find Land Use Planning Applications.)

**Zoning Plan Review**

<input type="checkbox"/> Accessory Structure Registration (# Requested ____)	<input type="checkbox"/> Agricultural Building Review (# Requested ____)	<input type="checkbox"/> Demo Permit Only
<input type="checkbox"/> Minimal Impact Project	<input type="checkbox"/> Storm Water Drainage Control	<input type="checkbox"/> Zoning Plan Review
<input type="checkbox"/> Revision to Zoning Plan Review	<input type="checkbox"/> Other:	

**Modification of WCF**

<input type="checkbox"/> Spectrum Act Wireless Communication Facility Review (Pursuant to Section 6409A)
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**Condition of Approval Verification**

<input type="checkbox"/> Condition of Approval Verification
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**Land Use Compatibility Statement (LUCS)**

<input type="checkbox"/> Land Use Compatibility Statement (LUCS)
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**Type I** (Discuss with a planner if you should submit a Type I at the same time as a Type II/III)

<input type="checkbox"/> Address Assignment / Re-assignment	<input type="checkbox"/> Agricultural Fill Permit	<input type="checkbox"/> Agri-Tourism Permit (One Day Event)
<input type="checkbox"/> Erosion & Sediment Control	<input type="checkbox"/> Farm Stand (Type I)	<input type="checkbox"/> Floating Structure Placement
<input type="checkbox"/> Flood Development	<input type="checkbox"/> Health Hardship Renewal	<input type="checkbox"/> Land Division Final Review
<input type="checkbox"/> Lot Consolidation	<input type="checkbox"/> Lot Legalization (Type I)	<input type="checkbox"/> Marijuana Business
<input type="checkbox"/> PLA Final Review	<input type="checkbox"/> SEC-h (Type I)	<input type="checkbox"/> Time Extension (NSA/CFU/EFU)
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Type A Home Occupation	<input type="checkbox"/> Other:

**Type II Expedited**

<input checked="" type="checkbox"/> NSA Expedited Review	<input type="checkbox"/> NSA Expedited Review – Renewable Energy Systems
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**Type II**

<input type="checkbox"/> Accessory Use	<input type="checkbox"/> Adjustment	<input type="checkbox"/> Admin. Modification of Conditions				
<input type="checkbox"/> Design Review <input type="checkbox"/> Limited Design Review	<input type="checkbox"/> Exception to CFU Secondary Fire Safety Zone	Home Occupations <input type="checkbox"/> Type B <input type="checkbox"/> Non-hearing Type C				
<input type="checkbox"/> Geologic Hazards	<input type="checkbox"/> Health Hardship Permit	<input type="checkbox"/> Forest Development Standards				
<input type="checkbox"/> Home Occupation Renewal (Type B & C)	Land Division <input type="checkbox"/> Category 3 <input type="checkbox"/> Category 4	<input type="checkbox"/> Lot Legalization (Type II)				
<input type="checkbox"/> Lot of Exception	<input type="checkbox"/> Lot of Record (# Requested ____)	<input type="checkbox"/> NSA Major Variance (Non hearing)				
<input type="checkbox"/> NSA Minor Variance (Non hearing)	<input type="checkbox"/> NSA Site Review – Renewable Energy Systems	<input type="checkbox"/> NSA Emergency / Disaster Response Permit				
<input type="checkbox"/> NSA Site Review	<input type="checkbox"/> NSA Parcel Determination	<input type="checkbox"/> NSA Emergency Response for Septic System				
New Forest Dwelling <input type="checkbox"/> Template <input type="checkbox"/> Heritage <input type="checkbox"/> Large Acreage	<input type="checkbox"/> Nonconforming Use	<input type="checkbox"/> Time Extension (Not EFU/CFU/NSA)				
<input type="checkbox"/> Property Line Adjustment	<input type="checkbox"/> Replat	<input type="checkbox"/> Temporary Permit				
<input type="checkbox"/> SEC	<input type="checkbox"/> SEC-h	<input type="checkbox"/> SEC-s	<input type="checkbox"/> SEC-sw	<input type="checkbox"/> SEC-v	<input type="checkbox"/> SEC-w	<input type="checkbox"/> SEC-wr
<input type="checkbox"/> Willamette River Greenway		<input type="checkbox"/> Planning Director Decision:				

