

NOTICE OF NSA DECISION



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

Case File: T2-2025-0049

Applicant: Shelly Koetje and Lukas Koetje

Proposal: Request for a Parcel Determination and National Scenic Area (NSA) Site Review. A Parcel Determination determines if a property was lawfully established in compliance with zoning and land division laws at the time of its creation or reconfiguration. The NSA Site Review is to construct a new single-family dwelling with an accessory renewable energy system (roof mount photovoltaic) to replace an existing single-family dwelling, convert the existing single-family dwelling into an accessory building, remove an accessory building, construct an accessory structure (septic system), and ground disturbance relating to an access easement private driveway.

Location: 34017 NE Mershon Rd, Corbett

Property ID # R322540

Map, Tax lot: 1N4E33AA -00300

Alt. Acct. # R944330490

Base Zone: Gorge General Agriculture (GGA-20)

Overlays: Geologic Hazards (GH)

Key Viewing Areas: Bridal Veil State Park, Columbia River, Historic Columbia River Highway (including the Historic Columbia River Highway State Trail), Highway I-84 (including rest stops), Larch Mountain Road, Washington State Route 14

Landscape Setting: Coniferous Woodlands, Pastoral, Rural Residential in Pastoral

Determination: The subject property known as 1N4E33AA -00300 is a Parcel in its current configuration.

Decision: Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Monday, June 1, 2026 at 4:00 pm.

Issued by:

A handwritten signature in black ink, appearing to read "Rithy Khut".

Digitally signed by Rithy Khut
DN: cn=Rithy Khut, o=Multnomah
County, ou=Department of Community
Services, email=rithy.khut@multco.us,
c=US

Rithy Khut, Senior Planner

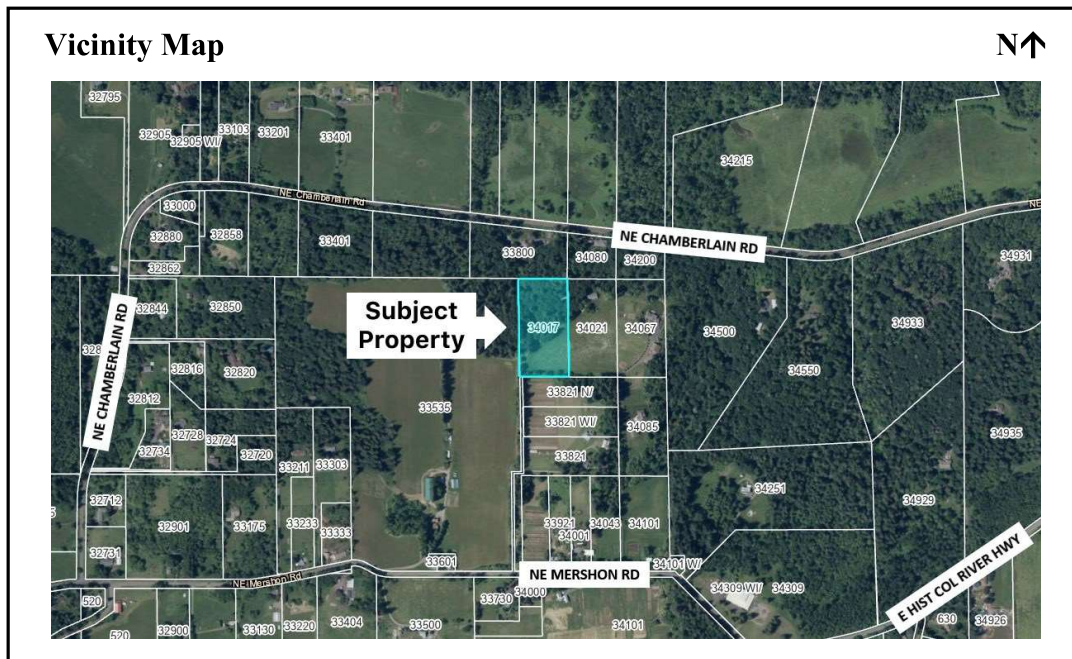
For: Megan Gibb,
Planning Director

Date: Monday, May 18, 2026

Instrument Number for Recording
Purposes: # 2024-077884

Opportunity to Review the Record: The complete case file and all evidence associated with this application is available for review by contacting LUP-comments@multco.us. Paper copies of all documents are available at the rate of \$0.71/page.

Opportunity to Appeal: The appeal form is available at www.multco.us/landuse/application-materials-and-forms. Email the completed appeal form to LUP-submittals@multco.us. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. This decision is not appealable to the Columbia River Gorge Commission until all local appeals are exhausted.



Applicable Approval Criteria:

Multnomah County Code (MCC): General Provisions: MCC 38.0015 Definitions, MCC 38.0030 Existing Uses and Discontinued Uses, MCC 38.0060 Agricultural Buffer Zones, MCC 38.0110 Tribal Treaty Rights and Consultation

Administration and Procedures: MCC 38.0560 Code Compliance and Applications

Gorge General Agriculture – 20 (GGA-20): MCC 38.2225(4) - Accessory structures..., MCC 38.2223(A)(10) Review Uses - On lands designated GGA–20, a single family dwelling on any legally created and existing parcel, MCC 38.2025(A)(22) Review Uses - Solar, photovoltaic...alternative energy production facilities..., MCC 38.2260 Dimensional Requirements, MCC 38.2290 Access

NSA Site Review Criteria: MCC 38.7015 Application for NSA Site Review..., MCC 38.7035 GMA Scenic Review Criteria, 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

Special Uses: MCC 38.7390 Renewable Energy Production

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

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. **Permit Expiration** – This land use permit shall expire as follows:
 - a. Within **two (2) years** of the date of the final decision when construction has not commenced. [MCC 38.0690(B)]
 - i. For the purposes of 1.a, commencement of construction shall mean actual construction of the foundation or frame of the approved structure, a single-family dwelling.
 - ii. For purposes of 1.a, notification of commencement of construction shall be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to the date of commencement. Notification shall be sent via email to LUP-submittals@multco.us with the case no. T2-2025-0049 referenced in the subject line. [MCC 38.0660(A)]
 - b. Within **two (2) years** of the date of commencement of construction when the structure has not been completed. [MCC 38.0690(B)]
 - i. For the purposes of 1.b, completion of the structure shall mean completion of the exterior surface(s) of the structure, a single-family dwelling and compliance with all conditions of approval in the land use approval.
 - ii. For purposes of 1.b, the property owner shall provide building permit status in support of completion of exterior surfaces of the structure and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to LUP-submittals@multco.us with the case no. T2-2025-0049 referenced in the subject line. [MCC 38.0660(A)]

Note: Expiration of the permit is automatic. Failure to give notice of expiration shall not affect the expiration of this approval. The property owner may request one (1) 12-month extension to the timeframe within which this permit is valid, as provided under MCC 38.0700, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period. [MCC 38.0700]

2. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit this is inconsistent with these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein. [MCC 38.0660(B)]
3. **Prior to submitting Building Plans for Zoning Review**, the property owners or their representative shall:
 - a. Record pages 1 through 6 and Exhibits A.3, A.29 (Sheet 1 through 5), and A.33 of this Notice of Decision with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 38.0670]
 - b. Acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to assist you. The signed document shall be submitted and uploaded when submitting Building

Plans for Zoning Review and Review of Conditions of Approval. [MCC 38.0660(A) & (B)]

4. **When submitting Building Plans for Zoning Review**, the property owner(s) or their representative shall:
 - a. Provide a Letter of Acknowledgement and recorded Notice of Decision as required in Condition 3.a through 3.b. [MCC 38.0660(A) & (B)]
 - b. Demonstrate compliance with the County's Ground Disturbing Activity regulations by either providing an approved Erosion and Sediment Control (ESC) permit or submitting the required materials to qualify for a Minimal Impact Project (MIP) permit. [MCC 38.0560 and MCC 39.6210]
 - c. Submit final site and design plans of the single-family dwelling:
 - i. If the location of the single-family dwelling is changed, the dwelling shall be located a minimum of:
 1. 300 from the north property line;
 2. 100 from the east property line;
 3. 100 from the south property line; and
 4. 15 feet from the west property line. [MCC 38.0060 and MCC 38.0660(A)]
 - ii. The exterior lighting plan shall show the use of a light fixture that is sited in a location that prevents the lights from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape. The lighting fixtures shall be directed downward, limited in intensity, shielded, and hooded. [MCC 38.7035(B)(9)]
 - iii. The exterior surfaces of the dwelling and exterior lighting shall be as described and shown in Exhibits A.3, A.11-A16, A.28-A.29, and A.31-A.33. [MCC 38.7035(B)(1)-(2), (B)(8)-(10), and MCC 38.7390(A)(3)]
 1. Any changes to the final design plan of the exterior of the single-family shall meet the recommendations of the *Scenic Resources Implementation Handbook*.
 - a. If changes to the materials used for the exterior are proposed, the materials shall be composed of non-reflective materials or materials with low reflectivity.
 - b. If changes to the exterior colors of the dwelling are proposed, the color shall match Row A, B, or C in the *Scenic Resources Implementation Handbook*.

Note: Land Use Planning must sign off on and stamp the building plans before you can go to the Building Department.

