**DEPARTMENT OF COMMUNITY SERVICES**

Land Use Planning Division

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# Notice of Hearings Officer Decision

This document provides notice of the Hearings Officer's decision in the matter of **T3-2026-0007**. The decision is effective on **October 30, 2026**, the day the decision is signed by the Hearings Officer. This notice is being mailed to those persons entitled to receive notice under MCC 38.0660(D).

This notice includes the signed Hearings Officer's decision which contains the following information: the name of the applicant or owner; the appellant's name; the street address or other easily understood location of the subject property; a brief summary of the decision and the proposed use. For additional information, please visit our Land Use Planning website at https://multco.us/departments/land-use-planning-division.

The Hearings Officer's Decision is the County's final decision and may be appealed to the Columbia River Gorge Commission within 30 days of when the decision was signed by the Hearings Officer by any person or organization that appeared and testified at the hearing, or by those who submitted written testimony into the record.

Appeal instructions and forms are available from:

Columbia River Gorge Commission
PO Box 730
57 NE Wauna Ave
White Salmon, WA 98672

Phone: 509-493-3323 / Fax: 509-493-2229
info@gorgecommission.org
www.gorgecommission.org/

For further information, a copy of the final decision for inspection, or copies call or email the Multnomah County Land Use Planning Division at: 503-988-3043 or LUP-Hearings@multco.us. You can also visit our office at 1600 SE 190th Ave, Portland, OR 97233.

**BEFORE THE LAND USE HEARINGS OFFICER**
**FOR MULTNOMAH COUNTY, OREGON**

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| In the Matter of a Type III application for Conditional Use, National Scenic Area site review, and Parcel Determination to construct a utility facility (140-foot wireless communication facility) and accessory uses on 10 acres zoned Gorge General Residential & Gorge General Forestry in unincorporated Multnomah County, Oregon | **FINAL OPINION AND ORDER**<br><br>**Monopine Cell Tower**<br>**11499 NE Mcloughlin Pkwy**<br><br>**T3-2026-0007** |

## I. Summary:

This Order is the decision of the Multnomah County Land Use Hearings Officer approving with conditions this application for Conditional Use, National Scenic Area (NSA) Site Review, and Parcel Determination to construct a utility facility – a 140-foot tall Monopine Wireless Communication Facility (WCF) utilizing concealment technology, generator, equipment cabinet, fencing, etc. – a private driveway with an off-street parking area, and associated ground disturbance on ~10 acres zoned Gorge General Residential (GGR-2) & Gorge General Forestry (GGF-20).

## II. Introduction to the Property and Application:

**Applicant** Vertical Bridge
c/o ACOM Consulting, Inc.
Attn: Tammy Hamilton,
5200 SW Meadows Rd #150
Lake Oswego, OR 97035

**Owner** Agnes Heuker Properties, LLC
P.O. Box 1
Cascade Locks, OR 97014

**Property** Legal Description: Tax Lot 100, in Section 35, Township 2 North, Range 6 East of the Willamette Meridian (1N6E02B-00100), Property ID: R323214, Alt. Acct: R946020090, Street Address: 11499 NE McLoughlin Pkwy in Cascade Locks.

**Applicable Laws** Multnomah County Code (MCC) 38.0015 (Definitions), 38.0030 (Existing Uses and Discontinued Uses), 38.0110 (Tribal Treaty Rights and Consultation), 38.0560 (Code Compliance and Applications), 38.3030(A)(5) (Conditional Uses - Utility facilities), 38.3060 (Dimensional Requirements), 38.3085 (Off-Street Parking and Loading), 38.3090 (Access), 38.4105 (General Provisions), 38.4115 (Continuing Obligation), 38.4125 (Use of Space), 38.4130 (Location of Parking and Loading Spaces), 38.4140 (Change of Use), 38.4150 (Existing Spaces), 38.4165 (Design Standards: Scope), 38.4170 (Access), 38.4175 (Dimensional Standards), 38.4180 (Improvements), 38.4185 (Lighting), 38.4195 (Design Standards: Setbacks), 38.4205 (Minimum Required Off-Street

Parking Spaces), 38.4215 (Exceptions from Required Off-Street Parking or Loading Spaces), 38.5505 (Geologic Hazards: Permits Required), 38.5510 (Exemptions), 38.7035 (NSA, GMA Scenic Review Criteria), 38.7045 (GMA Cultural Resource Review Criteria), 38.7053 (GMA Water Resources Review Criteria), 38.7065 (GMA Wildlife Review Criteria), 38.7070 (GMA Rare Plant Review Criteria), 38.7080 (GMA Recreation Resource Review Criteria), 38.7300 (Special Uses: Review and Conditional Uses).

The subject site consists of a single tax lot (TL 100) totaling ~10 acres in unincorporated Multnomah County, within the Columbia River Gorge National Scenic Area, General Management Area, near Cascade Locks. The property is split-zoned Gorge General Residential (GGR-2) with a small portion at the east and south portions zoned Gorge General Forestry (GGF-20), and a Geologic Hazard overlay encumbers the entire property. The property has a large existing building (Ex. B.3) - the former Bonneville Grade School - constructed in the 1960s, but closed in 1996 due to debris flow risk and damage. The site is visible from multiple Key Viewing Areas: Beacon Rock, Cape Horn, Columbia River, Historic Columbia River Highway (including the Historic Columbia River Highway State Trail), Highway I-84 (including rest stops), Pacific Crest Trail, Rooster Rock State Park, Washington State Route 14.

This application is for a 140-foot tall monopole cell tower - a Wireless Communication Facility (WCF) and utility facility - designed to look like a pine tree (monopine design) to help it blend into the site's visual setting and make it visually subordinate to its surroundings as seen from the Key Viewing Areas. The proposal includes a diesel back-up power generator, ground-based equipment cabinets, a private driveway, off-street parking area and perimeter fencing.

The initial application, site plan and supporting documentation were submitted January 28, 2026 (Exs. A.1 to A.14). The County followed a Type III process to review this application, due to its location in the NSA, and issued an incompleteness letter on February 24, 2026 (Ex. C.3). In response, the applicant supplemented the application on May 26, 2026 (Ex. A.15) with a revised narrative (Ex. A.16), revised title report (Ex. A.17), photo simulations of the tower (Ex. A.18), FCC antenna registration information (Ex. A.19), RF safety information (Ex. A.20), an engineer's assessment of the structure (Ex. A.21), paint color samples (Exs. A.22, A.23 & A.24), lighting specifications (Ex. A.25), and a revised plan set for the project (Ex. A.26).

With this, the County deemed the application complete on June 23, 2026 (Ex. C.5), and issued notice to surrounding property owners within 750 feet of the site and affected agencies (Ex. C.7), describing the project, soliciting public comment, and announcing the October 9, 2026 public hearing on the proposal. The US Forest Service Archaeologist responded (Ex. D.1) who recommended no cultural resource survey or historic survey. Comments were received from several near-by neighbors to the project expressing concerns, but not outright opposition: Shoshana Bucher (Ex. G.1), Windy Maat (Ex. G.2) and Friends of the Columbia River Gorge (Ex. G.3). Ms. Maat raised health and environmental concerns from RF radiation and the other comments focused on the requirements of the applicable approval criteria. Staff issued a comprehensive report on the proposal on September 29, 2026 that analyzed the proposal in the context of the applicable approval criteria and recommended approval with conditions (Ex. C.8).