**Type III / Type IV**

<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Community Service Cond. Use	Land Division <input type="checkbox"/> Category 1 <input type="checkbox"/> Category 2
<input type="checkbox"/> Variance	<input type="checkbox"/> Type IV Quasi-Judicial Plan Revision	<input type="checkbox"/> Type IV Quasi-Judicial Zone Change
<input type="checkbox"/> Other:		

# NSA EXPEDITED REVIEW

## Road / Utility Application



1600 SE 190<sup>th</sup> Ave. Portland, OR 97233-5910 ▪ Phone (503) 988 – 3043 ▪ [www.multco.us/landuse](http://www.multco.us/landuse)

Work in Road Right of Way (R.O.W): ☐ State ☐ County Permit # \_\_\_\_\_

Name of R.O.W./Street: Sandy River Delta, a.k.a. 1000 Acres

Nearest Address: \_\_\_\_\_ Nearest Cross Street: Jordan Road (Troutdale)

### PROPOSED DEVELOPMENT (check all that apply)

- ☒ **Road Closure Gates** Length 14' Height 3' ft.
- ☐ **New traffic detection devices, vehicle weighting devices, or signal boxes.** *(Does not include signs.)*  
Size \_\_\_\_\_ (120 sf max) Height \_\_\_\_\_ ft. (12 ft. max)
- ☐ **New traffic barriers, guardrail ends, wire strand or woven wire access control fences.**  
*(Does not include jersey barriers.)*
- ☐ **Pave existing dirt/gravel roads.** (All work to occur in road prism.)
- ☐ **Air, weather, water or similar research & monitoring facility attached to existing structure**  
Size \_\_\_\_\_ (120 sf max) Height \_\_\_\_\_ ft. (12 ft. max)
- ☐ **New underground utility facility located inside road, utility, or railroad rights-of-way or previously disturbed easement.** *(Except in the GSA zone.)* Ditch Width \_\_\_\_\_ (36 in. max)  
Amount of excavation for non-linear facilities \_\_\_\_\_ (20 cubic yds. Max)
- ☐ **Trail Reconstruction.** May include up to 1,000-foot reroute.
- ☐ **Decommission non-paved road:** Includes ripping road surface, barriers, revegetation
- ☐ **Develop new or modify existing aboveground/overhead utility facilities**  
Size \_\_\_\_\_ (120 sf max) Height \_\_\_\_\_ ft. (12 ft. max)
- ☐ **Replace existing aboveground/overhead utility facilities in the same location and no more than 15% larger than the existing facilities.**
- ☐ **New antennas/support structures necessary for public service on existing wireless communication poles and towers if size is minimum necessary to provide the service.**
- ☐ **Outdoor lights** ☐ **Other:** \_\_\_\_\_

### Submittal Requirements (see MCC 38.0035):

- ☐ **Completed and Signed NSA Application Form**, including applicable Key Viewing Areas.
- ☐ **Elevation Drawings**, if the development is topographically visible from Key Viewing Areas. Drawings must be drawn to scale, show the appearance of proposed structures, include natural & finished grade, and the geometrical exterior of at least the length and width of structures as seen from a horizontal view.

- ☐ **Plans, drawn to scale.** The map shall include the following 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; and
  - ☐ Location and depth of all proposed grading and ditching.
  - ☐ Proposed uses in streams, ponds, lakes, and their buffer zones shall 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 their buffer zones shall include the exact boundary of the water resource, ordinary high water mark, or normal pool elevation, and their buffer zone; and a description of actions that would affect the water resource.
  - ☐ Proposed uses on parcels contiguous to established recreation sites shall 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.
  - ☐ New uses located in, or providing recreation river access to, the Columbia River or its fish bearing tributaries shall include the following supplemental information:
    1. The site plan shall show adjacent river areas at least 1/2 mile upstream and down-stream 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.
    2. The site plan text shall include an assessment of the potential effects that new uses may have on Indian treaty rights. The assessment shall:
      - a. Describe the type of river access and uses proposed, estimated period when the development would be used, and anticipated levels of use (people, boats, and other uses) during peak-use periods.
      - b. List tribal commercial fishing seasons in the project vicinity, as established by the four Columbia River treaty tribes.
      - c. List tribal ceremonial fishing seasons in the project vicinity.
      - d. Based on the above factors, assess the potential effects that the proposed uses may have on Indian treaty rights.