5. **Prior to and during construction**, the property owner(s) or their representative shall:
 - a. Put into action the following procedures, if any Cultural Resources and/or Archaeological Resources are located or discovered on the property during this project, including but not limited to finding any evidence of historic campsites, old burial grounds, implements, or artifacts. Additionally, all survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and the SHPO. Native American tribal governments shall also receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.:

- i. Halt Construction - All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - ii. Notification - The project applicant shall notify the County Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Native American tribal governments within 24 hours. Procedures required in MCC 38.7045(L) shall be followed.
 - iii. Survey and Evaluation - The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from Oregon State Historic Preservation Office (SHPO) (see ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045(C)(2) and MCC 38.7045(E).
 - iv. Mitigation Plan - Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045(J). Construction activities may recommence when the conditions in the mitigation plan have been executed. [MCC 38.7045(B)(1) and 38.7045(L)]
 - b. Put into action the following procedures, if human remains are discovered during excavation or construction (human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts):
 - i. Halt Activities - All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
 - ii. Notification - Local law enforcement officials, the Multnomah County Planning Director, the Gorge Commission, and the Native American tribal governments shall be contacted immediately.
 - iii. Inspection - The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
 - iv. Jurisdiction - If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.
 - v. Treatment - Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, Chapter 97.740 to 97.760.
 - 1. If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report standards of MCC 38.7045(I).
 - 2. The plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the standards of MCC 38.7045(J) are met and the mitigation plan is executed. [MCC 38.7045(B) and MCC 38.7045(M)]
- 6. **Within three (3) months of the completion of the single-family dwelling**, the property owner(s) or their representative(s) shall:
 - a. Provide photographic evidence that the existing manufactured dwelling has been removed. Photographs shall be sent to LUP-submittals@multco.us with the case no. T2-2025-0049 referenced in the subject line. [MCC 38.0660(A) and MCC 38.2225(A)(10)]

7. **As an on-going condition**, the property owner(s) shall:
 - a. Be responsible for the proper maintenance and survival of planted trees as shown in Exhibit B.8. [MCC 38.7035(A)(4); MCC 38.7035(B)(2), (5), and (6); and MCC 38.7035(C)(1), (3), and (4)]
 - i. If trees are removed due to death, disease, or safety purposes (i.e. to prevent or mitigate significant loss or damage to life, health, property, or essential public services), they shall be replaced at a ratio of 1:1.
 1. If more than one tree is removed, for all newly planted trees:
 - a. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.
 - b. At least half of any trees planted shall be species native to the either the Coniferous Woodlands or Pastoral landscape setting.
 2. Any trees planted shall meet the minimum recommended sizes outlined in *Scenic Resources Implementation Handbook* for tree plantings (based on average growth rates expected for recommended species)
 3. If replacement trees do not survive, they shall be replaced in the next growing season.
 - b. Direct all exterior lighting downward such that it is not highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting. The exterior lighting fixtures shall be limited in intensity. Shielding and hooding shall be composed of non-reflective and opaque materials. [MCC 38.7035(B)(2) and (9)]

Note: Land Use Planning must sign off on the building plans before you can go to the Building Department. When ready to submit Building Plans for Zoning Review, complete the following steps:

1. Read your land use decision and the conditions of approval. Modify your plans, if necessary, to meet any condition that states, “**Prior to submitting Building Plans for Zoning Review...**” Be ready to demonstrate compliance with the conditions.
2. You will need to provide a copy of your Transportation Planning Review (TPR) sign-off with your building plans. If you have not yet received sign-off, visit the following webpage for instructions on how to request a review of your plans: <https://www.multco.us/planreview>. Failure to obtain TPR sign-off of your plans will result in delaying your zoning review.
3. Contact the City of Portland Permitting & Development: On-site Sanitation at 503-823-6892 or e-mail septic@portlandoregon.gov for information on completing the Septic Permit or Evaluation process for the proposed development. All existing and/or proposed septic system components (including septic tank and drainfield) must be accurately shown on the site plan.
4. Visit <https://www.multco.us/landuse/submitting-building-plan> for instructions regarding the submission of your building plans for zoning review and review of conditions of approval. Please ensure that any items required under, “**When submitting Building Plans for Zoning Review...**” are ready for review. Land Use Planning collects additional fees at the time of zoning review.

Once you have obtained an approved zoning review, application for building permits may be made with the City of Gresham.

Notice to Mortgagee, Lien Holder, Vendor, or Seller:
 ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

Findings of Fact

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

1.0 Project Description:

Staff: The applicant requests a Parcel Determination and National Scenic Area (NSA) Site Review. A Parcel Determination determines if a property was lawfully established in compliance with zoning and land division laws at the time of its creation or reconfiguration. The NSA Site Review is to construct a new single-family dwelling with an accessory renewable energy system (roof mount photovoltaic) to replace an existing single-family dwelling, convert the existing single-family dwelling into an accessory building, remove an accessory building, construct an accessory structure (septic system), and ground disturbance relating to an access easement private driveway.

2.0 Property Description & History:

Staff: This application is for 34017 NE Mershon Rd, Corbett. The subject property is located on the north side of which Mershon Road in unincorporated east Multnomah County outside of Metro’s Urban Growth Boundary (UGB) and within the Columbia River Gorge National Scenic Area (NSA). The subject property is zoned Gorge General Agriculture (GGA-20) and has one (1) overlay, Geologic Hazards (GH).

The property is occupied by manufactured dwelling and “shed” according to the County Assessor. The dwelling was first assessed in 1977. The subject property is approximately 5.00 acres. The most current aerial photo shows a heavily forested property with one structure/building located in the northeastern portion of the property (Exhibit B.3). This is the previous land use/building permit associated with the property.

Permit No.	Date	Description
#840743	May 25, 1984	State approved mobile home

3.0 Public Comment:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties pursuant to MCC 38.0530 (Exhibit C.5). Staff did receive comments during the 21-day comment period and did receive comments regarding Cultural Resources during the 30-day comment period.

3.1 Cultural Resource Survey Determination from Christopher Donnermeyer, Heritage Program Manager on behalf of the United States Department of Agriculture: Forest Service (“USFS”) - Columbia River Gorge National Scenic Area (Exhibit D.1)

Staff: Christopher Donnermeyer sent a Cultural Resource Survey Determination on behalf of the USFS on October 24, 2025. The Survey stated that, “A Cultural Resource Survey is: Not Required” and “A Historic Survey is: Not Required.”

3.2 Letter from Marilyn Kirkham and Douglas Van Patten, neighbors at 34021 NE Mershon Rd. (Exhibit D.2)

Comment: Marilyn Kirkham and Douglas Van Patten submitted a letter on February 23, 2025. The letter identified a code section about farm uses and highlighted concerns relating to re-routing of the access easement private driveway, conversion of usable agricultural land, and agricultural buffers. They also had questions about water and electrical availability.

Staff: The code citation provided in MCC 38.2200 is a purpose statement and not an approval criterion. The second code citation provided in MCC 38.2225(A)(12) is for the construction, reconstruction or modifications of roads. That approval criteria relates to public right-of-way like streets, highways, and alleys. The applicant is proposing changes to an access easement private driveway, which is not a road. The last code citation of MCC 38.7300(A) is not applicable to this permit.

3.3 Letter from the Trustee of the Steif Trust, neighbor at 33821 NE Mershon Rd. (Exhibit D.3)

Comment: The Trustee submitted a letter on February 26, 2026. The letter discussed soils on the property, and highlighted concerns relating to conversion of farm land and identified a code section about roads. The letter also express concerns about impacts to farming, construction impacts, and use of the existing access easement private driveway.

Staff: The code citation provided in MCC 38.220 is a purpose statement and not an approval criterion. The second code citation provided in MCC 38.2225(A)(12) is for the construction, reconstruction or modifications of roads. That approval criteria relates to public right-of-way like streets, highways, and alleys. The applicant is proposing changes to an access easement private driveway, which is not a road.

3.4 Letter from Steven D. McCoy, Staff Attorney, Friends of the Columbia Gorge (Exhibit D.4)

Staff: Steven D. McCoy submitted a letter on March 3, 2026 on behalf of the Friends of the Columbia Gorge (“Friends”). The letter contained comments intended to identify application requirements, procedural requirements, resource protection standards, and provide recommendations to the County and the public regarding legal requirements.

4.0 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.*

5.0 Parcel Criteria:

5.1 § 38.0015 DEFINITIONS

Parcel:

- (a) Any unit of land legally created by a short division, partition, or subdivision, that was legally recognized under all state laws and local ordinances in effect on November 17, 1986. A unit of land that is eligible for consolidation as provided in the Management Plan shall not be considered a parcel.**
- (b) Any unit of land legally created and separately described by deed, or sales contract, or record of survey prior to November 17, 1986, if the unit of land complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986.**
- (c) A unit of land legally created and separately described by deed or sales contract after November 17, 1986 if the unit was approved under the Final Interim Guidelines or a land use ordinance consistent with the Management Plan, or by the U.S. Forest Service Office prior to the Final Interim Guidelines.**
- (d) A unit of land shall not be considered a separate parcel simply because it:**
 - 1. Is a unit of land created solely to establish a separate tax account;**
 - 2. Lies in different counties;**
 - 3. Lies in different sections or government lots;**
 - 4. Lies in different zoning designations; or**
 - 5. Is dissected by a public or private road.**

Staff: To qualify as a “Parcel,” the subject property, when created or reconfigured needs to meet the definition above and demonstrate that the subject property satisfied all applicable zoning laws and satisfied all applicable land division laws. The applicant provided 5 deed(s) to support the Parcel Determination request (Exhibit A.20 through A.24).

The earliest deed provided was recorded/in recordable form in 1946 and contains a legal description matching the current configuration of the subject property (Exhibit A.20 and A.24). In

1946, the County had not applied zoning to this property. The first Interim Zoning Ordinance was not adopted until May 26, 1953.

The subject property complied with all applicable zoning laws at the time of its creation or reconfiguration.

In 1946, the process to create or divide a parcel required a deed or sales contract dated and signed by the parties to the transaction. The document needed to be in recordable form or recorded with the County Recorder prior to October 19, 1978. As evidenced by the 1946 deed, the applicable land division laws were satisfied (Exhibit A.20).

Based upon the above, the subject property satisfied all applicable zoning and land division laws when it was created or reconfigured in 1946. The subject property is a "Parcel" as defined in MCC 38.0015 Definitions

6.0 Existing Uses and Discontinued Uses Criteria:

6.1 § 38.0030 EXISTING USES AND DISCONTINUED USES

(A) Right to Continue Existing Uses and Structures: Any existing use or structure may continue so long as it is used in the same manner and for the same purpose, except as otherwise provided.

* * * * *

(D) Changes to Existing Uses and Structures: Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to this Management Plan.

* * * * *

Staff: The proposal includes two (2) existing buildings: a manufactured dwelling and an accessory building. The buildings have not been discontinued as they are still present; however, the applicant is proposing replace the dwelling and remove the accessory building. As required above, changes to existing uses and structures are subject to review and approval to this Management Plan, including, but not limited to, guidelines for land use designations and scenic, cultural, recreation and natural resources. The applicable policies, guidelines, and Multnomah County Code requirements are discussed below.