## III. The Public Hearing Process:

The County's notice for the October 9th public hearing (Ex. C.7) indicated it would be held remotely via a Zoom internet platform, in which everyone participating via video or telephone audio could hear everything that everyone said. At the commencement of the hearing, I made the disclosures and announcements required by ORS 197.797(5) and (6) and 197.796 and disclaimed any *ex parte* contacts, conflict of interest or bias. No one raised any procedural objections or challenged my ability to decide the matter impartially, or otherwise challenged my jurisdiction.

At the October 9th public hearing, Rithy Khut Senior Planner on the case, provided a verbal summary of the application and the basis for staff's written report (Ex. C.8), which recommended approval with multiple conditions. The applicant was represented by Tammy Hamilton, of Vertical Bridge, and with her were several members of its project team, including Tessie Vo Murakami. Ms. Hamilton expressed the applicant's acceptance of, and agreement with, staff's proposed findings and conditions. Ms. Hamilton stated that Vertical Bridge was a tower builder and operator and that this particular application was to serve Verizon Wireless, but that the tower had additional space and strength to host additional wireless carriers (Ex. A.21). The reason for this tower in this location at this time was to fill-in documented gaps and weak spots in Verizon's current coverage area, particularly along I-84 in Oregon and SR 14 in Washington. She testified that the tower's location and design were dictated by meeting Verizon's signal coverage objectives and minimizing visual impact as seen from Key Viewing Areas. Ms. Murakami testified that the wireless antenna array will meet all FCC requirements for RF radiation and signal strength (Ex. A.20).

One neighbor to the site testified in a neutral capacity (Wayne Overcash) and another (Tim Heuker) testified that he was a part owner of the subject property, opposed the application, and stated that the owner had not consented to the application. No one else requested the opportunity to testify, and no one requested a continuance or that the record remain open. The record closed at the conclusion of the October 9, 2026 hearing.

## IV. Findings:

Only issues and approval criteria raised in the course of the application, during the hearing or before the close of the record are discussed in this section. All approval criteria and issues not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. I find those criteria to be met, even though they are not specifically addressed in these findings.

**A. Issues Raised in Public Comments.** I adopt the following findings in response to the issues raised by public comments (Exs. G.1, G.2 & G.3) and at the October 9, 2026 hearing (Tim Heuker). Several comments raised issues related to the applicable approval criteria (Exs. G.1 & G.3), and the findings that I discuss and adopt in the next section respond adequately to those issues.

1. Health effects of RF radiation. Windy Maat (Ex. G.2) expressed the strong concern that radio frequency radiation emitted by this cell tower will have adverse health effects on her and her family. As a starting point, environmental and human health concerns are legitimate and frequently raised in opposition to any significant source

of radiation, such as a WCF. However, the Federal Telecommunications Act expressly prohibits consideration of direct or indirect environmental and health effects in deciding this permit. *See* 47 USC §332(c)(7).[1] While sympathetic to these environmental and human health concerns, federal law prevents me from using actual or perceived health or environmental effects of RF radiation as a basis to condition or deny this permit. Moreover, there are no applicable local approval standards that address this issue, and Ms. Maat's comment fails to cite any. Finally, the most that I can require of a WCF applicant is compliance with federal radiation emission limits for such facilities, and the applicant has provided credible and sufficient documentation that this tower will comply with applicable FCC emissions limitations (Ex. A.20). For these reasons, these arguments cannot serve as a basis to condition or deny this application.

2. Lack of property owner consent. Tim Heuker testified at the October 9th hearing that he was one of four owners of the property; he opposes the application, and has never given his consent to his property being the subject of a land use application or host for this project. Mr. Heuker offered no documentation or evidence to support his claims of ownership in the property.

   MCC 38.0550 provides generally, that "[e]xcept as provided in MCC 38.0702, Type I - III applications may only be initiated by written consent of the owner of record or contract purchaser." This requirement, however, is an application submission requirement and not an approval criterion for this application. Contrary to Mr. Heuker's assertion of ownership, the record indicates that the property is owned by the Agnes Heuker Properties LLC, not Tim Heuker. Moreover, the applicant provided a letter of authorization signed by Tom Heuker as vice president of Agnes Heuker Properties LLC authorizing the application (Ex. A.2), which was sufficient to satisfy the MCC 38.0550 application requirement. In the absence of any countervailing or comparably credible evidence, I regard the signed letter of owner authorization to be credible evidence and sufficient to initiate this application and sustain it. If there is any legal deficiency in the signed owner consent, that would be a civil matter between the applicant and the property owner to be resolved in civil court. For me and my limited code-driven authority, however, Mr. Heuker's argument lacks evidentiary support and I do not consider it further.

**B. Generally Applicable Criteria.** I adopt and incorporate herein by this reference the staff report (Ex. C.8) which I augment with the following findings:

**Code Compliance.**

1. MCC 38.0560 Code Compliance and Applications. MCC 38.0560 prohibits the County from issuing or otherwise approving permits for any property that is not in full compliance with all applicable provisions of Multnomah County Zoning Code. As written, this provision could be construed to impose an impossible burden on every applicant to prove a negative – to prove there is nothing about the property and all uses thereon that is contrary to the Zoning Code or any previously issued permit. Staff takes the position in the report (Ex. C.8) that MCC 38.0560, in fact, does not

[1] "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." 47 USC §332(c)(7)(B).

impose such a burden on applicants, but only requires that an applicant respond to any specific allegations or known instances of a violation on the property. Absent any argument to the contrary, I accept staff's interpretation and notes there is no evidence or allegation of a code violation in this record, which is apparently enough to satisfy this provision.

**Parcel Definition**

1. MCC 38.0015 Definitions, Parcel. MCC 38.0015 defines "parcel," in general terms, as any legally created unit of land, taking into account the County's applicable procedural and substantive requirements for legal lots. The import of this definition is that, to be the subject of a permit proceeding, the subject property must be a legal lot or "parcel."

   To qualify as a "Parcel," the subject property, when created or reconfigured, must 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 one ALTA Commitment for Title Insurance and a Tower Title & Closing, both of which contained 6 deeds to support the Parcel Determination request (Exs. A.6 & A.17). Staff also provided a Parcel Record Card and 2 deeds (Exs. B.6 to B.8). The earliest deed provided was recorded/in recordable form in 1951 and contains a legal description matching the current configuration of the subject property (Ex. B.6). In 1951, the subject property was not zoned per historical County zoning maps as the first Interim Zoning Ordinance was not adopted until May 26, 1953. The applicant provided a current deed recorded in 2002 for the subject property that contains a legal description that matches the recorded 1951 legal description (Exs. A.6 & A.17). In 1951, 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 (Ex. B.6).

   Based on the foregoing, I conclude the subject property satisfied all applicable zoning and land division laws when it was created or reconfigured in 1946 and therefore qualifies as a "parcel" as defined in MCC 38.0015.

**Residential Districts – GGR Criteria**

1. MCC 38.3030 Conditional Uses. "Utility facilities and railroads" are listed as conditionally allowed in the GGR Zone. MCC 38.0015 defines "Utility facility" as "Any structure which provides for the transmission or distribution of … communications." The use proposed here is a WCF, which qualifies as a "utility facility" under this definition.