**Supplemental information will be required for:**

- Forest practices in the Special Management Areas,
- Production and development of mineral resources in the General Management Area,
- Proposed uses visible from Key Viewing Areas,
- Proposed uses located near cultural resources, wetlands, streams, ponds, lakes, riparian areas, sensitive wildlife habitat, and rare and sensitive plant sites.

## 1.0 Project Description:

**Applicant:**

Project includes installation of a 14 foot, single arm gate, with a post on both sides. Installation will include digging footings and pouring concrete for the two posts.

The footings will not disturb vegetation.

## 2.0 Property Description:

**Applicant:**

The gate will be centered on a point at Latitude 45.548890° North, Longitude 122.384646° West, in the northeast quarter of Section 25, Township 1 North, Range 3 East, Willamette Meridian, in Multnomah County, Oregon,

This property is located west of the US Forest Service land and east and south of the Sandy River, with Interstate 84 and Jordan road to the south, but not intersecting or connecting to the property.

Entire property is appx 50 acres. There are no permanent structures or improvements on this property.

## MCC 38.7100 EXPEDITED DEVELOPMENT REVIEW CRITERIA

**(A) Proposed developments reviewed using the expedited review process shall comply with the following resource protection guidelines:**

**(1) Scenic**

**(a) In the General Management Area, the scenic resource protection provisions MCC 38.7100**

**(A)(1)(b) through (f) shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.**

**Applicant:**

This project does not include installation of woven-wire fencing.

**(b) Except signs, the colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. This guideline shall not apply to additions, which may match the color of existing buildings.**

**Applicant:**

This gate paint color will be earth-tones similar to what is found at this specific site or the surrounding landscape.

**(c) Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.**

**Applicant:**

This project will not include any built structures, except the gate and will not obscure visibility of key viewing. Paint finishes on the gate will be earth tone and have no reflective building materials like roofing, gutters, vents or chimneys.

**(d) Outdoor lights shall be directed downward and sited, hooded, and shielded such that they are not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.**

**Applicant:**

No lights are being installed as part of this project.

**(e) Signs shall comply with the applicable sign provisions of MCC 38.0080.**

**Applicant:**

Signs will be posted on gate stating no vehicle access and will comply with MCC 38.0080.

**(f) Structures within ½-mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and/or designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident). (Please ask a planner which standard applies to your project.)**

**“Visually Subordinate:** A description of the relative visibility of a development, structure or use where that development, structure or use does not noticeably contrast with the defining landscape setting characteristics, as viewed from a specified vantage point (generally a key viewing area, for the Management Plan), and the setting appears only slightly altered (distinctive characteristics of that setting remain dominant). As opposed to development, structures or uses that are fully screened, structures that are visually subordinate may be partially visible but would be difficult to discern to the common viewer. Visually subordinate development, structures, or uses as well as forest practices in the SMAs shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of scale, proportion, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.

**“Not Visually Evident (SMA only):** A description of the relative visibility of a development, structure or use that provides for developments, structures or uses that are not visually noticeable to the casual visitor and the defining landscape setting characteristics appear intact. Deviations may be present but must repeat form, line, color, texture and pattern common to the natural landscape setting so completely and at such scale, proportion intensity, direction, pattern, etc., that it not be noticeable.” [MCC 38.0015]

**Applicant:**

The gate will be Visually Subordinate. It will align with the required color scheme of the Historic Columbia River Highway and will resemble other closure gates within the management area.



**(2) Cultural**

**(a) The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey. The GMA Cultural Resources Reconnaissance Survey Criteria in MCC 38.7045(A)(1), (2), and (3) shall be used to determine if a reconnaissance and/or historic survey is required for a proposed development.**

**(b) The GMA provisions that protect cultural resources in MCC 38.7045(L) and human remains discovered during construction in MCC 38.7045(M) shall be applied as conditions of approval for all development approved under the expedited development review process.**

**Applicant:**

This project will abide by all provisions that protect cultural resources and human remains discovered during construction. DSL has Cultural Resource Staff available in case of inadvertent discoveries.