7.0 Agricultural Districts - GGA and GSA Criteria:

7.1 § 38.0060 AGRICULTURAL BUFFER ZONES

All buildings, as specified, shall satisfy the following setbacks when proposed to be located on a parcel which is adjacent to lands designated GGA- 20 or GGA- 40 and are currently used for agricultural use:

Type of Agriculture	Type of Buffer		
	Open or fenced	Natural or created vegetation barrier	8 foot berm or terrain barrier
Orchards	250'	100'	75'
Row crops / vegetables	300'	100'	75'

Livestock grazing pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

(A) New buildings adjacent to lands designated GGA-20 or GGA-40 that are suitable, but currently not used for agriculture, shall use the open or fenced setback associated with the dominant type of agriculture in the vicinity. If a vegetation barrier, 8-foot berm, or terrain barrier exists, the corresponding setback shall apply. If more than one type of agriculture is dominant, the setback shall be the larger width.

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

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

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

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

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

Staff: The subject property is located adjacent to lands designated GGA-40 and GGA-20. Aerial photo and Google Street View images indicate that:

1. 1N4E28D -00800 (3388 NE Chamberlain Road) - Property to the north
 - a. No agriculture occurring and heavily forested
2. 1N4E33A -00100 (33535 NE Mershon Road) - Property to the west
 - a. Pasture or haying
3. 1N4E33AA -00400 - Property to the south
 - a. Row crops / Vegetables
4. 1N4E33AA -00200 - Property to the east
 - a. Pasture or haying

As required from the table above, the new single-family dwelling has various buffer requirements. The plans indicates that the dwelling will be located within the forested area and utilize the natural vegetation to provide a buffer between the agriculture use on the north, south, and west. The buffer to the west is required to be a minimum of 15 feet and the buffer to the south is a minimum of 100 feet. To the east, the buffer is an open buffer of 100 feet. Lastly, the buffer to the north utilizes the largest buffer, which is 300 feet. As shown on the site plan, the proposed dwelling meets the buffer requirements on all sides without utilization of earth berms. *Criterion met.*

8.0 Agricultural Districts - GGA and GSA Criteria:

8.1 § 38.2225 REVIEW USES

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

* * * * *

(4) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in MCC 38.2225 (A)(5) or MCC 38.2225 (A)(6).

Staff: The applicant is requesting a new accessory structure, a septic system (septic tank, piping, and drainfield) and modification of an existing accessory structure, a waterline that will be extended to the proposed dwelling. The development is subject to the NSA Site Review standards which are discussed in Section 9.0.

(10) On lands designated GGA– 20, a single family dwelling on any legally created and existing parcel.

Staff: The applicant is requesting a new single-family dwelling to replace the existing dwelling on the property. The existing dwelling will be removed from the property at the completion of the new single-family dwelling. As discussed in Section 5.0, the dwelling will be located on a legally created and existing parcel. As required, the applicant will need to demonstrate compliance with MCC 38.0060 as the property is located adjacent to lands designated GGA. Those standards were previously discussed in Section 7.0. The dwelling will also be required to obtain an NSA Site Review to ensure the standards of MCC 38.7000 through 38.7085 are satisfied. Those standards are discussed in Section 9.0.

Lastly, a condition will be required to ensure that only one single-family dwelling will be located on the existing parcel; therefore, the existing dwelling must be removed within three months of completion of the new single-family dwelling. *As conditioned, criterion met.*

* * * * *

(22) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district provided that the applicable renewable energy production provisions of 38.7390 are met, and:

(a) For all systems:

- 1. They are not a commercial power generating facility such as a utility;**
- 2. The system meets all special district requirements;**
- 3. The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;**

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

* * * * *

Staff: The applicant is requesting a new photovoltaic alternative energy production facility (“PV system”). The PV system will be mounted to the roof of the proposed dwelling (Exhibit A.33). Located below the peak of the roof, the system is designed to generate power to offset the estimated customer usage for the dwelling (Exhibit A.11).

The PV system is subject to the NSA Site Review standards which are discussed in Section 9.0 and the approval criteria in MCC 38.7390, which are discussed in Section 10.0.

8.2 § 38.2260 DIMENSIONAL REQUIREMENTS

* * * * *

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

Staff: The front yard is along the southern lot line that is located most parallel to NE Mershon Road. The rear yard being along the northern line that is opposite front lot line. The side yards are the east and west lot lines. No additional yard is required due to insufficient right-of-way width. The applicant’s site plan shows the location of the dwelling and accessory structures on the property. All the buildings are more than 30 from the lot lines (Exhibit A.3). The septic system and water line accessory structures are underground. The elevation plans for the dwelling indicate that it is less than 35 feet in height (Exhibit A.29). Lastly, the front lot line length is greater than 50 feet. *Criteria met.*

* * * * *

8.3 § 38.2290 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

Staff: The property takes access off an access easement road. The access easement road starts at NE Mershon Road and travels north to the property. The easement was recorded on February 8, 1946 in Book 1014, Page 181. Multnomah County Transportation Division has reviewed the access and indicated that the access is, “OK to issue permit.” *Criterion met.*

9.0 National Scenic Area (NSA) Site Review Criteria:

9.1 § 38.7035 GMA SCENIC REVIEW CRITERIA

The following scenic review standards shall apply to all Review and Conditional Uses in the General Management Area of the Columbia River Gorge National Scenic Area:

Staff: As discussed in Section 6.0 and 8.0, this application involves changes to existing uses and new Review Uses. Staff addresses relevant GMA Scenic Review Criteria below.

9.1.1 (A) All Review Uses and Conditional Uses:

(1) New development shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

Staff: The new single-family dwelling that will replace the existing dwelling, accessory structures, and private driveway will require grading activities. The applicant's plans indicate approximately a minimum of 11,000 square feet of ground disturbance will occur (Exhibit A.3). The areas where grading will occur are for the new building accessory structures, and rerouting of the access easement private driveway that is utilized by 34021 NE Mershon Rd. The area of grading is in a flat area that is mostly being used as a field area for grazing, pasturing, and haying with a small area that is partially forested (Exhibit B.3). In using these areas on the property, grading will be minimized and the existing topography will be retained. *Criterion met.*

(2) New buildings and expansion of existing development shall be compatible with the general scale of similar buildings that exist nearby (e.g. dwellings to dwellings). For purposes of applying this standard, the term nearby generally means buildings within ¼ mile of the parcel on which development is proposed. New buildings that are 1,500 square feet or less are exempt from this requirement. Findings addressing this requirement shall include but are not limited to:

(a) Application of the landscape setting design requirements, if applicable.

(b) A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

(c) Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

1. All finished above ground square footage;

2. Total area of covered decks and porches;

3. Attached garages;

4. Daylight basements;

5. Breezeways, if the breezeway shares a wall with an adjacent building; and

6. Dimensions, based on information from the application or on Assessor's records.

(d) An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the propose development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

Staff: The applicant is requesting a new single-family dwelling. As required the new building must be found to be compatible with the general scale of similar buildings that exist nearby.

The applicant provided an analysis that looked at 9 comparisons limiting their review to only dwellings built since 1986 (Exhibit A.28). That analysis is incorrect based on the above requirements for defining the study area a minimum of 10 buildings are required. Utilizing a more complete analysis, Staff analysis compares other dwellings within ¼ mile radius of the property in the same GGA/GSA zoning designation. This expanded analysis results in 25 properties in the GGA/GSA zoning designation with 15 of those properties containing dwellings. In total, 17 dwellings were compared with an average square footage of 2,383 sq. ft. The minimum was 644 sq. ft. and the maximum of 4,346 sq. ft. (Exhibit B.6). No buildings were significantly larger or smaller in size. As proposed the new dwelling will be 3,084 sq. ft., which is within one standard deviation and can be considered as within the range of similar buildings in the study area. *Criterion met.*

(3) New vehicular access points to the Scenic Travel Corridors shall be limited to the maximum extent practicable, and access consolidation required where feasible.

Staff: The subject property does not take vehicular access from a Scenic Travel Corridor; therefore, this criterion is not applicable. *Criterion not applicable.*

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

Staff: As discussed below, vegetation is required to be retained as part of this application as shown in Exhibit B.8; therefore, a condition will be required that the landowners shall be responsible for the proper maintenance and survival of any required vegetation. *As conditioned, criterion met.*

* * * * *

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

(1) Each development shall be visually subordinate to its setting as visible from Key Viewing Areas. New development shall be sited to achieve visual subordination from key viewing areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, rare plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, new development siting shall comply with this guideline to the maximum extent practicable.

Staff: The new single-family dwelling is in an area that is potentially topographically visible from the following KVAs: Bridal Veil State Park, Columbia River, Historic Columbia River Highway (including the Historic Columbia River Highway State Trail), Highway I-84 (including rest stops), Larch Mountain Road, Washington State Route 14. The development will need to meet the “visually subordinate” standard. As defined, to meet the standard:

“The development must 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.”

Using the Key Viewing Area Visual Analysis tool, the proposed development is likely not topographically visible from Bridal Veil State Park, Historic Columbia River Highway (including the Historic Columbia River Highway State Trail), Highway I-84 (including rest stops), and Larch Mountain Road due to topographical features. The tool indicates that the Columbia River and Washington State Route 14 KVAs are in the Middleground (1/2 – 4 miles) Distance Zone.