2. MCC 38.3060 Dimensional Requirements. This section provides the applicable setbacks, lot dimensions and building height for development on lots in the GGR zone. The front yard is along the eastern lot line that is located most parallel to NE McLoughlin Parkway. The rear yard is along the opposite lot line (i.e. the western line) that is opposite front lot line. The side yards are the north and south lot lines (Ex. B.2). The parkway is classified as a rural local road, which requires a ROW width of 50 feet. McLoughlin Parkway is over 80 feet in width, so no additional right-of way width is needed and the yard does not need to be increased. The site plan shows the location of the WCF. The outermost boundary of the utility facility is the

fencing. As measured, the fencing is more than 100 feet from all property lines (Ex. A.26). The elevation plans for WCF show that the top of the monopine tower is 140 feet with the remaining structures including the ice bridge and fencing at a height of less than 15 feet. As allowed above, structures such as antennae or similar structures may exceed the height requirement if located at least 30 feet from the property line. The tower, which includes antennae and other similar structures is more than 100 feet from the nearest property line. Finally, the front lot line is longer than 50 feet. From this, I conclude these criteria are met.

3. MCC 38.3085 Off-Street Parking and Loading. This application proposes a new utility facility use, for which off-street parking and loading is required. The applicable approval criteria in MCC 38.4100 through MCC 38.4215 are discussed below.

4. MCC 38.3090 Access. Because this parcel abuts and has frontage on NE McLoughlin Parkway, this requirement is met.

**Off Street Parking and Loading Requirements**

1. MCC 38.4105 General Provisions. The criteria in MCC 38.4105, et seq. apply to any change in use to a property. In this case, the application proposes a change in the use of the land that will result in an intensified use by occupants, employees, and other persons. Although the WCF is unstaffed most of the time, as required by this Section, off-street parking and loading, traffic circulation, and access must be reviewed. The requirements are discussed below.

2. MCC 38.4115 Continuing Obligations. A condition is warranted to ensure that the provision for and maintenance of the off-street required parking and loading facilities shown on the site plan is provided without charge to users. As conditioned, criterion can be met.

3. MCC 38.4125 Use of Space. This provision requires that required parking spaces and loading areas be preserved and retained for those purposes and that they not be put to other/different uses. On-going compliance with this provision warrants a condition of approval.

4. MCC 38.4130 Location of Parking and Loading Spaces. This provision requires parking spaces to be located on the lot they serve, but it allows for an exception approved by the director. The application proposes to locate 2 parking spaces on the subject property as discussed below. The application does not seek an exception under subsection (B) as all the parking spaces and vehicle maneuvering areas are located on the subject property (Ex. A.26). No loading spaces are proposed. From this, I conclude this criterion is met.

5. MCC 38.4140 Change in Use. This provision requires any new/different use with a greater parking or loading demands provide those new parking spaces. In this case, the WCF proposes 2 new parking spaces on this property, which shall be provided on site, which meets the requirement.

6. MCC 38.4150 Existing Spaces. This provision allows applicants to count pre-existing parking and loading spaces toward the required number needed. In this case, the WCF proposes 2 new parking spaces on this property, which shall be provided on site, which meets the requirement.

7. MCC 38.4165 Design Standards: Scope. This provision requires that new/additional parking and loading areas provide for turning, maneuvering and paring of all vehicles on the lot. In this case, the WCF proposes 2 new parking spaces on this property, which shall be provided on site, which meets the requirement.

8. MCC 38.4170 Access. This criterion imposes requirements on where new parking and loading spaces can be located. In this case, the WCF proposes 2 new parking spaces on this property, which shall be provided on site, which meets the requirement.

9. MCC 38.4175 Dimensional Standards. This criterion imposes dimensional and orientation requirements on new parking and loading spaces. In this case, the WCF proposes 2 new parking spaces on this property, which shall be provided on site, which meets the requirement.

10. MCC 38.4180 Improvements. This section and its subsections impose requirements on surfacing, curbs and bumper rails, surface markings, and drainage for required parking areas.

    a. Surfacing. The revised plans (Ex. A.26) show that the parking areas, loading areas, and the areas used for maneuvering vehicles will be surfaced with 3 inches of 1 inch dense aggregate laid on top of 9 inches of 2.5 inch dense aggregate are currently paved and will continue to be paved with either standard asphalt or heavy concrete (Exs A.14 & A.15). This satisfies the criterion.

    b. Curbs and Bumper Rails. The revised plans (Ex. A.26) show that the parking areas and the areas used for maneuvering vehicles are physically separated from public streets and adjoining property due to large yards that contain trees, shrubs, and other vegetation. However, the plans do not show that the outer boundary of the parking area has either a bumper rail or curbing; therefore, a condition is warranted requiring that a bumper rail or curbing be added to the plans and be constructed as part of the parking area. As conditioned, this criterion can be met.

    c. Marking. The plans show that the parking areas and the areas used for maneuvering vehicles, but no marking is shown. (Exhibit A.26). A condition will be requested that marking be added to the plans and be constructed as part of the parking area. As conditioned, criteria can be met.

    d. Drainage. The applicant provided a Stormwater Drainage Control Certificate and Plans describing and showing how disposal of surface water will occur on the property. The drainage was reviewed and certified by Harold Duncanson, Oregon Registered PE (Ex. A.10), which indicates that “Natural Infiltration Process” will be the stormwater drainage control system used. As shown on the revised plans (Ex. A.26), the access road and parking areas will be graded with a slope ±1% to ensure the parking and maneuvering areas are drained. As such, I find this criterion is met.

11. MCC 38.4185 Lighting. This section imposes general requirements on outdoor lighting and light fixtures. The application includes information about the location or

type of exterior lighting that will be used to support the use (Ex. A.25), and specifies that exterior lighting will be the Spaulding ARF2 LED decorative flood. The LED nodes are flush with the casing, shielding the light source. The exterior light will be attached to the utility H-frame, which is a substantial distance from any adjoining dwellings or other types of living units (Ex. A.26). A condition is warranted requiring that, when submitting building plans for Zoning Plan Review, the proposed lighting plan be finalized demonstrating compliance with the above. As conditioned, I find this criterion can be met.

12. MCC 38.4195 Design Standards: Setbacks. This standard requires, among other things, a 30-foot front yard setback. There is sufficient space in the vehicle maneuvering area to accommodate the required 30-foot front yard, which connects directly to the street. No parking space, loading space, vehicle maneuvering area, or access drive is proposed, nor shall it be located, within the front yard (Ex. A.26). On this basis, I conclude this criterion is met.

13. MCC 38.42.05 Minimum Required Off-Street Parking Spaces. This section provides the number of parking spaces required for various uses, but does not require any particular number for Utility Facilities. In this case, the WCF proposes 2 new parking spaces adjacent to the tower (Ex. A.26). At peak usage, the parking spaces will be used by technicians to conduct periodic maintenance (Ex. A.16). As described, the estimate of the usage of the utility facility is appropriate, and on that basis I conclude this criterion is met.

**Geologic Hazards Criteria**

1. MCC 38.5505 Permits Required. This section requires a Geologic Hazard Permit for sites that bear that overlay and have average slopes of 25% or more. The section also provides for exemptions, which the applicant seeks, and is addressed in the next section.

2. MCC 38.5510 Exemptions. This section allows exemptions from the Geologic Hazard Permit requirement. The revised plans (Ex. A.26) show the natural and finished slopes of the development area. As measured, the natural slopes are approximately 10%, and the finished grades proposed are generally flat with some areas between 10% and 25%. The disturbed area will be less than 20,000 sf, and impervious surfaces, consisting mainly of gravel, will be less than 10,000 sf (Ex. A.16). From this evidence, I conclude that an exemption is justified and it is granted.