**(3) Recreation**

**The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.**

**Applicant:**

This project will not detract from the use or enjoyment of established adjacent recreation sites.

DSL has documented issues with unauthorized access causing damage to the trees, vegetation, soils and water. This gate will help prevent unauthorized vehicle access, will help preserve and protect the land, water, and vegetation, reduce potential fire hazards and eliminate the issue of abandoned vehicles.

**(4) Natural**

**(a) Wetlands, Streams, Rivers, Ponds, and Lakes**

**The development is outside buffer zones for wetlands, streams, rivers, ponds, and lakes. This guideline shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.**

**Applicant:**

This gate does not impact any wetlands, streams, rivers, ponds, and lakes or their corresponding buffer zones. It is intended to help protect these resources.

**(b) Sensitive Wildlife and Sensitive Plants**

**1. The development meets one of the following:**

- a. The development is at least 1,000 feet from known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range, and turkey habitat) and known sensitive plants; or**
- b. The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or**
- c. For sensitive wildlife, the development is within 1,000 feet of known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range and turkey habitat), but an appropriate federal or state wildlife agency determines**
  - 1) the sensitive wildlife area or site is not active; or**
  - 2) the proposed development would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.**

**For sensitive plants, the development is within 1,000 feet of known sensitive plants, but the Oregon Natural Heritage Program or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the sensitive plants.**

**2. Development eligible for expedited review shall be exempt from the field surveys for sensitive wildlife in MCC 38.7065 (A) or sensitive plants in MCC 38.7070 (A).**

**Applicant:**

This gate is within areas that have been previously disturbed, there will be no new disturbances. The existing path is not within 1,000 feet of Priority Habitat or sensitive wildlife areas and sensitive wildlife sites

The gate will be located on State owned land and will be maintained by the State.

**(B) Proposed developments reviewed using the expedited review process shall comply with the following treaty rights protection guidelines:**

- (1) Proposed developments shall not adversely affect treaty or other rights of any Indian tribe.**
- (2) The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.**
- (3) Except as provided in MCC 38.7100(B)(2) above, the GMA and SMA treaty rights, and the consultation process discussed in MCC 38.0110 shall not apply to proposed developments reviewed under the expedited review process.**

**Applicant:**

This project will not adversely affect treaty or other rights of any Indian tribe and will comply with any applicable treaty rights protection guidelines.

**Sorry, not sure what to include on this document.**

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## **CODE NARRATIVE**

### **Introduction:**

The entirety of this Project includes installation of one 14-foot, single arm gate, with a post on both sides. Installation will include digging footings and pouring concrete for the two posts.

The footings will not disturb vegetation as they will be located in ground that is vacant of any vegetation.

### **Purpose:**

DSL has documented issues with unauthorized access causing damage to the trees, vegetation, soil and water. This gate will help prevent unauthorized vehicle access, will help preserve and protect the land, water, and vegetation, reduce potential fire hazards and eliminate the issue of abandoned vehicles.

### **Variance Requested**

This property is located within the NSA area of the Sandy River Delta. Multnomah code § 38.0000 was used to determine appropriate location and material finish.

### **Adjacent Properties**

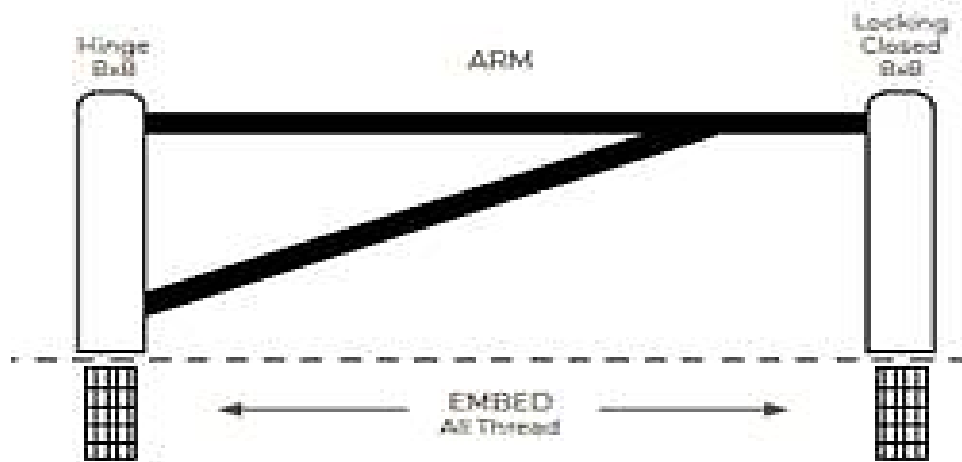
This property shares a west property line with the US Forest Service land and borders east and south of the Sandy River, with Interstate 84 and Jordan road to the south, but not intersecting or connecting to the property.