Contours show that between the proposed dwelling and the two KVAs to the north, Columbia River and Washington State Route 14 there is a small ridge that obscures the development (Exhibit B.7). Additionally, there is a significant distance of over .25 miles from the development to the Columbia River and more than 2.5 miles from Washington State Route 14. In consideration of these factors, the development is not likely topographically visible. However, to ensure the development meets the Scenic Review criteria additional conditions will be required as discussed below. *As conditioned, criterion met.*

(2) A determination of the potential visual impact of a new development or use shall include written findings addressing the following factors: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas it is visible from, the number of Key Viewing Areas it is visible from, and the linear distance along the Key Viewing Areas from which the building site is visible (for

linear Key Viewing Areas, such as roads), and other factors the reviewing agency determines relevant in consideration of the potential visual impact. The extent and type of conditions applied to a proposed development to achieve visual subordination to its landscape setting shall be proportionate to its potential visual impacts as visible from key viewing areas. Conditions may include, and shall be applied using the following priorities:

- (a) Screening by topography.**
- (b) Siting (location of development on the subject property, building orientation, and other elements).**
- (c) Retention of existing vegetation on the applicant's property.**
- (d) Design and building materials (color, reflectivity, size, shape, height, architectural and design details and other elements).**
- (e) New landscaping on the applicant's property.**
- (f) New berms or other recontouring on the applicant's property, where consistent with other applicable provisions.**

Staff: As discussed previously and will be discussed an analysis of the potential visual impact has considered the factors as listed above. The development is potentially topographically visible from various KVAs to the north. The applicant has provided a narrative and plans describing and showing siting and design consideration for the development. The site plan also shows vegetation that will be removed. Additionally, material samples and building materials were provided. In totality, the application materials that have been provided reduce the potential visual impact of the development; however, various conditions of approval will be required to achieve visual subordination requirements in relation to the landscape setting as discussed below. *As conditioned, criteria met.*

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

Staff: The cumulative effects (i.e. the combined impacts of the past, present, and reasonably foreseeable future) of the proposed development on the visual effects and compliance with visual subordination is minor. The existing impacts of the past include an already built environment that includes dwellings, accessory buildings, and accessory structures in the immediate vicinity. That development is generally located in a mix of heavily forested areas and farmland. The impact of this development and potential future development is minor as this property is already developed. After the dwelling is constructed, the existing dwelling will be removed and no other dwellings would be allowed on the property. As discussed in this section, the proposal will require various conditions of approval to ensure visual subordination is met. As there is little potential future development of this property or other properties within the vicinity, the future impacts will be minimal. *Criterion met.*

(4) In addition to the site plan requirements in MCC 38.0045 (A) applications for all buildings visible from key viewing areas shall include a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used; number, size, locations of plantings; and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).

Staff: The narrative, building plans, and design of the single-family dwelling were provided as shown in Exhibit A.3, A.11-A16, A.28-A.29, and A.31-A.33. *Criterion met*

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

Staff: As discussed above, the development is potentially topographically visible from KVAs. The development is designed and sited to using existing topography and vegetation to achieve visual subordination. The building site for the dwelling utilizes an area that is generally flat and is vegetatively screen from the nearest KVA, Columbia River to the north (Exhibit B.7). A condition will be required that existing vegetation will be required to be retained as shown in Exhibit B.8. *As conditioned, criterion met.*

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

Staff: The applicant's narrative and aerial photo discuss and show a forested area north of the proposed dwelling (Exhibit A.28 and B.3). One tree is slated to be removed. A condition will be required that trees in that area as shown in Exhibit B.8 be retained for screening purposes. Additionally, if trees are removed due to death, disease, or to prevent an emergency/disaster (as defined) then for each tree removed at least one tree shall be planted as a replacement. If more than one tree is removed, for all newly planted trees at least half of any trees planted for screening purposes shall be coniferous to provide winter screening. Lastly, at least half of any trees planted shall be species native to the either the Coniferous Woodlands or Pastoral landscape setting. Any trees planted shall meet the minimum recommended sizes outlined in *Scenic Resources Implementation Handbook* for tree plantings (based on average growth rates expected for recommended species). *As conditioned, criterion met.*

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

Staff: The development is designed and sited to minimize visibility of cut banks and fill slopes. The property already contains a private driveway. The existing driveway will be cut short with a newly created access easement driveway that will extend along southern and eastern portions of the property, approximately 500 feet to the adjacent property, 34021 NE Mershon Road. The rerouted access easement driveway begins at an elevation of 580 feet and ends at an elevation of 592 feet. The slope is approximately 2.9%, which reduces the need for cut banks and fill slopes (Exhibit A.3). Lastly, the development of the dwelling is in an area of relative gentle slope that is more than 0.25 miles from the nearest KVA to the north and heavily screened. From that distance with screening any visible cut bank and/or fill slopes that could potentially be seen from KVAs are minimized. *Criterion met.*

(8) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity. Continuous surfaces of glass shall be limited to ensure visual subordination. The Scenic Resources Implementation Handbook includes a list of recommended exterior materials and screening methods.

Staff: The applicant provided a narrative, building plan, and material samples to show that the exterior of the single-family dwelling. The exterior surfaces of the dwelling as described and shown in Exhibit A.4, A.12, A.14-A.16, A.28, A.29, and A.31-A.33 are as follows:

- Siding - Lap Siding / Board & Batten
- Trim – Hardie Plant Fibre Cement

- Veneer - “Cultured” Stone
- Roof – Standing Seam Galvanized Roofing
- Windows – Milgard V400 with Low-E Suncoast and Dual Glaze
- Doors – Craftsman Knotty Alder Door and Milgard V400 Siding Door
- PV system: Solar glass with anti-reflective surface treatment

Further, the architectural plans show no continuous surfaces of glass windows with the rendering showing a low-profile dwelling that is a mixture of lap and board/batten siding, stone veneer, windows, and doors. A condition will be required that when submitting building plans for Zoning Plan Review, the proposed building plan be finalized demonstrating compliance with the above. *As conditioned, criterion met.*

(9) Any exterior lighting shall be directed downward and sited, limited in intensity, shielded, or hooded 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 provided a description of the exterior lighting. The exterior lighting located on most sides of the dwelling. The exterior light will be a mixture of Home Decorators Collection Rodham Sconce and Generation Barn Light Sconce (Exhibit A.13). As designed, the proposed light fixtures are shielded and hooded. A condition will be required that when submitting building plans for Zoning Plan Review, a new lighting plan be finalized demonstrating compliance with the above. *As conditioned, criterion met.*

(10) Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval.

Staff: The exterior colors of the dwelling are described and shown in Exhibit A.28, A.29, and A.32. The dwelling will be a mixture of gray, earl grey, natural alder, and matte charcoal. The gray is Sherwin-Williams Homburg Gray (SW7622) and the earl grey is Sherwin-Williams Earl Grey (SW7660). The proposed color match the dark earth tones found in the *Scenic Resources Implementation Handbook*. A condition will be required that when submitting building plans for Zoning Plan Review, the proposed color plan be finalized demonstrating compliance with the above. *As conditioned, criterion met.*

* * * * *

(13) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as visible from Key Viewing Areas.

Staff: The silhouette of the single-family dwelling building will be below the skyline of a bluff or ridge as seen from the KVAs. There is a small ridge directly north of the dwelling and a larger ridge approximately 80 feet higher along the crest of NE Mershon Road. The location of the dwelling ensures that the silhouette of the building is below the skyline. *Criterion met.*

(14) The following standards shall apply to new landscaping used to screen development from key viewing areas:

* * * * *

Staff: As discussed above in MCC 38.7035(B)(1), (2), (5) and (6), the potential visual impact of the new development will not require new landscaping to screen the development from the KVA to the north as there is existing vegetation. Additionally, the applicant is utilizing various other means, including house siting considerations, to make the development visually subordinate from the KVA; therefore, these criteria are not applicable. *Criteria not applicable.*

* * * * *

(21) New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this standard. In determining the slope, the average percent slope of the proposed building footprint shall be utilized.

Staff: As previously discussed, the building is in an area of relative gentle slope that is less than 10% (Exhibit B.7). *Criterion met.*

* * * * *

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

(1) Pastoral

Staff: The new single-family dwelling with an accessory renewable energy system (roof mount photovoltaic) is in the Rural Residential in Pastoral landscape setting. As the development is in this landscape setting, it shall meet the Pastoral landscape settings as discussed below.

(a) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.

Staff: As proposed the development are adjacent and clustered together. The plans show the dwelling and septic system being clustered toward the edge of an existing pasture/farm field (Exhibit A.3, A.28, A.30, and B.3). *Criterion met.*

(b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual sub-ordinance for new development and expansion of existing development:

- 1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.**
- 2. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.**
- 3. At least half of any trees planted for screening purposes shall be species native to the setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate for the area.**
- 4. At least one-quarter of any trees planted for screening shall be coniferous for winter screening. Flexibility may be granted to this provision when development is directly adjacent or adjoining a landscape setting where coniferous trees are not common or appropriate (see Scenic Implementation Handbook for guidance) and tree species ultimately selected for winter screening are natives characteristic to that setting.**

Staff: As previously discussed, the development will require some vegetation removal for site development purposes. The applicant is electing to plant three (3) trees, cedar and maple (Exhibit A.28). As discussed in Section 9.1.2, a condition will be required that existing vegetation will be required to be retained as shown in Exhibit B.8. Further a separate condition is required that at least half of any trees planted shall be species native to the setting and at least half of any trees planted for screening purposes shall be coniferous to provide winter screening. *As conditioned, criteria met.*

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

Staff: The applicant is not proposing any resource-based recreation uses as part of this application; therefore, this criterion is not applicable. *Criterion not applicable.*

(3) Rural Residential

Staff: The new single-family dwelling with an accessory renewable energy system (roof mount photovoltaic) is in the Rural Residential in Pastoral landscape setting. As the development is in this landscape setting, it shall also meet the Rural Residential landscape settings as discussed below.

(a) Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.

Staff: As previously discussed, the development will require removal of one (1) tree for site development purposes; however, most of the existing tree cover will be retained (Exhibit A.3 and A.28). *Criterion met.*

(b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual sub-ordinance for new development and expansion of existing development:

- 1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.**
- 2. At least half of any trees planted for screening purposes shall be species native to the setting or species identified in the Scenic Implementation Handbook as appropriate for the area.**
- 3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.**

Staff: As previously discussed, the development will require some vegetation removal for site development purposes. The applicant is electing to plant three (3) trees, cedar and maple (Exhibit A.28). As discussed in Section 9.1.2, a condition will be required that existing vegetation will be required to be retained as shown in Exhibit B.8. Further, a separate condition is required that at least half of any trees planted shall be species native to the setting and at least half of any trees planted for screening purposes shall be coniferous to provide winter screening. *As conditioned, criteria met.*

(c) Compatible recreation uses include should be limited to small community park facilities, but occasional low-intensity resource-based recreation uses (such as small scenic overlooks) may be allowed.