**National Scenic Area (NSA) Site Review Criteria**

1. MCC 38.7035(A)(1) Retain Existing Topography. This section requires new uses to retain the existing topography and to minimize grading activities to the maximum extent practicable. This proposal includes construction of a utility facility, an off-street parking area, and private driveway. The construction will require grading activities to create a level area for the development (Ex. A.16). The revised plans (Ex. A.26) show the area of grading is in a partially forested open area in the north middle of the property. Construction of the private driveway uses an existing driveway on the property extending it to the utility facility after passing a building that is located on the property. The existing topography shows this is generally the flattest portion of the property with slopes averaging 10% through the project area. Similar slopes exist in other portions of the property, if the facility was moved. To the west of the existing building is one such area, but the private driveway would need to

be extended a longer distance due to having to navigate around the drainfield. As proposed, a minimum of approximately 14,200 sf ground disturbance with approximately 530 cy of excavation is proposed. In using these areas closest to the existing development on the property instead of other portions of the property, grading will be minimized and the existing topography will be better retained. On this basis, I find this standard is met.

2. MCC 38.7035(A)(2) New Buildings shall be Compatible. This section requires that new buildings be compatible with the general scale of similar buildings that exist nearby, *e.g*. dwellings to dwellings. The application is for a new utility facility that has no buildings. The components of the utility facility are a monopine tower, equipment cabinet, ice bridge, utility H-frames, an emergency backup generator, and fencing (Exs. A.16 & A.26). Because this provision applies to new building, I find that it is inapplicable to this cell tower proposal.

3. MCC 38.7035(A)(4) Responsibility for Required Vegetation. This section requires the landowner to be responsible for retaining and maintaining required vegetation. Vegetation is required to be retained as part of this application (Ex. B.11); therefore, a condition is warranted requiring the landowners to be responsible for the proper maintenance and survival of the required vegetation. As conditioned, I find this criterion is met.

4. MCC 38.7035(B)(1) Uses Topographically Visible from Key Viewing Areas. This section generally requires new uses to be visually subordinate to their setting as seen from Key Viewing Areas. The components of this new development include a monopine tower, equipment cabinet, ice bridge, utility H-frames, an emergency backup generator, fencing, off-street parking area, private driveway, and associated ground disturbance. The site is topographically visible from the following KVAs: Beacon Rock, Cape Horn, Columbia River, Historic Columbia River Highway (including the Historic Columbia River Highway State Trail), Highway I-84 (including rest stops), Pacific Crest Trail, Rooster Rock State Park, and Washington State Route 14. This section requires the development to meet the "visually subordinate" standard, which means:

   > "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 in:
   - Foreground (0-½ miles) Distance Zone: Columbia River, Highway I-84, Historic Columbia River Highway;
   - Middleground (½-4 miles) Distance Zone: Beacon Rock, Washington State Route 14; and
   - Background (> 4 Miles) Distance Zone: Cape Horn, Pacific Crest Trail, Multnomah Falls.

   Development in the foreground is more visible from KVAs due to its proximity to the KVA; whereas development in the background more easily blends in with the surrounding environment. As previously noted, the development site is located in one of the flatter portions of the property. The surrounding topography slopes towards the canyon walls with few hills or ridges to obscure the development (Exs.

A.26, B.9 & B.10). Most of the KVAs are located north of the property; although, Beacon Rock is northeast and Cape Horn is northwest of the property.

The development is located on the between two intermittent streams based on Department of State Lands (DSL) maps, but it avoids the wetlands and riparian buffers adjacent to the existing development on the property. If the development was screened by the existing building, it would be located in an area of steeper slopes. From this, I conclude the development is at a distance that is the maximum extent possible from the relevant KVAs based on the configuration of this property. However, to ensure the development meets the Scenic Review criteria, additional conditions are warranted and are discussed below. As conditioned, I find this criterion is met.

5. MCC 38.7035(B)(2) Particular Factors Relevant to Visibility from Key Viewing Areas. When assessing visual impact to views from KVAs, this provision requires consideration of: 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 subordinance 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 a set of hierarchical priorities.

   The applicant provided an analysis of the potential visual impact that considered these factors. The development is potentially topographically visible from 3 KVAs in the foreground, 2 KVAs in the middle ground and 3 KVAs in the background distance zone. The application's narrative, plans, and photographs describe and show siting and design consideration for this development (Exs. A.8, A.16, A.18 & A.22 - A.26). The revised plans (Ex. A.26) show contouring of the development area and vegetation that will be removed, and photographs show the exterior design details. In totality, the application's documentation show that the potential visual impact of the development will be reduced; however, conditions are warranted to ensure that visual subordinance in relation to the landscape setting will be achieved. As conditioned, I find that this criterion can be met.

6. MCC 38.7035(B)(3) Visibility Analysis will consider cumulative impacts. This provision requires cumulative visual impacts to be considered when evaluating visibility from KVAs. The cumulative effects analysis requires consideration of the combined impacts of the past, present, and reasonably foreseeable future of the development on the visual effects and compliance with visual subordinance is minor. The existing impacts of the past include an already built environment that includes a few dwellings and accessory buildings, one large former school building; and accessory structures in the immediate vicinity. The proposed development is located south of a residential subdivision adjacent to the Historic Columbia River Highway and I-84. There is limited residential uses mixed with forested areas because the area is located in a landslide zone subject to somewhat frequent debris flows. From this evidence, I conclude the impact of this development and potential future development is minor as this property is already developed. The building, the former

Bonneville Grade School was constructed in the 1960s but closed in 1996 due to debris flow risk and damage. The proposal will require several conditions of approval to ensure visual subordinance is achieved and to ensure that the cumulative effects are minimized. Because there is little future development potential for this property or other near-by properties due to the debris flow and landslide risk, I conclude that future impacts will be minimal. On this basis, I conclude this criterion is met.

7. MCC 38.7035(B)(4) Visibility Analysis requires a detailed description of proposed buildings. This provision requires a detailed description of proposed buildings. The narrative, plans, and photographs provide a detailed description and design of the WCF and its accessory equipment and infrastructure (Exs. A.8, A.15, A.16, A.8 & A.22 - A.26). From this evidence, I conclude this criterion is met.

8. MCC 38.7035(B)(5) The development shall use existing topography and vegetation to achieve visual subordination. This provision requires the project to use existing topography and vegetation to achieve visual subordination. The development is topographically visible from KVAs, but it is designed and sited to using existing topography and vegetation to achieve visual subordinance. The development area for the WCF utilizes an area that is generally flat and is vegetatively screened from the 3 foreground KVAs (Exs. A.16 & A.26). As shown in the photo simulations (Ex. A.18), the WCF will blend in to meet the visually subordinance requirements. However, a condition is warranted that requires existing vegetation to be retained as shown in the applicant's vegetation plan (Ex. B.11). With this as a condition, I find this criterion is met.

9. MCC 38.7035(B)(6) Retain existing tree cover to achieve visual subordination. This provision requires the project to use existing tree cover to help screen it from KVAs. The application's narrative, plans, and aerial photos discuss and show a forested area north of the development site (Exs. A.16, A.26 & B.3). A minimum of 9 trees are slated for removal, but a condition is warranted to require that trees shown in the vegetation plan (Ex. B.11) be retained for screening purposes. Additionally, after construction of the WCF, if trees are removed due to death, disease, or to prevent an emergency or 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. Finally, at least half of any trees planted shall be species native to the Rural Residential landscape setting. All trees planted shall meet the minimum recommended sizes in *Scenic Resources Implementation Handbook* for tree plantings (based on average growth rates expected for recommended species With this as a condition, I find this criterion is met.