### **Other Applications**

No other applications were submitted.

**Brown GATE** 14 foot, single swing

*Similar* to this (but brown):



**Not yellow – finishes will  
be BROWN**

**Hinge Post, Park Gate**

- 8' x 8'
- Paint: AE Safety Yellow
- Product Number: 713-101-003

**Locking Post, Closed**

- 8' x 8'
- Paint: AE Safety Yellow
- Product Number: 713-102-003

**Embed for 8' x 8' Post Park Gate**

- Galvanized All-Thread and Hardware, Primed Template
- Primer: Red Oxide
- Product Number: 713-110-002

**Crosspiece / Gate Arm**

- Paint: AE Safety Yellow
- Product Number: /303.02

## Exhibit A.4

Gate will be installed on State land in a location that is not meant to be accessed.



Gate location 45.545099, -122.383194

This property is located west of the US Forest Service land and east and south of the Sandy River, with Interstate 84 and Jordan road to the south.

This property is restricted from vehicle access or camping.

No vegetation will be removed or damaged during installation.

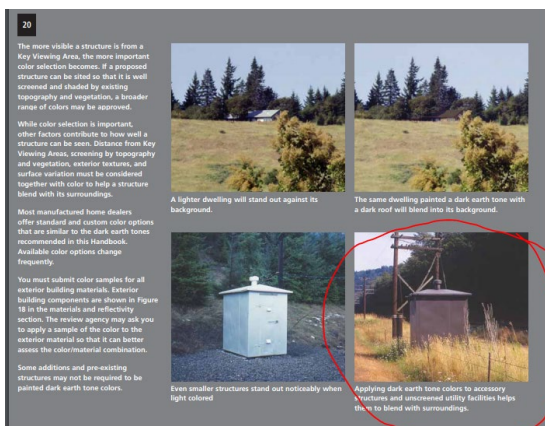
This gate is necessary to restrict access by unauthorized vehicles. Unauthorized vehicles are causing damage to vegetation, increase fire risk and are often abandoned.

### **Some of the DSL partners;**

- US Forest Service

- Oregon Parks and Recreation
- Multnomah Co HOPE and Sheriff
- Multnomah Co Joint Office of Homeless Services
- Metro RID
- Friends of Sandy River Delta

## COLOR:

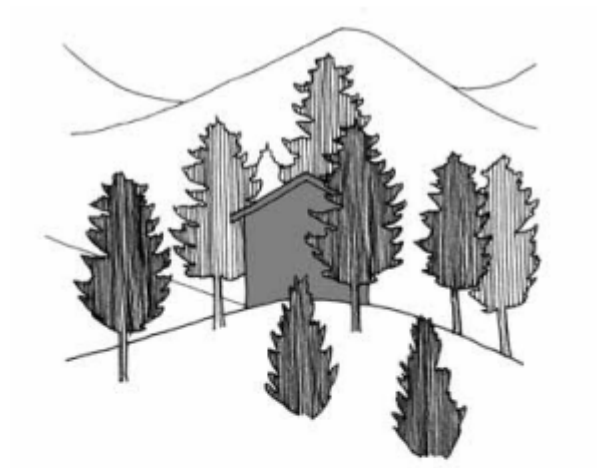


From the Building in the Scenic Area Handbook. Columbia River Gorge Commission

[https://www.gorgecommission.org/images/uploads/amendments/Scenic\\_Handbook\\_-\\_FINAL\\_12-05.pdf](https://www.gorgecommission.org/images/uploads/amendments/Scenic_Handbook_-_FINAL_12-05.pdf)



The gate will be visually subordinate



**Visually Subordinate**

Development is visible but not what you see first or remember best about the landscape.