Staff: The applicant is not proposing any resource-based recreation uses as part of this application; therefore, this criterion is not applicable. *Criterion not applicable.*

(4) Rural Residential in Conifer Woodland or Pastoral

Staff: As previously discussed, the development is in the Rural Residential in Pastoral landscape setting. The development will need to meet the requirements of the landscape setting as discussed below.

(a) New development in this setting shall meet the design standards for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral or Coniferous Woodland), unless it can be demonstrated that compliance with the standards for the more rural setting is impracticable. Expansion of existing development shall comply with this standard to the maximum extent practicable.

Staff: As previously discussed, the new single-family dwelling with an accessory renewable energy system (roof mount photovoltaic) has met the design standards of both the Rural Residential and Pastoral landscape settings. *Criterion met.*

(b) In the event of a conflict between the standards, the standards for the more rural setting (Coniferous Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such standards would not be practicable.

Staff: As previously discussed, the new single-family dwelling with an accessory renewable energy system (roof mount photovoltaic) and septic system has met the design standards of the more rural setting (i.e. Pastoral). As the more rural setting, the accessory structure is to be clustered with the dwelling and the development is clustered towards the edge of existing meadows, pastures, and farm fields. The second standards relating to trees and vegetation are generally similar as there is no additional vegetative landscaping required; however, the applicant is electing to plant three (3) trees (Exhibit A.28). The development will be required to retain trees as shown in Exhibit B.8 for screening purposes. The more rural setting requires that for all newly planted trees, at least half of any trees planted for screening purposes shall be either a species native to the setting or a species identified in the *Scenic Resources Implementation Handbook* as appropriate for the area. Further at least half of the trees planted for screening purposed shall be coniferous to provide winter screening. Lastly, as trees planted shall meet guidelines outlined in the *Scenic Resources Implementation Handbook - Recommended Plant List* for minimum recommended sizes for tree plantings (based on average growth rates expected for recommended species). *As conditioned, criterion met.*

(c) Compatible recreation uses should be limited to very low and low-intensity resource-based recreation uses, scattered infrequently in the landscape.

Staff: As previously discussed, the applicant is not proposing any resource-based recreation uses as part of this application; therefore, this criterion is not applicable. *Criterion not applicable.*

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

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

* * * * *

Staff: The property is not located within one-quarter mile from the edge of pavement of the Historic Columbia River Highway or I-84. As measured, the property is .28 miles from the edge of pavement; therefore, these criteria are not applicable. *Criteria not applicable.*

9.2 § 38.7045 GMA CULTURAL RESOURCE REVIEW CRITERIA

9.2.1 (A) Cultural Resource Reconnaissance Surveys

Each proposed use or element of a proposed use within an application shall be evaluated independently to determine whether a reconnaissance survey is required; for example, an application that proposes a land division and a new dwelling would require a reconnaissance survey if a survey would be required for the dwelling.

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

* * * * *

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

* * * * *

Staff: Christopher Donnermeyer sent an e-mail with a Cultural Resource Survey Determination on behalf of the USFS on October 24, 2025. The Survey stated that, “A Cultural Resource Survey is: Not Required” as the proposed development:

- Would occur on a site that has been determined to be located within a low probability zone
 - is not within 100 feet of a high probability zone
- Does not occur within 500 feet of a known archeological site. (Exhibit D.1).

Criteria met.

* * * * *

(4) A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the buildings or structures that are 50 years old or older.

Staff: Christopher Donnermeyer sent an e-mail with a Cultural Resource Survey Determination on behalf of the USFS on October 24, 2025. The Survey stated that, “A Historic Survey is: Not Required” as the proposed development:

- Would not later the exterior architectural appearance of significant buildings and structures that are 50 years old or older
- Would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older (Exhibit D.1).

Criterion met.

9.2.2 (B) The cultural resource review criteria shall be deemed satisfied, except MCC 38.7045 (L) and (M), if:

(1) The project is exempted by MCC 38.7045 (A) (1), no cultural resources are known to exist in the project area, and no substantiated comment is received during the comment period provided in MCC 38.0530 (B).

Staff: The cultural resource review has been satisfied, as the project is exempted by MCC 38.7045(A)(1) above; therefore, these criteria are not applicable except for MCC 38.7045(L) and (M). Those criteria are required to be met as a condition. *As conditioned, criteria met.*

9.2.3 (L) Cultural Resources Discovered After Construction Begins

Staff: A condition requires the property owner to follow the procedures of MCC 38.7045(L), if cultural resources are discovered during construction. *As conditioned, criteria met.*

9.2.4 (M) Discovery of Human Remains

Staff: A condition requires the property owner to follow the procedures of MCC 38.7045(M), if human remains are discovered after construction begins. *As conditioned, criteria met.*

9.3 § 38.7053 GMA WATER RESOURCES REVIEW CRITERIA

WATER RESOURCES: WETLANDS, STREAMS, PONDS, LAKES, AND RIPARIAN AREAS

(G) WATER RESOURCES BUFFER ZONES

Staff: Based on the USFS maps and Department of State Lands Statewide Wetland Inventory Map, the property does not contain any water resources and no water resource buffer zones encroach onto the property. *Criteria not applicable.*

9.4 § 38.7065 GMA WILDLIFE REVIEW CRITERIA

Wildlife Habitat Site Review shall be required for any project within 1,000 feet of Priority Habitat and sensitive wildlife areas and sensitive wildlife sites (i.e., sites used by sensitive wildlife species). If Multnomah County discovers a new protected wildlife location during the review process, the County shall submit this information to the appropriate state agency to be updated in their species databases.

Staff: Based on the United State Forest Service maps for Sensitive Wildlife, there are no Priority Habitats, sensitive wildlife areas, or sensitive wildlife sites within 1,000 feet of the property. *Criteria not applicable.*

9.5 § 38.7070 GMA RARE PLANT REVIEW CRITERIA

Rare Plant Site Review shall be required for any project within 1,000 feet of endemic plants and rare plant species.

Staff: Based on United State Forest Service maps for Sensitive Plans, there does not appear to be any endemic plants or sensitive plant species within 1,000 feet of the property. *Criteria not applicable.*

9.6 § 38.7080 GMA RECREATION RESOURCE REVIEW CRITERIA

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

Staff: The property is located within the Recreation Intensity Class 1 and Class 2. The development is in Class 1; however, the applicant is not proposing any recreation-based uses. *Criteria not applicable.*

10.0 Special Uses - Agricultural Buildings Land Use Permit Criteria:

10.1 § 38.7390 RENEWABLE ENERGY PRODUCTION

(A) Renewable energy production qualifying for review as an Expedited Use shall be subject to (A)(1)-(6) below, in addition to any other applicable provisions of Chapter 38. Renewable energy production qualifying for review as either a Review Use or Conditional Use shall be subject to (A)(1)-(7) below, in addition to any other applicable provisions of Chapter 38.

Staff: As discussed in Section 8.1, the applicant is requesting a new alternative energy production facility, which is also defined as an accessory renewable energy system. The system will be a photovoltaic system (“PV system”) that will produce renewable energy. The system is subject to (A)(1)-(7). Those standards are discussed below.

(1) Renewable energy production equipment attached to an existing structure shall be considered an addition to the structure on which it is located. Free-standing renewable energy production equipment shall be considered a new accessory structure.

Staff: The PV system will be attached to the proposed single-family dwelling; therefore, it is considered as an addition to the structure on which it is located (Exhibit A.33). *Criterion met.*

(2) Production of electrical power, including, but not limited to wind and solar production, for commercial purposes is considered an industrial use and is prohibited. Solar, wind and other renewable energy power generation that is accessory to a primary structure or allowed use is not considered an industrial use and may be permitted.

Staff: As previously discussed in Section 8.1, the design of the PV system will not be for commercial purposes. The PV system is accessory to the primary structure, a dwelling, and will offset the residential energy use (Exhibit A.11). *Criteria met.*

(3) The panels and hardware are non-reflective black or dark earth tone colors.

Staff: As discussed in Section 9.1.2 and above, conditions will require that the panels and hardware are non-reflective black or dark earth tone colors. *As conditioned, criterion met.*

(4) The panels and hardware do not increase the overall roof height.

Staff: As previously discussed in Section 8.1, the panels and hardware will be located below the peak of the roof; thereby not increasing the overall roof height (Exhibit A.33). *Criteria met.*

(5) The generating equipment may serve only the parcel on which it is located, or an adjacent parcel in the same ownership and used in conjunction with the subject parcel.

Staff: The design of the PV system will connect to the electrical panel on the primary structure, a dwelling; therefore, ensuring that the equipment will only serve the parcel on which it is located. (Exhibit A.33). *Criteria met.*

(6) Sale of power back to the electrical grid is permitted, provided that it is an occasional event, not ongoing over the course of the year.

Staff: The design of the PV system will offset the residential energy use with some of the offset electricity stored in a battery that is part of the system (Exhibit A.11, A.12, A.28 and A.33). *Criteria met.*

(7) The capacity for power generation is limited to the expected annual electrical power need of the structure or use.

Staff: The design of the PV system will offset the residential energy use with some of the offset electricity being stored in a battery that is part of the system (Exhibit A.11, A.12, A.28 and A.33). *Criteria met.*

11.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for:

1. For a Parcel Determination that the subject property known as 1N4E33AA -00300 is a Parcel in its current configuration; and
2. For the National Scenic Area (NSA) Site Review to construct a new single-family dwelling with an accessory renewable energy system (roof mount photovoltaic) to replace an existing single-family dwelling, convert the existing single-family dwelling into an accessory building, remove an accessory building, construct an accessory structure (septic system), and ground disturbance relating to an access easement private driveway in the Gorge General Agriculture (GGA-20) zone.

This approval is subject to the conditions of approval established in this report.