10. MCC 38.7035(B)(7) Driveways shall be sited to minimize visibility. This provision requires that any driveway constructed for a new use shall be sited to minimize visibility of the driveway. The development will not require the creation of cut banks or fill slopes for buildings, and the property already has a private driveway that will be extended to the development site (Ex A.26). All cut banks or fill slopes shall be limited as the private driveway is in an area of relatively gentle slope that is more than 700 feet from the nearest KVA. Further, the area between the development and the property line contains coniferous and deciduous trees that will obscure the development from the nearest KVA. On this basis I find this criterion is met.

11. MCC 38.7035(B)(8) Buildings visible from KVAs shall use non-reflective materials. This provision requires the use of non-reflective materials for buildings that will be visible from KVAs. The application narrative, plans, and photos collectively document that the exterior of all the structures that make up the WCF will be non-reflective. The exterior surface of the tower will be made of steel that is coated to reduce the reflectivity of the structure (Exs. A.21 & A.22). Similarly, the ice bridge, generator, equipment cabinet, utility H-frame, and fencing will be coated metal to reduce the reflectivity. A condition is warranted requiring that, when submitting building plans for Zoning Plan Review, the materials shall be finalized to ensure compliance with this non-reflectivity requirement. With this as a condition, I find this criterion is met.

12. MCC 38.7035(B)(9) Exterior lighting shall be directed downward, limited in intensity and otherwise designed to reduce its visibility. This provision requires that lighting used in the development 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. The exterior lighting proposed is a Spaulding ARF2 LED decorative flood (Ex. A.25). As designed, the exterior lighting is downward facing and shielded/hooded to prevent the light lamination from being highly visible from KVAs and the surrounding landscape settling. A condition is warranted requiring that, when submitting building plans for Zoning Plan Review, the final lighting plan shall demonstrate compliance with these clear and objective requirements. With this as a condition, I find this criterion is met.

13. MCC 38.7035(B)(10) Exterior paint colors shall be dark earth tones found at the site. This provision requires that exterior paint colors 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. The application narrative, plans, and photos show the exterior colors for the structures that will be used for this WCF (Exs. A.22, A.23 & A.24). The structures will be painted using Sherwin Williams SW6447 Evergreen Matte Finish or Sherwin Williams SW6097 Sturdy Brown Matte Finish. These colors match the dark earth tones found in the *Scenic Resources Implementation Handbook*, and a condition is warranted requiring the proposed exterior paint colors be finalized demonstrating compliance with these requirements when submitting building plans. With this as a condition, I find this criterion is met.

14. MCC 38.7035(B)(14) Landscaping standards for screening. This provision imposes requirements on new landscaping to help screen the development. However, the potential visual impact of this new development will not require new landscaping to screen it from the KVAs to the north due to existing vegetation. Additionally, the application plans to use various other means, including siting considerations, to make the development visually subordinate from the KVAs; therefore, this criterion is not applicable.

15. MCC 38.7035(B)(17) Visual subordination requires use of existing communication structures. This provision requires the use of existing structures when siting new

telecommunication facilities such as dishes and antennae. The application proposes a WCF that is needed to coverage to the local service area. The coverage area map shows that this location experiences weak reception in comparison to areas closer to North Bonneville to the east and Washougal to the west (Ex. A.7). The new WCF is proposed in this location due to the lack of existing communications facilities on which to collocate. The Antenna Structure Registration search indicates that there are no towers within 1 mile (Ex. A.19). Expanding the search to 5 miles results in only one 60-foot tower owned by Bonneville Power Administration providing electrical service in an area where existing wireless service is already adequate. Based on this evidence, I conclude this criterion is met.

16. MCC 38.7035(B)(18) Limited ability for a new WCF to protrude above the skyline as seen from KVAs. This provision allows a new WCF protrude above the skyline as seen from KVAs only if certain factors are met. This WCF is proposed in this location due to inadequate service within this area of the National Scenic Area. The utility facility will improve coverage and capacity within the corridor (Ex. A.7). More importantly, the facility will provide a public service by increasing reliability of communication service during throughout the year and during adverse weather periods (Ex. A.16).

    As designed, the WCF does protrude into the skyline. As radio frequency antenna systems are negatively impacted by vegetation, the higher the tower the more signal strength and performance are maximized (Ex. A.16). To ensure that impact from the break in the skyline is minimized, the tower will be disguised as a pine to obscure its visual impact. When viewing the tower from the various KVAs, the ridge line along Gorge Walls including McLoughlin State Natural Area and Yeon Mountain will help ensure that the tower blends into the background of mature trees and vegetated cliffs (Ex. A.18). In that light, I conclude this criterion is met.

17. MCC 38.7035(B)(21) New buildings visible from KVAs will not be allowed on sites with slopes in excess of 30%. This provision prohibits new buildings visible from KVAs on sites with slopes in excess of 30%. This development application proposes no new buildings. The development at issue – a WCF – is proposed for an area of relative gentle slope, less than 25% (Ex. A.26). This criterion is met.

18. MCC 38.7035(C)(3)(a) Existing tree cover shall be retained as much as possible. This provision requires preservation of existing trees as much as possible, except as necessary for site development and safety purposes. This development will require removal of some trees for site development purposes (Exs. A.16 & A.26). A majority of the existing tree cover on the property, however, will be retained. This criterion is met.

19. MCC 38.7035(C)(3)(b) Existing trees and vegetation shall generally be retained as much as possible to achieve visual screening and subordination. This development will require some vegetation removal for site development purposes. No additional trees are proposed for planting for screening purposes (Exs. A.16 & A.26). A condition is warranted requiring existing vegetation to be retained as shown in the application's Vegetation Plan (Ex. B.11). As conditioned, I find that this criterion can be met.

**GMA Cultural Resource Review Criteria**

1. MCC 38.7045(A)(1) Cultural Resource Survey. A cultural reconnaissance survey shall be required for all proposed uses, except those occurring in areas that have a low probability of containing cultural resources. USFS Archaeologist, Luciano Legnini, provided a Cultural Resource Survey Determination on behalf of the USFS on March 5, 2026 (Ex. D.1) reporting that a Cultural Resource Survey is not required because this 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 archaeological site.

    Based on these comments, I conclude that this criterion is satisfied.

2. MCC 38.7045(A)(4) Historic Survey. An 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. USFS Archaeologist, Luciano Legnini, provided a Cultural Resource Survey Determination on behalf of the USFS on March 5, 2026 (Ex. D.1) reporting that a Cultural Resource Survey is not required because this development:
    - Would not alter 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.

    Based on these comments, I conclude that this criterion is satisfied.

3. MCC 38.7045(B)(1) Cultural Resource Review. The cultural resource review criteria shall be deemed satisfied if, among other things, the project is exempted by MCC 38.7045(A)(1) because no cultural resources are known to exist in the project area. The cultural resource review has been satisfied because the project is exempt under MCC 38.7045(A)(1) based on the comment from the USFS Archaeologist (Ex. D.1). Based on these comments, I conclude that this criterion is satisfied.

4. MCC 38.7045(L) Cultural Resource discovered during construction. A condition is warranted requiring the property owner to follow the procedures in MCC 38.7045(L) if cultural resources are discovered during construction. As conditioned, I conclude that this criterion is satisfied.