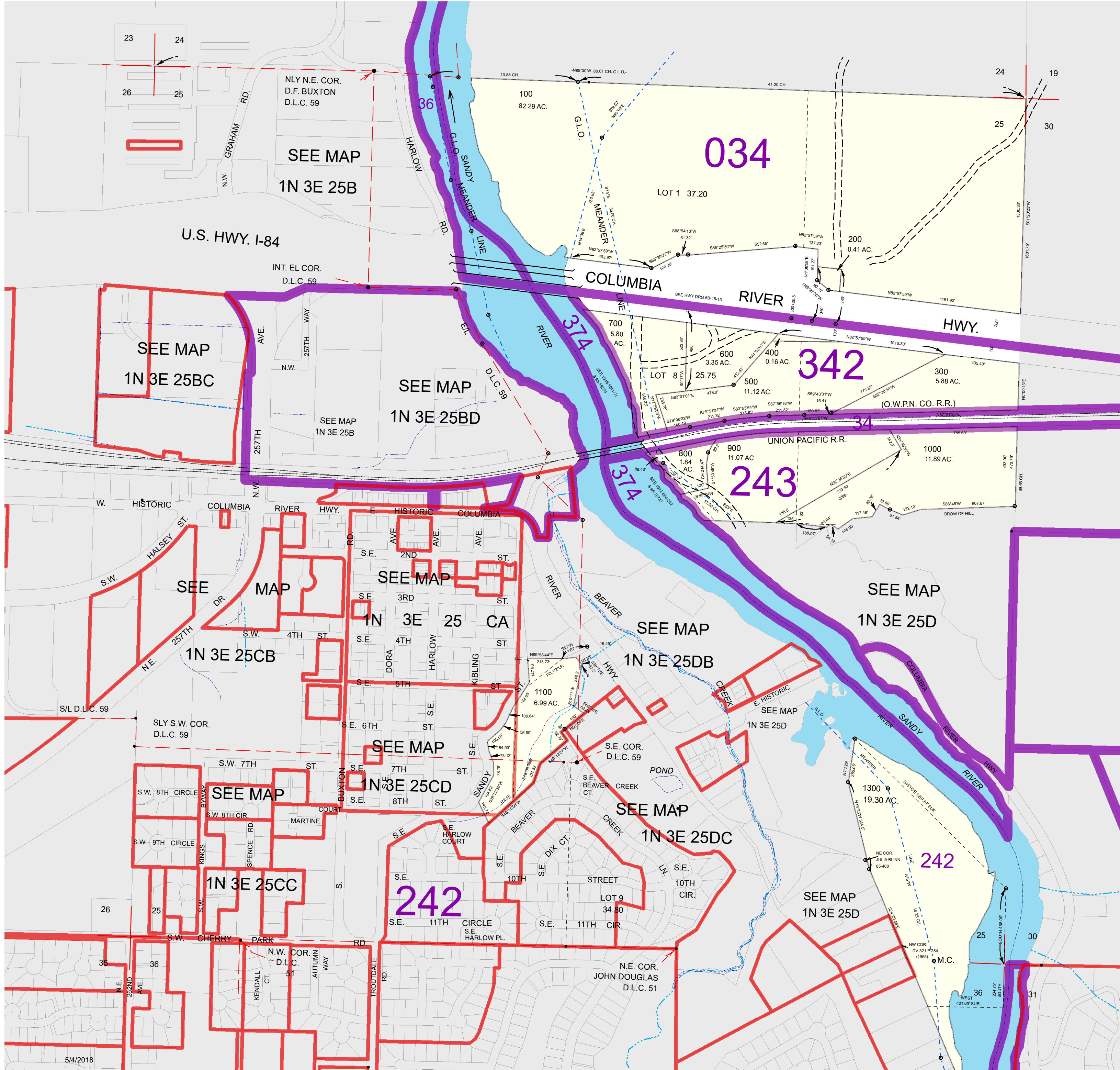
Applied in the General Management Area and to most private land in the Special Management Area.



SECTION 25 T.1N. R.3E. W.M.  
MULTNOMAH COUNTY  
1" = 400'

1N 3E 25  
TROUTDALE

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY



1N 3E 25  
TROUTDALE