12.0 Exhibits

- ‘A’ Applicant’s Exhibits
- ‘B’ Staff Exhibits
- ‘C’ Procedural Exhibits
- ‘D’ Comments Received

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.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	4	Application Form	09/19/2025
A.2	29	NSA Site Review Narrative	09/19/2025
A.3*	1	Site Plan	09/19/2025
A.4	8	Building Plans <ul style="list-style-type: none"> ▪ Sheet 1 of 8 – Exterior Elevations ▪ Sheet 2 of 8 – Exterior Elevations ▪ Sheet 3 of 8 – Foundation Plan ▪ Sheet 4 of 8 – Main Floor Plan ▪ Sheet 5 of 8 – Upper Floor Plan ▪ Sheet 6 of 8 – Roof Framing Plan ▪ Sheet 7 of 8 – Building Sections ▪ Sheet 8 of 8 – Building Sections 	09/19/2025
A.5	2	Stormwater Drainage Control Certificate prepared by Kelli Grover, PE	09/19/2025
A.6	26	Stormwater Drainage Control Report prepared by Kelli Grover, PE	09/19/2025
A.7	5	Fire Agency Service Review	09/19/2025
A.8	1	Water Service Review	09/19/2025
A.9	1	Transportation Planning and Development Review, TPR-2025-0020	09/19/2025
A.10	28	Stormwater Drainage Control Certificate reviewed by Transportation Planning and Development	09/19/2025
A.11	1	Photovoltaic System Plan	09/19/2025
A.12	2	Photovoltaic System Datasheet	09/19/2025
A.13	12	Exterior Lighting Plan and Specifications	09/19/2025
A.14	5	Roof Specifications	09/19/2025
A.15	7	Window Specifications	10/03/2025
A.16	9	Exterior Door Specifications	10/03/2025
A.17	1	Email from Applicant requesting consolidation of permit request	10/03/2025
A.18	2	Application Form from T2-2025-0039	10/03/2025
A.19	1	Parcel Determination Narrative	10/03/2025
A.20	1	Warranty Deed recorded in Book 1117, page 371 on November 7, 1946	10/03/2025
A.21	1	Warranty Deed recorded in book 607, Page 106 on March 1, 1968	10/03/2025

A.22	1	Bargain and Sale Deed recorded as Instrument #95-148230 on November 29, 1995	10/03/2025
A.23	1	Bargain and Sale Deed recorded as Instrument #2001-0108554 on February 9, 2001	10/03/2025
A.24	3	Statutory Warranty Deed recorded as Instrument #2024-077884 on December 27, 2024	10/03/2025
A.25	2	City of Portland - Permitting and Development Lot Confirmation Request Form	10/03/2025
A.26	1	Cartographic Unit – Parcel Card for 1N4E33 Tax Lot 49	10/03/2025
A.27	1	Survey 29277	10/03/2025
A.28	29	Revised Narrative	11/24/2025
A.29*	8	Revised Plans <ul style="list-style-type: none"> ▪ *Sheet 1 of 8 – Exterior Elevations ▪ *Sheet 2 of 8 – Exterior Elevations ▪ *Sheet 3 of 8 – Foundation Plan ▪ *Sheet 4 of 8 – Main Floor Plan ▪ *Sheet 5 of 8 – Upper Floor Plan ▪ Sheet 6 of 8 – Roof Framing Plan ▪ Sheet 7 of 8 – Building Sections ▪ Sheet 8 of 8 – Building Sections 	11/24/2025
A.30	5	Septic Review Certification	11/24/2025
A.31	9	Roof Sample	11/24/2025
A.32	12	Exterior Plant Colors	11/24/2025
A.33*	6	Photovoltaic System Elevation Plan <ul style="list-style-type: none"> ▪ *Left Side Elevation ▪ SunModo Cutsheet ▪ SunModo SMR System Overview ▪ REC Alpha Pure-R Series Product Specifications ▪ REC Alpha Pure-R Series Product Specifications ▪ REC Alpha Pure-R Series Product Specifications 	11/24/2025
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1N4E33AA -00300 (Alt Acct # R944330490 / Property ID # R322540)	09/19/2025
B.2	1	Current Tax Map for 1N4E33AA	09/19/2025
B.3	1	Aerial Photo taken on August 8, 2025	04/23/2026
B.4	12	Pre-File Meeting Notes, PF-2025-0004	04/23/2026
B.5	2	Google Street View taken on July 2025	04/24/2026
B.6	1	NSA Compatibility Analysis	04/29/2026
B.7	1	Metro Map showing contours	04/29/2026
B.8*	1	Vegetation Plan	05/07/2026

‘C’	#	Administration & Procedures	Date
C.1	155	Agency Review	10/23/2025
C.2	5	Incomplete letter	10/16/2025
C.3	1	Applicant’s acceptance of 180-day clock	10/25/2025
C.4	2	Complete letter (day 1)	12/17/2025
C.5	10	Opportunity to Comment	02/10/2026
C.6	37	Decision	05/18/2026
‘D’	#	Comments	Date
D.1	3	Cultural Resource Survey Determination from Christopher Donnermeyer, Heritage Program Manager, USDA: Forest Service - Columbia River Gorge National Scenic Area	10/24/2025
D.2	5	Letter from Marilyn Kirkham and Douglas Van Patten	02/23/2026
D.3	2	Letter from Trustees of the Steif Trust and owner of 33821 NE Mershon Road	02/26/2026
D.4	9	Letter from Steven D. McCoy, Staff Attorney, Friends of the Columbia Gorge	03/03/2026



1231 N. BIRCH STREET
 SUITE 100
 DENVER, CO 80202
 303-733-8877

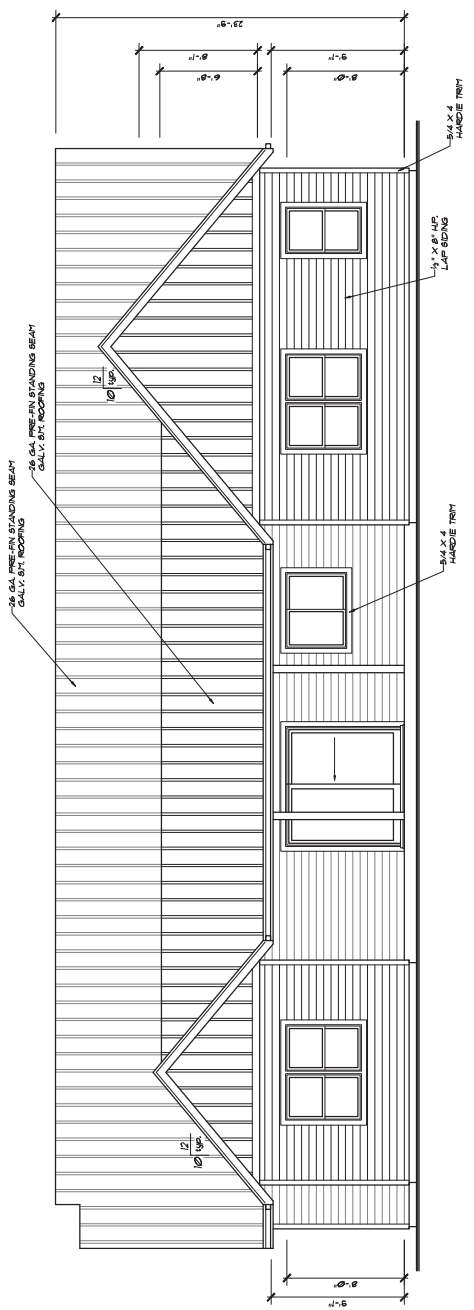
3401 N. MERSON RD.
 CORRETT OR 9109

EXTERIOR ELEVATIONS
 PROJECT:
 KOEJUE RESIDENCE
 OWNER:
 LUKE KOEJUE

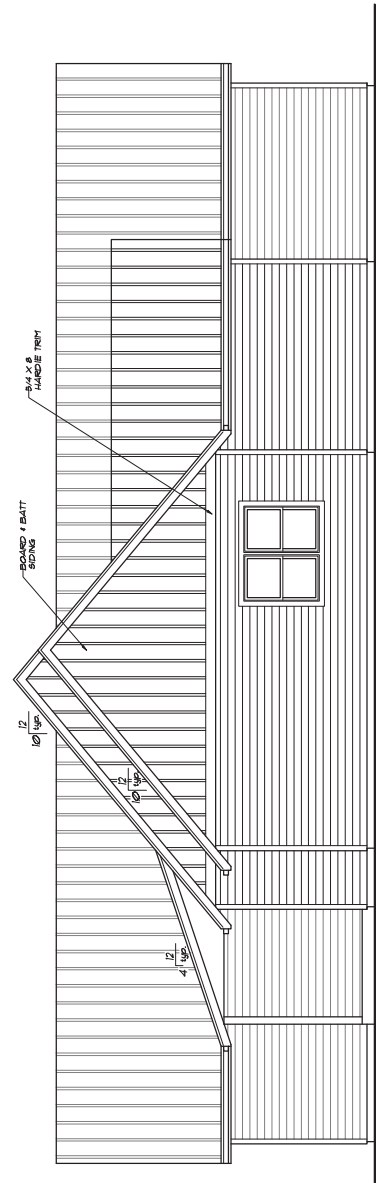
TITLE:
 DATE:
 JULY 30, 2015
 PROJECT NO.:
 24-100749
 SEE/SI/ONS:

NO. 2 OF EIGHT

RED DEMA ILL. ASSUMES NO RESPONSIBILITY FOR THE ACCURACY / VALIDITY OF CONTRACTOR / OWNER INFORMATION. CONTRACTOR / OWNER IS RESPONSIBLE TO CHECK THE PLANS AGAINST THE ACTUAL SITE CONDITIONS PRIOR TO THE START OF CONSTRUCTION. DISCREPANCIES MAY RESULT IN ADDITIONAL COSTS TO THE OWNER.



