

# NOTICE OF NSA DECISION



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**Case File:** T2-2025-0062

**Applicant:** Alec Sommer

**Proposal:** Request to install a photovoltaic system on the roof of an existing single-family dwelling.

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**Location:** 32040 NE Mershon Rd., Troutdale

**Property ID #** R111656

**Map, Tax lot:** 1N4E32A -03600

**Alt. Acct. #** R053504370

**Base Zone:** Gorge General Residential (GGR-10)

**Overlays:** Geologic Hazards (GH)

**Key Viewing Areas:** Historic Columbia River Highway, Larch Mountain Road, Portland Women's Forum

**Landscape Setting:** Rural Residential in Pastoral

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**Decision:** Approved with Conditions

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Friday, December 26, 2025 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 contacting [LUP-comments@multco.us](mailto: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](http://www.multco.us/landuse/application-materials-and-forms). Email the completed appeal form to [LUP-submittals@multco.us](mailto: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.

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**Issued by:**

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Izze Liu, Planner

**For:** Megan Gibb,  
Planning Director

**Date:** December 12, 2025



## 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

GGR Zone: MCC 38.3025 Review Uses, (17) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the zoning district..., MCC 38.3060 Dimensional Requirements

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

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. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved above ground utility or development or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.

- ii. For purposes of 1.a.i, 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](mailto:LUP-submittals@multco.us) with the case no. T2-2025-0062 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 and compliance with all conditions of approval in the land use approval.
  - ii. For purposes of 1.b.i, 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](mailto:LUP-submittals@multco.us) with the case no. T2-2025-0062 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 other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein. [MCC 38.0660(B)]
- 3. The property owner(s) or their representative shall 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.:
  - a. 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.
  - b. 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.
  - c. 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).

- d. 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 38.7050(H)]
4. The property owner(s) or their representative shall 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):
- a. Halt Activities - All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
  - b. Notification - Local law enforcement officials, the Multnomah County Planning Director, the Gorge Commission, and the Native American tribal governments shall be contacted immediately.
  - c. 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.
  - d. Jurisdiction - If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.
  - e. 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.
  - f. 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).
  - g. 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 38.7050(H)]

**5. As on-going conditions:**

- a. The photovoltaic system shall not be used as a commercial power generating facility or for any other commercial or industrial purpose(s). [MCC 38.3025(A)(17)(a) & MCC 38.7390(A)(2)]
- b. The photovoltaic panels shall be non-reflective black color. The hardware used to mount the panels to the roof shall be non-reflective black. [MCC 38.7390(A)(3)]
- c. The overall height of the photovoltaic system shall not exceed the peak of the roof of the dwelling on which the system is to be mounted. [MCC 38.3025(B)(14)(b)]
- d. The photovoltaic system shall serve only the parcel on which it is located. 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. [MCC 38.7390(A)(5) – (A)(7)]
  - i. The capacity for power generation is limited to the expected annual electrical power need of the structure or use.

**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:

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

## 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 National Scenic Area Site Review to install a roof-mounted photovoltaic system on the existing single-family dwelling.

### 2.0 Property Description & History:

**Staff:** The subject property is zoned Gorge General Residential (GGR) and located within the Key Viewing Areas of the Historic Columbia River Highway, Larch Mountain Road, and the Portland Women’s Forum. According to the County’s records, the subject property is developed with a single-family dwelling which was approved under permit no. 802700.

### 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.2). 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** U.S. Forest Service (Exhibit D.1) Luciano Legnini, Archaeologist, submitted the following comment on November 24, 2024:

*I have reviewed the proposed undertaking and area of potential effect as stated on the development review application, against the National Scenic Area records and inventories. These inventories include the cultural resource site inventory maintained by the State Historic Preservation Office. Based upon the information provided in these inventories and the requirements of the Gorge Commission’s Land Use Ordinances, it is recommended that:*

*A Cultural Resource Reconnaissance Survey is: Not Required*

*A Historic Survey is: Not Required*

**3.2** Friends of the Columbia Gorge (Exhibit D.2) submitted a comment on November 26, 2025.

**Staff:** The Friends provided written comments to ensure that they will obtain a full written decision when issued. No specific concerns were addressed.