5. MCC 38.7045(M) Human remains discovered during construction. A condition is warranted requiring the property owner to follow the procedures of MCC 38.7045(M) if human remains are discovered after construction begins. As conditioned, I conclude that this criterion is satisfied.

**GMA Water Resource Review Criteria**

1. MCC 38.7053(G)(1) & (2) Water Resource Buffer Zones. Based on USFS maps and the Department of State Lands (DSL) Statewide Wetland Inventory Map, the property does not contain water resources including wetlands. Moreover, no near-by water resource buffer zones encroach into the development area. Intermittent streams not used by anadromous or resident fish have a 50-foot buffer. According to

DSL, the nearest water resource is an intermittent stream located ~170 feet north of the development area (Ex. D.10). A second intermittent stream is located ~350 feet south and west of the development area. This criterion is not applicable.

**GMA Wildlife Review Criteria**

1. MCC 38.7065 Wildlife Habitat Site Review. Wildlife Habitat Site Review is 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 the county discovers a new protected wildlife location during the review process, it shall submit this information to the appropriate state agency to be updated in their species databases. Based on the USFS maps for Deer and Elk Winter Range, Wildlife, and Sensitive Wildlife there are no Priority Habitats, sensitive wildlife areas, sensitive wildlife sites, or winter ranges within 1,000 feet of the property. Additionally, the application was sent to Gorge Commission and state wildlife agencies which did not provide comments about if the development would adversely affect any priority habitats or sensitive wildlife sites (Ex. C.1). Because no additional consultation with ODF&W is required, there is no evidence of any active sensitive wildlife sites or that this the development would compromise the integrity of the Priority Habitat within the buffer area. This criterion is not applicable.

**GMA Rare Plant Review Criteria**

1. MCC 38.7070 Rare Plant Site Review. A Rare Plant Site Review shall be required for any project within 1,000 feet of endemic plants and rare plant species. Based on USFS maps for Sensitive Plans, there do not appear to be any endemic plants or sensitive plant species within 1,000 feet of the property. Also, no comments were received from the Oregon Biodiversity Information Center about potential endemic or rare plant species (Ex. C.1). This criterion is not applicable.

**Special Uses Criteria**

1. MCC 38.7300(A)(1) Review and Conditional Uses – Agriculture. This provision requires a determination that the use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use. The subject property is not adjacent to any lands zoned, Gorge General Agriculture or Gorge Special Agriculture. An aerial photo of the area does not show any nearby properties actively being managed for agricultural practices (Ex. B.3). The neighboring property to the west appears to have large areas of grass for haying; however, the areas being managed are located adjacent to NE Frontage Road. The land use pattern of the area is predominately single-family homes with large areas of forested land. This WCF use is not expected to interfere with accepted agricultural practices on nearby lands. The narrative discusses how the utility facility use will be utilized. At peak usage, the utility facility will have 2 technicians to conduct periodic maintenance (Ex. A.16). The rest of the time, the WCF is entirely passive. The lack of visiting staff and no public access means there will be no change in or significant increase in the cost of accepted agricultural practices on nearby lands devoted to agricultural use. Additionally, while staff visiting the site could interfere with agricultural practices due to complaints of dust and pesticide application by farmers, a condition is warranted requiring the property owner sign and record in the deed records for the County a covenant signed by the landowner declaring they are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands

designated GGF-20, GGF-40, GGF-80, GGA-20, and GGA-40. As conditioned, I conclude that this criterion is satisfied.

2. MCC 38.7300(A)(2) The Use will minimize the loss of agricultural land. This provision requires a finding that the use will be sited to minimize the loss of land suitable for the production of crops or livestock. The property is not currently being used for production of crops or livestock because of the size and historical usage of the property. The property contains the former Bonneville Grade School that closed in 1996 due to debris flow risk and damage. The subject property is small at ~10 acres, split zoned GGR-2 and GGF-20. The property is heavily forested compared to other properties to the west that could potentially be suitable for the production of crops or livestock. Using this site for a WCF use will ensure that other adjacent and nearby land suitable to produce crops or livestock is kept intact. With this evidence, I conclude this criterion is satisfied.

3. MCC 38.7300(B)(1) Review and Conditional Uses – forestry. This provision requires that owners of land designated GGF or GGA within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision. Staff mailed a Notice of Public Hearing regarding the proposed application to owners of land designated GGF or GGA within 500 feet of the perimeter of the subject parcel (Ex. C.7). The owners had a minimum of 20 days to comment prior to the Hearing. This criterion is satisfied.

4. MCC 38.7300(B)(2) The Use will not interfere seriously with forestry or agriculture. This provision requires a finding that the use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use. This WCF use will not interfere with agricultural practices on nearby lands and the same is true for nearby lands devoted to forest practices. The subject property is adjacent to lands zoned, Gorge General Forestry or Gorge Special Forestry. Based on an aerial photo, it does not appear that nearby properties are actively being managed for forest practices (Ex. B.3). Adjacent properties to the east are part of McLoughlin State Natural Area. A large portion of the larger nearby properties are owned by the US. Similar to agricultural practices, the WCF use will not force a change in or significantly increase the cost of accepted forest practices on nearby lands devoted to forestry use as it does not appear that lands are devoted to forestry use. A condition is warranted requiring the property owner sign and record in the deed records for the County a covenant signed by the landowner declaring they are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated GGF-20, GGF-40, GGF-80, GGA-20, and GGA-40. As conditioned, I conclude that this criterion is satisfied.

5. MCC 38.7300(B)(3) The Use will be sited to minimize the loss of forest and agriculture land. This provision requires that the use will be sited in such a way as to minimize the loss of forest or agricultural land and to minimize the chance of interference with accepted forest or agricultural practices on nearby lands. This property is not currently being used for forest or agricultural operations. By using this site for a WCF use, it will ensure that land suitable for forestry on nearby lands are kept intact. From this, I conclude this criterion is satisfied.

6. MCC 38.7300(B)(4) The Use will not significantly increase fire hazard. This provision requires that the use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with MCC 38.7305. The application included reports and plans documenting the tower design, structural integrity, failure characteristics, and mitigation measures for ice hazards. The structural assessment was completed by Glen L. Hunt, III, an Oregon Registered professional Engineer (Ex. A.21). As designed, the tower is not susceptible to damage by impact forces from wind gusts or earthquake shocks. The tower design will also shed ice so ice does not accumulate. In reviewing geological hazards that could result in tower failure, and might also result in fire risk, the applicant provided 2 geotechnical reports (Exs. A.12 & A.13). The first report was prepared by Michael Thomas and reviewed by Joesph V. Borrelli, Jr., Oregon Registered PE outlined some site and construction considerations (Ex. A.13). The second report prepared by Greg L. Williamson, Oregon Registered PE and Shawn M. Dimke, Oregon Registered PE, GE (Ex. A.12). The report found that the site is suitable for the proposed development and proposed recommendations to ensure that tower failure would be minimized. Finally, Corbett Rural Fire District 14 reviewed the proposal and commented that the development plan complies with its access and fire flow requirements (Ex. A.11). As the property is not zoned GGF, the development does not need to comply with the requirements of MCC 38.7305. From this, I conclude this criterion is satisfied.