REAR ELEVATION
 SCALE: 1/4" = 1'-0"



RIGHT-SIDE ELEVATION
 SCALE: 1/4" = 1'-0"



2200 S. BIRCH AVE. SUITE 100
 BIRMGHAM, ALABAMA 35203
 205-336-8833

3401 N. MERSON RD.
 CORBETT OR 91019

FOUNDATION PLAN
 PROJECT: KOETJUE RESIDENCE
 OWNER: LUKE KOETJUE

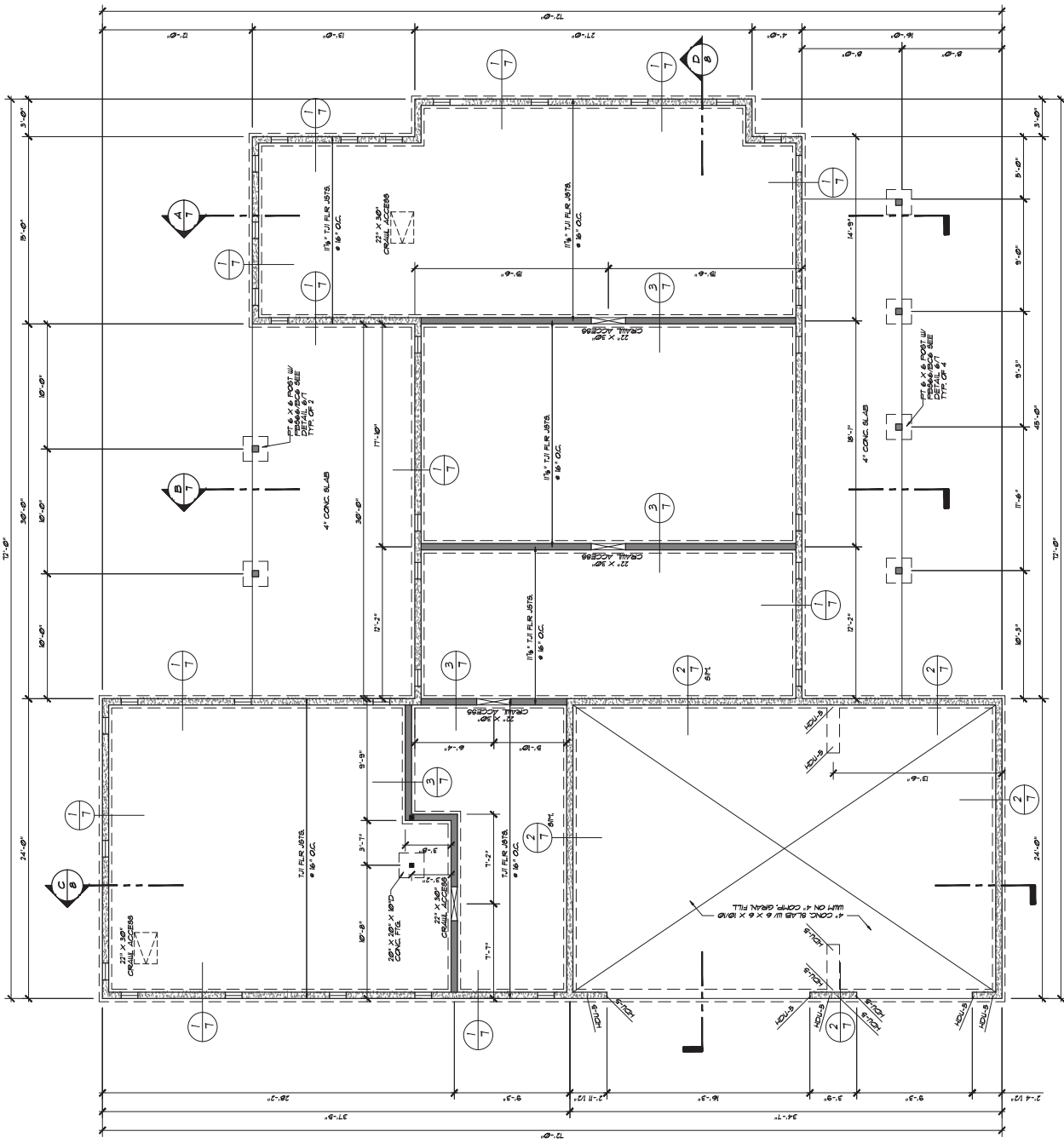
DATE: JULY 30, 2015
 PROJECT NO.: 24-100-063
 SEE/SUBS:

NO. 3 OF EIGHT

FOUNDATION NOTES:

1. CONTRACTOR TO EXCAVATE AS TO MAINTAIN 18" MIN. GROUND TO GROUND CLEARANCE
2. PROVIDE 18" X 24" CHALLENGE SPACE W/ 6" MIN. CLEARANCE TO ALL EXTERIOR WALLS
3. PROVIDE 18" X 24" CHALLENGE SPACE W/ 6" MIN. CLEARANCE TO ALL EXTERIOR WALLS
4. PROVIDE 18" X 24" CHALLENGE SPACE W/ 6" MIN. CLEARANCE TO ALL EXTERIOR WALLS
5. PROVIDE 18" X 24" CHALLENGE SPACE W/ 6" MIN. CLEARANCE TO ALL EXTERIOR WALLS
6. PROVIDE 18" X 24" CHALLENGE SPACE W/ 6" MIN. CLEARANCE TO ALL EXTERIOR WALLS
7. MIN. REBAR PER CODE 1-M TOP & BOTTOM (CONT.) W/
8. 4" #4 OC VERT. STANDARD FOOTING (FTFD) W/ LAPS PER RB403.3.19
9. PROVIDE RADIUM MITIGATION PER APPENDIX F 2021 OBC IN COUNTIES AS REQUIRED PER CODE

RED DESIGN LLC ASSUMES NO RESPONSIBILITY FOR THE ACCURACY / VALIDITY OF CONTRACTOR / OWNER RESPONSIBILITY TO CHECK THE PLANS AGAINST THE EXISTING SITE CONDITIONS. CONTRACTOR / OWNER IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS PRIOR TO THE START OF CONSTRUCTION. DISCREPANCIES MAY RESULT IN ADDITIONAL COSTS TO THE OWNER.



FOUNDATION PLAN
 SCALE: 1/4" = 1'-0"



12345 67890
 12345 67890
 12345 67890

3401 N. MERRISON RD.
 COBBETT OR 97019

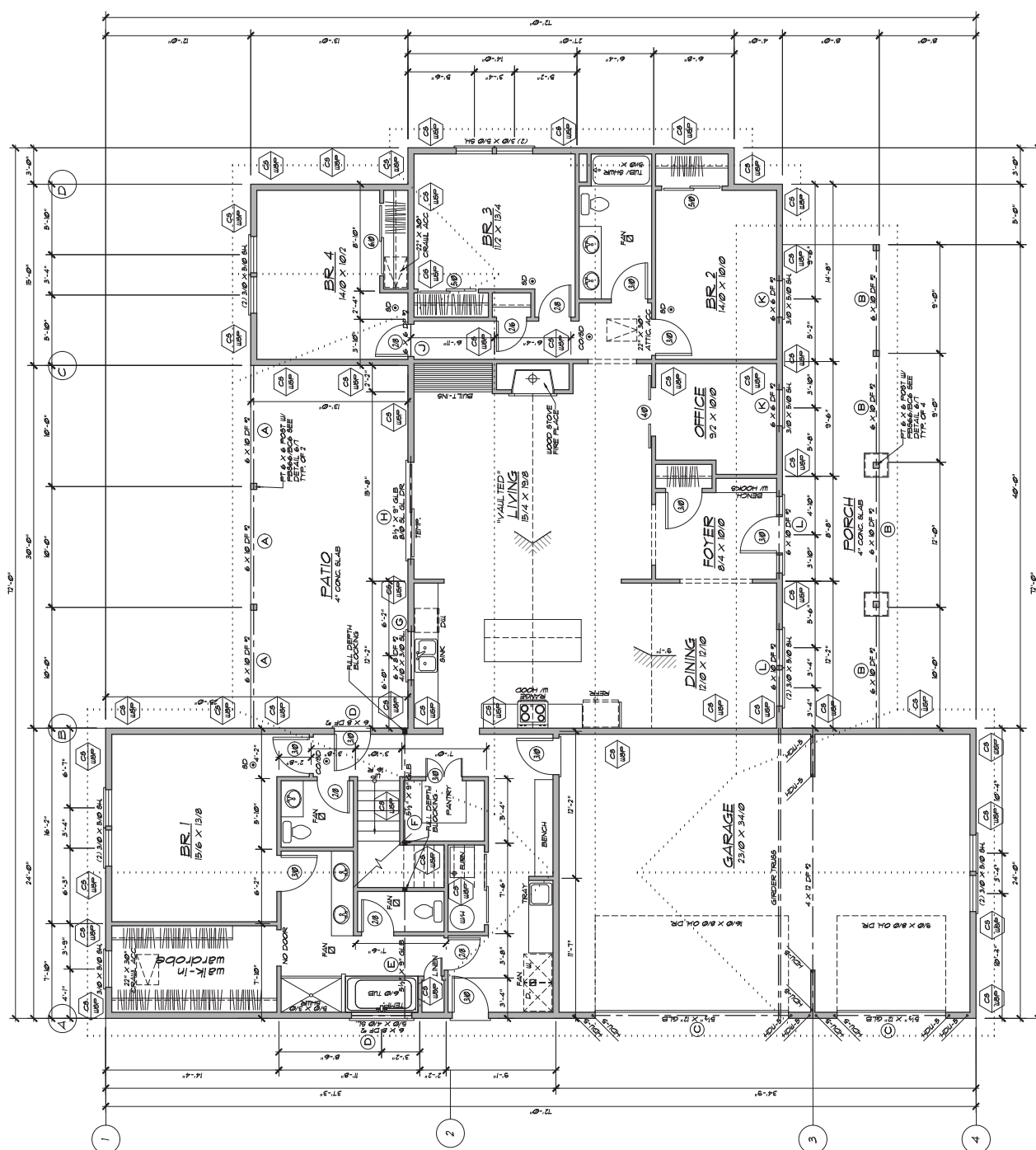
LUKE KOEJUE
 OWNER
 PROJECT
 KOEJUE RESIDENCE
 MAIN FLOOR PLAN

TITLE:
 DATE:
 JULY 30, 2015
 PROJECT NO.:
 23-100-063
 REV./ISSUES:

NO. **4**
 OF EIGHT

- GENERAL NOTES:**
1. ALL EXTERIOR WALLS TO BE 2'-0" MIN. AT 8" C.C. (TYP.) WALL.
 2. ALL EXTERIOR WALLS TO BE 2'-0" MIN. AT 8" C.C. (TYP.) WALL.
 3. ABOVE A MINIMUM OF 12" X 4" STUDS AS SHOWN ABOVE AT ALL EXTERIOR WALLS.
 4. ALL WINDOWS AND SLIDING GLASS DOORS SHALL BE TO BE PVC.
 5. EXTERIOR WALLS SHALL BE TO BE 2" MIN. THICK.
 6. PROVIDE EXTERIOR COMBINATION AIR FOR ALL FIREPLACES AND STOVES.
 7. PROVIDE ALL EXTERIOR DETECTORS TO BE TO HOME POWER SOURCE.
 8. PROVIDE ALL EXTERIOR DETECTORS TO BE TO HOME POWER SOURCE.
 9. PROVIDE ALL EXTERIOR DETECTORS TO BE TO HOME POWER SOURCE.
 10. PROVIDE ALL EXTERIOR DETECTORS TO BE TO HOME POWER SOURCE.
 11. PROVIDE ALL EXTERIOR DETECTORS TO BE TO HOME POWER SOURCE.
 12. PROVIDE ALL EXTERIOR DETECTORS TO BE TO HOME POWER SOURCE.
 13. PROVIDE ALL EXTERIOR DETECTORS TO BE TO HOME POWER SOURCE.
 14. PROVIDE ALL EXTERIOR DETECTORS TO BE TO HOME POWER SOURCE.
 15. PROVIDE ALL EXTERIOR DETECTORS TO BE TO HOME POWER SOURCE.
 16. PROVIDE ALL EXTERIOR DETECTORS TO BE TO HOME POWER SOURCE.
 17. PROVIDE ALL EXTERIOR DETECTORS TO BE TO HOME POWER SOURCE.
 18. PROVIDE ALL EXTERIOR DETECTORS TO BE TO HOME POWER SOURCE.
 19. PROVIDE ALL EXTERIOR DETECTORS TO BE TO HOME POWER SOURCE.
 20. PROVIDE ALL EXTERIOR DETECTORS TO BE TO HOME POWER SOURCE.

RED DESIGN LLC ASSUMES NO RESPONSIBILITY FOR THE ACCURACY / VALIDITY OF CONTRACTOR / OWNER RESPONSIBILITY TO CHECK THE PLANS FOR ANY DISCREPANCIES PRIOR TO THE START OF CONSTRUCTION OR DISCREPANCIES MAY RESULT IN ADDITIONAL COSTS TO THE OWNER.



MAIN FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 2580 SQ. FT.



ZADIGAN ARCHITECTS
 1234 S. BROADWAY
 SUITE 100
 DENVER, CO 80202
 303-555-1234

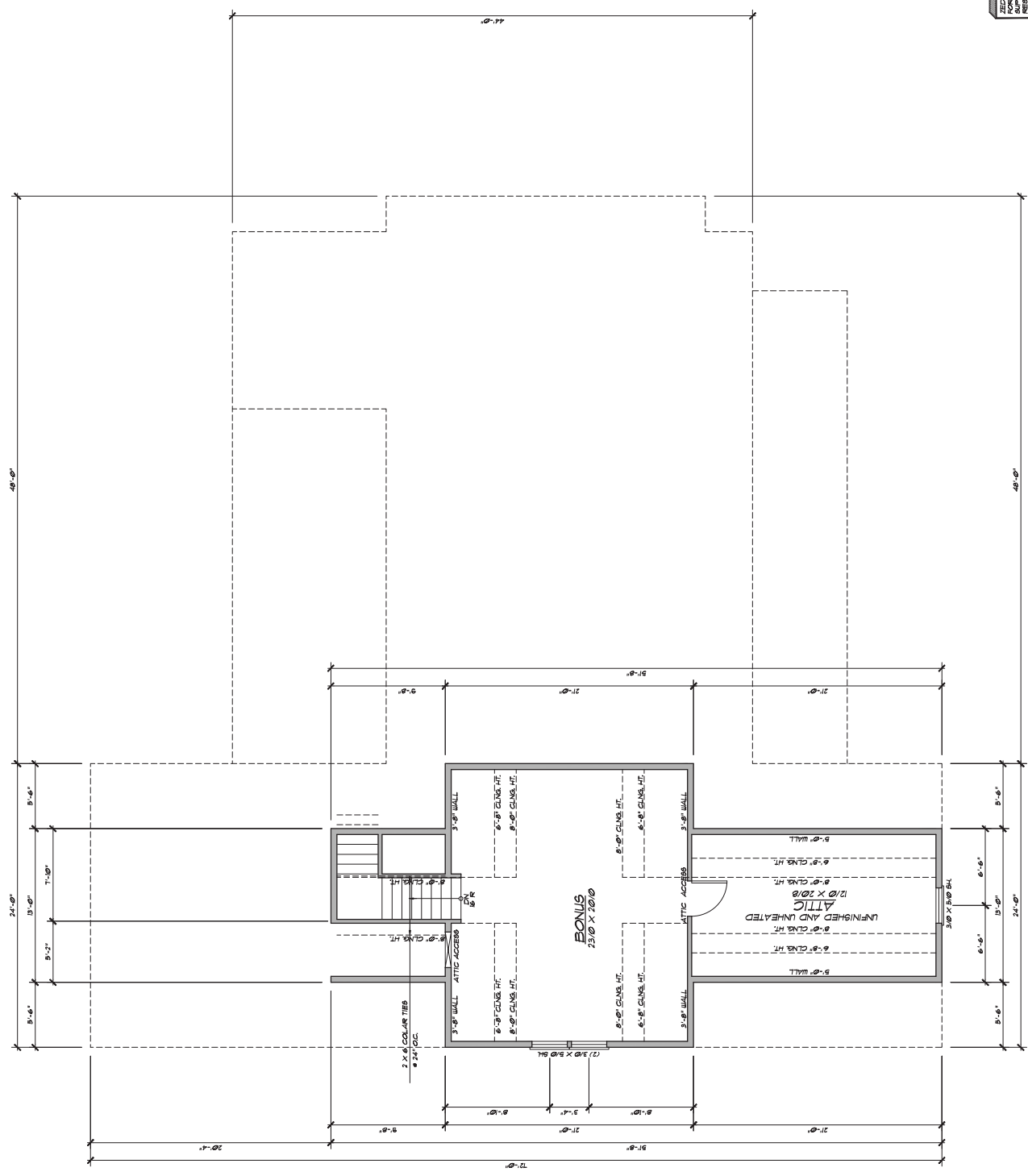
3401 NE MERSON RD.
 CORRETT OR 97019

UPPER FLOOR PLAN
 PROJECT:
 KOEJUE RESIDENCE
 OWNER:
 LUKE KOEJUE

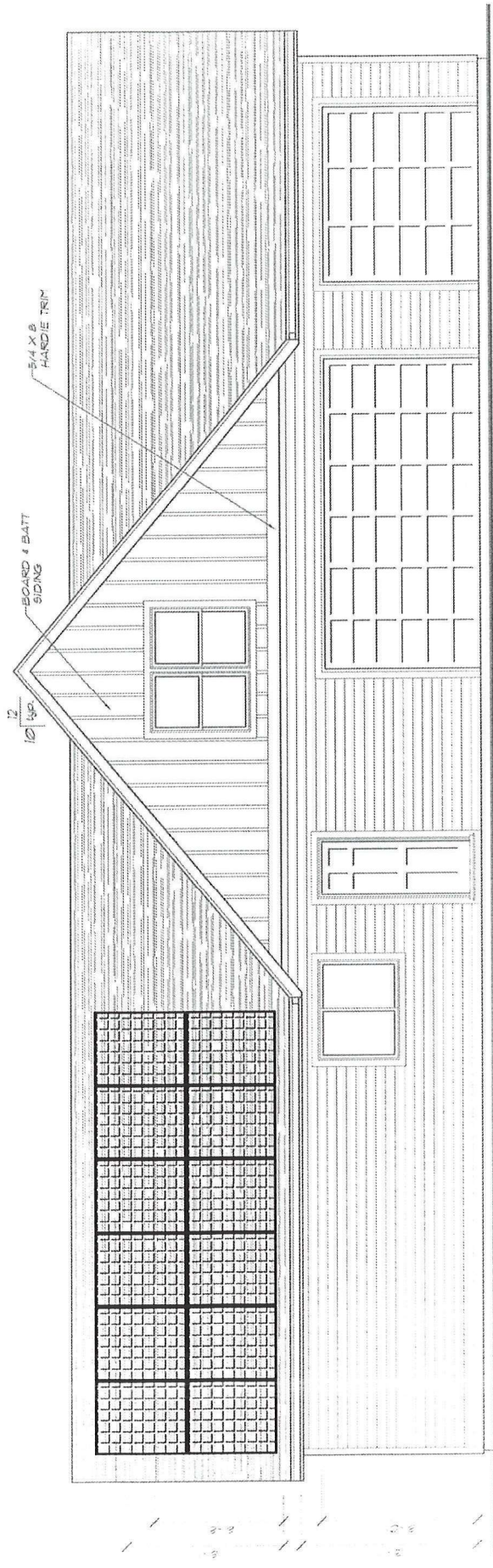
TITLE:
 DATE:
 JULY 30, 2015
 PROJECT NO.:
 24-100-043
 SEE/SHOW:

NO. 5 OF EIGHT

RED PERMA ILL ASSUMES NO RESPONSIBILITY FOR THE ACCURACY / VALIDITY OF CONTRACTOR / OWNER RESPONSIBILITY TO CHECK THE PLANS FOR ANY DISCREPANCIES PRIOR TO THE START OF CONSTRUCTION OR DISCREPANCIES MAY RESULT IN ESTIMATOR LOSS TO THE OWNER.



UPPER FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 564 SQ. FT.



LEFT-SIDE ELEVATION

SCALE: 1/4" = 1'-0"