### 4.0 Code Compliance and Applications Criteria:

#### 4.1 MCC 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:**

\* \* \*

**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.

**(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. *This criterion is met.*

## **5.0 Gorge General Residential Criteria:**

### **5.1 MCC 38.3025 Review Uses**

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

\* \* \*

**(17) 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;**

**Staff:** The applicant is proposing to install a roof-mounted photovoltaic system on the single-family dwelling. A Condition of Approval requires compliance with (a)(1) above. *As conditioned, this criterion is met.*

**2. The system meets all special district requirements;**

**Staff:** The NSA standards are addressed in the findings below. *This criterion is met.*

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

**Staff:** The applicant is proposing a roof-mounted photovoltaic system on the single-family dwelling. *This criterion is met.*

**(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 proposed photovoltaic system will be mounted on the southern side of the roof of the dwelling, and the system will not exceed the peak height of the roof (Exhibit A.2). *This criterion is met.*

## 5.2 MCC 38.3060 Dimensional Requirements

\* \* \*

### (C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

**Staff:** The applicant is proposing to install a roof-mounted photovoltaic system on the single-family dwelling located on the subject property. No changes are proposed to the footprint of the dwelling and the roof-mounted photovoltaic system does not exceed the footprint of the dwelling. *These criteria are met.*

### Maximum Structure Height – 35 feet

**Staff:** The highest section of the roof-mounted photovoltaic system is 26.7 feet in height (Exhibit A.2). *This criterion is met.*

**(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 applicant is proposing to install a roof-mounted photovoltaic system on the dwelling located on the subject property. No other alterations to the dwelling are proposed.

**(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.**

**Staff:** The proposal does not exceed the maximum structure height requirement listed in subsection (C) above. *This criterion is not applicable.*

## 6.0 National Scenic Area (NSA) Site Review Criteria:

### 6.1 MCC 38.7035 GMA Scenic Review

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

#### (A) 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 applicant is proposing to install a roof-mounted photovoltaic system on the existing dwelling. No ground disturbance is proposed. *This criterion is 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:**

\* \* \*

**Staff:** The applicant is proposing to install a roof-mounted photovoltaic system on the existing dwelling. *These criteria are not applicable.*

**(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 applicant is not proposing any new access points. Mershon Road is not a Scenic Travel Corridor. *This criterion is not applicable.*

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

**Staff:** No vegetation plantings are required for this project. *This criterion is not applicable.*

\* \* \*

**(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.**

**(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.**

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

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



**Staff:** The applicant is proposing to install a roof-mounted photovoltaic system on the existing dwelling. This specific location was identified within the Larch Mountain Road Key Viewing Area but it does not appear to be visible from Larch Mountain Road due to the topography and distance between the subject property and the Key Viewing Area. The closest section of Larch Mountain Road to the subject property is more than 3.5 miles to the east. In addition, a dense cover of vegetation borders the northern, eastern and western property boundaries. To further ensure the proposed development will not be visible from the Key Viewing Area, the proposed solar panels are non-reflective, black, and does not exceed the overall roof height of the dwelling (Exhibits A.2 & A.6). *These criteria are met.*

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

**Staff:** The applicant is proposing to install a roof-mounted photovoltaic system on the existing dwelling. No ground disturbance is proposed. *This criterion is met.*

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

**Staff:** No existing trees were removed or will be removed as part of the development. *This criterion is 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 applicant is not proposing a new building or driveway as part of this proposal. *This criterion is not applicable.*

**(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 proposed solar panels are non-reflective and black (Exhibits A.2 & A.6). *This criterion is 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 is not proposing any new exterior lighting as part of this proposal. *This criterion is not applicable.*

**(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:** As discussed previously, the location of the existing dwelling does not appear to be visible from Larch Mountain Road due to the topography and distance between the subject property and the Key Viewing Area. The proposed solar panels are non-reflective and black (Exhibits A.2 & A.6). *This criterion is met.*

**(11) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval.**

**Staff:** The roof-mounted photovoltaic system on the existing dwelling is non-reflective and black. As conditioned, this criterion is met.

**(12) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual sub-ordinance requirements for lands visible from Key Viewing Areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to such historic structures shall be consistent with National Park Service regulations for historic structures.**

**(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 applicant is not proposing a new building or modification to a historic building. *These criteria are not applicable.*

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

\* \* \*

**Staff:** New landscaping is not required for the proposed development. *These criteria are not applicable.*

\* \* \*

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

\* \* \*

**(1) Pastoral**

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

**Staff:** The applicant is proposing a photovoltaic system on the roof the existing dwelling. No new buildings are proposed.