7. MCC 38.7300(C)(1) Residential - the Use will be compatible with the surrounding area. This provision requires that the proposed use will be compatible with the surrounding area. Review of compatibility shall include impacts associated with the visual character of the area, traffic generation, effects of noise, dust and odors. As I previously found, the WCF will meet the scenic requirements of the NSA, as it relates to visual characteristics of the area. Further, the subject property is in the Gorge General Residential (GGR-2) and is adjacent to lands zoned Gorge General Forestry (GGF) and Gorge Special Open Space (GSO). The land use pattern for the surrounding properties is predominately single-family homes to the north and forested lands to the south (Ex. B.3). As designed, the WCF will generate little traffic, noise, dust, or odors as the facility operates autonomously with only periodic maintenance (Ex. A.16). Peak usage will be approximately 2 to 4 technicians to conduct periodic maintenance. The only anticipated noise will be from the backup generator that will only run during power outages. From this, I conclude this criterion is satisfied.

8. MCC 38.7300(C)(2) Residential - the Use will not require public services that aren't otherwise available for uses in the zone. This provision requires that the proposed use will not require public services other than those existing or approved for the area. Public services are those services provided by the County or another collectively funded entity for the benefit of the community, such as fire protection, police protection, and water services. The application included a Fire Service Agency Review form (Ex. A.11) from Rural Fire District 14. No additional services, including water and sewage, are required for the utility facility. From this, I conclude this criterion is satisfied.

9. MCC 38.7300(D)(2) Commercial - the Use will be compatible with the surrounding area. This provision requires that the proposed use would be compatible with the surrounding areas including review for impacts associated with the visual character

of the area, traffic generation and the effects of noise, dust and odors. As discussed above in the residential context, the WCF is similarly compatible with the surrounding area as it relates to commercial uses. The subject property is in the Gorge General Residential (GGR-2) and is adjacent to lands zoned Gorge General Forestry (GGF) and Gorge Special Open Space (GSO). The land use pattern is mainly residential uses to the north and forested lands to the south (Ex. B.3). Similar to its compatibility with residential uses, there are very few commercial uses in the surrounding area. Additionally, as designed, the WCF will have few impacts associated to traffic generation, noise, dust, and odor. From this, I conclude this criterion is satisfied.

## V. Decision and Conditions:

Based on the foregoing Findings, I approve the applicant's request for:

1. A Parcel Determination that 1N6E02B -00100 is a "Parcel" in its current configuration; and
2. A Conditional Use and National Scenic Area (NSA) Site Review to establish a utility facility use in the Gorge General Residential (GGR-2) zone.

This decision is based on the revised site plan (Ex. A.26) and supporting documentation (Exs. A.1 to A.25) subject to the following conditions:

**1. Permit Expiration** – This land use permit shall automatically 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, 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.

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. T3-2026-0007 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, 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. T3-2026-0007 referenced in the subject line. [MCC 38.0660(A)]

**Note**: Expiration of the permit is automatic. Failure by the County to give notice of expiration shall not affect the expiration of this approval. The property owner may request one 12-month extension to the timeframe within which this permit is valid, as provided by 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 owner(s) or their representatives shall:

a. 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. [MCC 38.0660(A) & (B)]

b. Record pages 1 through Conditions of Approval of the Hearings Officer Decision and Exhibits A.26 (Sheet A-1 through A-3) and B.11 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]

c. Record a covenant with the County Recorder specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated GGF-20, GGF-40, GGF-80, GGA-20, and GGA-40. [MCC 38.7300(A)(1) & (B)(2)]

**4.** **When submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:

a. Provide the Letter of Acknowledgement, recorded Hearings Officer Decision, and recorded covenant as required in Condition 3.a and 3.c.

b. Submit final design plans of the utility facility, off-street parking area, and private driveway.

i. If the location of the utility facility is changed, the utility facility may be moved a de minimis (i.e. less than 10%) distance towards a lot line from the proposed location shown in Exhibit A.26. If moved, the utility facility shall be located a minimum of:

1. 105 feet from the north property line;

2. 275 feet from the east property line;

3. 420 feet from the south property line; and

4. 310 feet from the west property line. [MCC 38.0660(A), MCC 38.3060(C) & (E), and MCC 38.7053]

ii. The exterior material surfaces, exterior painting, and exterior lighting of the structures shall be as described in Exhibit A.16 and shown in Exhibits A.22 through A.26. [MCC 38.7035(B)(1)-(2) and (B)(8)-(10)]

1. Any changes to the final design of the exterior of the structures shall meet the recommendations of the *Building in the National Scenic Area: Scenic Resources Implementation Handbook, e*xcept the tower shall have the appearance of a pine or fir tree.

    a. If changes to the materials used for the exterior of the structures are proposed, the materials shall be composed of non-reflective materials or materials with low reflectivity (materials with low reflectivity includes metal that is coated, pre-weathered, or oxidized to reduce the reflectivity). [MCC 3838.7035(B)(8)]

    b. If changes to the exterior colors of the structures are proposed, the color shall match Row A, B, or C in the *Scenic Resources Implementation Handbook*. The exterior surfaces of the tower shall use colors that appear to mimic a pine or fir tree. [MCC 3838.7035(B)(10)]

    c. If changes to the exterior lighting are proposed, the exterior lighting shall be directed downward. The exterior lighting shall also be sited, limited in intensity, and either 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. The shielding and hooding materials shall be composed of nonreflective opaque materials. [MCC 38.4185 and MCC 3838.7035(B)(9)]

iii. The parking area shall be clearly drawn in the Plans showing the outer boundary of the parking area and parking spots. Bumper rails or curbing shall be shown on the plans. [MCC 38.4180(B) & (C)]

**5. During construction**, the property owner(s) or their representatives shall:

a. Construct all areas for the parking and maneuvering areas for vehicles. The areas for parking and maneuvering of vehicles shall be marked. The outer boundary of the parking area shall have a bumper rail for each parking spot or curbing at least four inches in height to prevent unchanneled motor vehicle access or egress. [MCC 38.4180(B) & (C)]

b. 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(L) and MCC 38.7050(H)]

c. 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 98.740 to 98.760.

vi. 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).

vii. 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(M) and MCC 38.7050(H)]

**6. As an on-going condition**, the property owner(s) shall:

a. Be responsible for the proper maintenance and survival of existing vegetation as shown in Exhibit B.11. [MCC 38.7035(A)(4); MCC 38.7035(B)(1), (2), (5), and (6); and MCC 38.7035(C)(3)]

i. If trees or shrubs 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. If more than one tree or shrub is removed, for all newly planted trees or shrubs:

a. At least half of any trees or shrubs planted for screening purposes shall be a species native to the setting or species identified in the *Scenic Resources Implementation Handbook*.

b. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

ii. Any trees or shrub planted shall meet the minimum recommended sizes outlined in *Scenic Resources Implementation Handbook* (based on average growth rates expected for recommended species).

iii. If replacement trees or shrubs 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, directed downward, shielded, and hooded. Shielding and hooding shall be composed of non-reflective and opaque materials. [MCC 38.4185 and MCC 38.7035(B)(2) & (9)]

c. Maintain all areas for the parking and maneuvering of vehicles. The areas for parking and maneuvering of vehicles shall be clearly marked. Such marking shall be continually maintained. [MCC 38.4180(B) & (C)]

d. Provide for and maintain the off-street parking area without charge or other considerations to users. [MCC 38.4115 and MCC 38.4125(A)]

e. Not park trucks, equipment, materials, structures, signs, or conduct any utility facility activities (except the parking of employee vehicles to conduct maintenance at the utility facility) in any required parking space. [MCC 38.4125(B)]

f. Not store or accumulate equipment, material, or goods in an off-street parking space in a manner which would render such space temporarily or permanently incapable of immediate use for loading operations. [MCC 38.4125(E)]

**Date of Decision:** October 30, 2026.



By: _____
Daniel Kearns,
Land Use Hearings Officer

**Notice of Appeal Rights**

This is the County's final decision in this matter. The Planning Director may seek review of this decision by the Board of Commissioners pursuant to MCC 39.1160 within 14 days after the date of decision. All others with standing may appeal any aspect of this decision to the Oregon Land Use Board of Appeals pursuant to ORS 197.830 within 21 days after the date of decision.

**Exhibit List for T3-2026-0007**
**(ACOM Consulting Utility Facility – 140-foot Monopine Cell Tower)**

| A | Description of Exhibit | Date |
|---|---|---|
| A.1 | Application Form | 01/28/2026 |
| A.2 | Letter of Authorization | 01/28/2026 |
| A.3 | Narrative | 01/28/2026 |
| A.4 | Site Plan | 01/28/2026 |
| A.5 | Plans<br>▪ Sheet T-1: Cover Sheet<br>▪ Sheet T-2: General Notes and Symbols<br>▪ Sheet T-3: General Structural Notes<br>▪ Sheet C1: Erosion Sediment and Pollution Control Plan<br>▪ Sheet C2: Road and Grading Plan<br>▪ Sheet C3: Additional Details<br>▪ Sheet EX1: Slope Heatmap Exhibit<br>▪ Sheet L100: Landscape Plan<br>▪ Sheet A-1: Overall Site Plan<br>▪ Sheet A-2: Enlarged Site Plan<br>▪ Sheet A-2.1: Proposed Equipment Plan<br>▪ Sheet A-3: Proposed East & South Elevations<br>▪ Sheet A-4: Generator Specifications<br>▪ Sheet A-5: Signage Information<br>▪ Sheet A-5.1 Signage Information | 01/28/2026 |
| A.6 | ALTA Commitment for Title Insurance<br>▪ Warranty Deed recorded in Book 1366, Page 388-389 on Oct 26 1949<br>▪ Subdivision Map of Bonnie Park recorded in Book 1177, Page 42 On January 23, 1935<br>▪ Assessor Map 1N6E2B<br>▪ Statutory Warranty Deed recorded under Instrument #2002-026477 on February 11, 2002<br>▪ Warranty Deeds recorded in Book 2171, Page 1379-1386 on January 18, 1989 | 01/28/2026 |
| A.7 | RF Usage and Facility Justification | 01/28/2026 |
| A.8 | Photo Simulations | 01/28/2026 |
| A.9 | Transportation Planning Review | 01/28/2026 |
| A.10 | Stormwater Drainage Control Certificate | 01/28/2026 |
| A.11 | Fire Service Provider Review | 01/28/2026 |
| A.12 | Geotechnical Letter | 01/28/2026 |
| A.13 | Geotechnical Investigation Report | 01/28/2026 |
| A.14 | Septic Review Certificate | 01/28/2026 |

| | | |
|---|---|---|
| A.15 | Response Letter | 05/26/2026 |
| A.16 | Revised Narrative | 05/26/2026 |
| A.17 | Revised Title Report<br>▪ Warranty Deed recorded in Book 1366, Page 388-389 on Oct 26 1949<br>▪ Subdivision Map of Bonnie Park recorded in Book 1177, Page 42 On January 23, 1935<br>▪ Assessor Map 1N6E2B<br>▪ Statutory Warranty Deed recorded under Instrument #2002-026477 on February 11, 2002<br>▪ Warranty Deeds recorded in Book 2171, Page 1379-1386 on January 18, 1989 | 05/26/2026 |
| A.18 | Photo Simulations | 05/26/2026 |
| A.19 | FCC Antenna Structure Registration (ASR) Search | 05/26/2026 |
| A.20 | Radio Frequency Exposure: RF Safety and NIER Analysis Report | 05/26/2026 |
| A.21 | Structural Assessment | 05/26/2026 |
| A.22 | Paint Color Samples | 05/26/2026 |
| A.23 | Sherwin Williams SW 6097 Sturdy Brown | 05/26/2026 |
| A.24 | Sherwin Williams SW 6447 Evergreens | 05/26/2026 |
| A.25 | Spaulding Lighting ARF2 LED Specification Sheet | 05/26/2026 |
| A.26 | Revised Plans<br>▪ Sheet T-1: Cover Sheet<br>▪ Sheet T-2: General Notes and Symbols<br>▪ Sheet T-3: General Structural Notes<br>▪ Sheet LS-1: Site Survey<br>▪ Sheet LS-2: Survey Details<br>▪ Sheet LS-3: Notes<br>▪ Sheet L100: Landscape Plan<br>▪ Sheet C1: Erosion Sediment and Pollution Control Plan<br>▪ Sheet C2: Road and Grading Plan<br>▪ Sheet C3: Additional Details<br>▪ Sheet EX1: Slope Heatmap Exhibit<br>▪ Sheet A-1: Overall Site Plan<br>▪ Sheet A-2: Enlarged Site Plan<br>▪ Sheet A-2.1: Proposed Compound Plan<br>▪ Sheet A-3: Proposed East Elevations<br>▪ Sheet A-4: Generator Specifications<br>▪ Sheet A-5: <No Title><br>▪ Sheet A-5.1 Signage Information | 05/26/2026 |
| **B** | **Staff Exhibits** | **Date** |

| | | |
|---|---|---|
| B.1 | A&T Property Information for 1N6E02B -00100 (Alt Acct #R946020090 / Property ID #R323214) | 01/28/2026 |
| B.2 | Current Tax Map for 1N6E02B | 01/28/2026 |
| B.3 | Aerial Photo taken June 2024 | 01/28/2026 |
| B.4 | Pre-Application Conference Notes, PA-2023-16546 | 01/28/2026 |
| B.5 | Pre-Application Conference Notes, PA-2023-0003 | 01/28/2026 |
| B.6 | Warranty Deed recorded in Book 1454 Page 0046-0047, January 12, 1951 | 08/14/2026 |
| B.7 | Bargain and Sale Deed recorded under Instrument #99-131439 on July 6, 1999 | 08/14/2026 |
| B.8 | Parcel Record – Cartographic Unit Card for 1N6E02B -00100 | 08/14/2026 |
| B.9 | Digital Contour Map | 09/01/2026 |
| B.10 | Oregon Department of State Lands (DSL) Map | 09/01/2026 |
| B.11 | Vegetation Plan | 09/04/2026 |
| **C** | **Administration & Procedures** | **Date** |
| C.1 | Pre-Filing / Pre-Application Waiver | 01/28/2026 |
| C.2 | Agency Review | 02/17/2026 |
| C.3 | Incomplete letter | 02/24/2026 |
| C.4 | Applicant's acceptance of 180-day clock | 03/13/2026 |
| C.5 | Complete letter (day 1) | 06/23/2026 |
| C.6 | Request to Extend the Federal Communications Commission (FCC) Shot Clock | 09/03/2026 |
| C.7 | Hearing Notice | 09/16/2026 |
| C.8 | Staff Report | 09/29/2026 |
| **D** | **Agency Comments** | **Date** |
| D.1 | Cultural Resource Survey Determination from Luciano Legnini, Archaeologist, USFS - Columbia River Gorge NSA | 03/05/2026 |
| **G** | **Public Comments** | **Date** |
| G.1 | Shoeshanna Bucher | 10/08/2026 |
| G.2 | Windy Maat | 10/08/2026 |
| G.3 | Friends of the Columbia River Gorge | 10/08/2026 |