**(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:** The proposed photovoltaic system will be mounted on the roof of the existing dwelling which does not appear to be visible from Larch Mountain Road due to the topography and distance between the subject property and the Key Viewing Area. The proposed solar panels are non-reflective and black (Exhibits A.2 & A.6). No vegetation will be removed as part of this development. *These criteria are not applicable.*

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

**Staff:** No recreational uses are proposed. *This criterion is not applicable.*

### **(3) Rural Residential**

**(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:** No vegetation is proposed to be removed as part of this development. *This criterion is 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:** The proposed photovoltaic system will be mounted on the roof of the existing dwelling which does not appear to be visible from Larch Mountain Road due to the topography and distance between the subject property and the Key Viewing Area. The proposed solar panels are non-reflective and black (Exhibits A.2 & A.6). No vegetation will be removed as part of this development. *These criteria are not applicable.*

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

**Staff:** No recreational uses are proposed. *This criterion is not applicable.*

### **(4) Rural Residential in Conifer Woodland or Pastoral**

**(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.**

**(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:** The Rural Residential and Pastoral settings are addressed above.

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

**Staff:** No recreational uses are proposed. *This criterion is not applicable.*

## **6.2 MCC 38.7045 GMA Cultural Resource Review**

**(A) Cultural Resource Reconnaissance Surveys**

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

\* \* \*

**(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...**

**Staff:** The U.S. Forest Service submitted a comment confirming that a cultural reconnaissance survey and a historic survey were not required (Exhibit D.1). *These criteria are met.*

**(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:** As stated above, a cultural resource review is not required. The requirements MCC 38.7045 (L) Cultural Resources Discovered After Construction Begins, and (M) Discovery of Human Remains are conditions of approval. *As conditioned, these criteria are met.*

**7.0 Renewable Energy Production:**

**7.1 MCC 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.**

**(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 applicant is proposing to install a roof-mounted photovoltaic system on the existing single-family dwelling which is considered an addition to the dwelling. *This criterion is 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:** The proposed roof-mounted photovoltaic system is accessory to the existing residential use on the subject property. *This criterion is met.*

**(3) The panels and hardware are nonreflective black or dark earth tone colors.**

**Staff:** The applicant is proposing non-reflective, black solar panels. *This criterion is met.*

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

**Staff:** The roof-mounted photovoltaic system does not exceed the overall roof height (Exhibits A.2 & A.3). *This criterion is 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 applicant has confirmed that the proposed roof-mounted photovoltaic system will only service the subject property (Exhibit A.2). *This criterion is 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 applicant states that the proposed system offsets approximately 75% of the total annual projection and net metering is considered an occasional event (Exhibits A.2). *This criterion is met.*

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

**Staff:** The applicant provided an energy usage report that confirms that the proposed system will not generate more than the expected annual electrical power need of the existing residential use (Exhibit A.6). *This criterion is met.*

## 8.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the National Scenic Area Site Review to establish a roof-mounted photovoltaic system in the GGR zone. This approval is subject to the conditions of approval established in this report.

## 9.0 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](mailto:LUP-comments@multco.us).

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	3	NSA Application Form	10.30.2025
A.2	3	Narrative	10.30.2025
A.3	11	Site Plan	10.30.2025
A.4	37	Exterior Lighting	10.30.2025
A.5	12	Specifications	10.30.2025
A.6	1	Energy Usage Report	10.30.2025
‘B’	#	Staff Exhibits	Date
B.1	5	Assessment and Taxation Property Information for 1N4E32A -03600 (Alt Acct # R053504370/ Property ID # R111656	10.30.2025
B.2	1	Current Tax Map for 2N6E36AD -00100	10.30.2025
B.3	1	US Forest Service Sensitive Plants Map	10.30.2025
B.4	1	US Forest Service Sensitive Wildlife Map	10.30.2025

<b>‘C’</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	1	Complete Letter	10.31.2025
C.2	14	Opportunity to Comment	11.05.2025
C.3	15	Decision	12.12.2025
<b>‘D’</b>	<b>#</b>	<b>Comments</b>	<b>Date</b>
D.1	4	USFS Comments	11.24.2025
D.2	6	Friends of the Gorge Comments	11.26.2025