

NOTICE OF DECISION



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

Application for a Significant Environmental Concern Review

Case File: T2-2024-0102

Applicant: Colin Jensen

Proposal: Request for a new single-family dwelling and a detached accessory building

Location: No Situs Address

Property ID # R270702

Map, Tax lot: 1N1W09A -01900

Alt. Acct. # R773502800

Base Zone: Rural Residential (RR)

Overlays: Significant Environmental Concern – Wildlife Habitat (SEC-h), Significant Environmental Concern – Stream (SEC-s), Geologic Hazard (GH)

Decision: Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is August 18, 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. Paper copies of all documents are available at the rate of \$0.71/page.

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

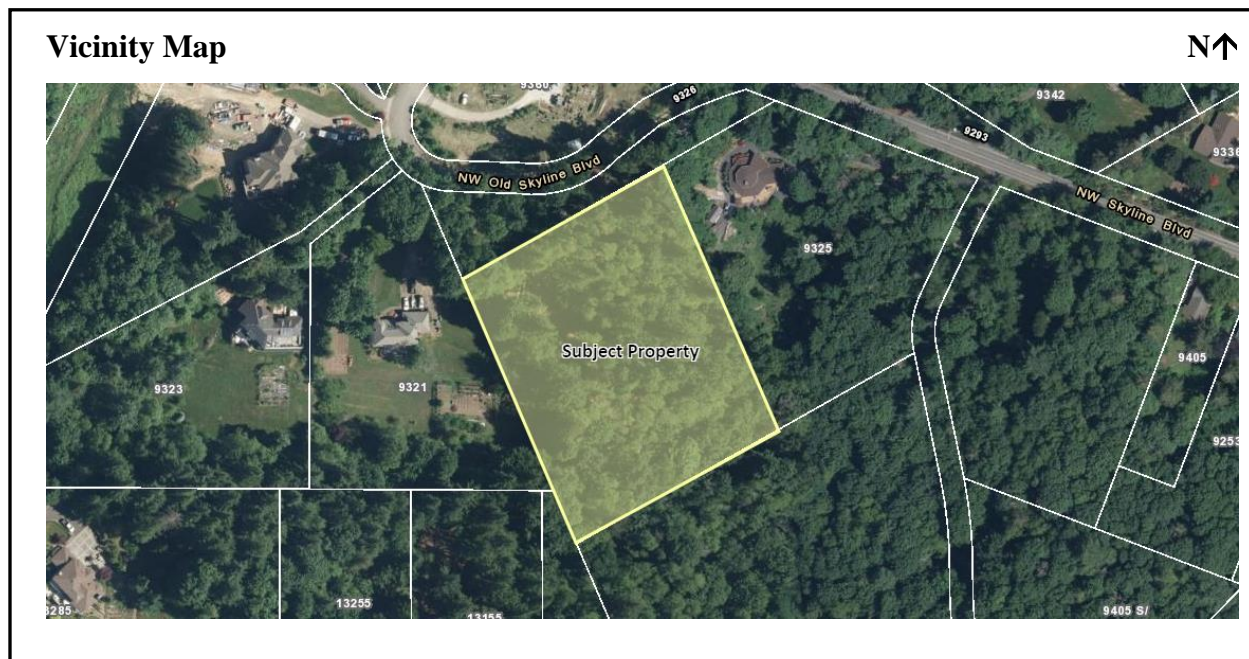
Issued by:



Izze Liu, Planner

For: Megan Gibb,
Planning Director

Date: August 4, 2025



Applicable Approval Criteria:

Multnomah County Code (MCC): General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.3005 Lot of Record – Generally, MCC 39.3090 Lot of Record – Rural Residential (RR)

Rural Residential Zone: MCC 39.4360 Allowed Uses, (A) Residential use consisting of single family dwelling, (F) Accessory Structures, MCC 39.4375 Dimensional Standards and Development Requirements

Accessory Structures – Condition of Approval: MCC 39.8860 Condition of Approval – Accessory Buildings

Significant Environmental Concern – Wildlife Habitat: MCC 39.5510 Uses; SEC Permit Required, MCC 39.5520 Application for SEC Permit, MCC 39.5860 Criteria for Approval of SEC-h Permit – Wildlife Habitat

Copies of the referenced Multnomah County Code sections are available by visiting <https://www.multco.us/landuse/zoning-codes> under the link **Chapter 39: Multnomah County Zoning Code** or by contacting our office at (503) 988-3043.

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 39.1185(B)]
 - i. For the purposes of 1.a, commencement of construction shall mean actual construction of the foundation or frame of the approved structure.

- 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 with the case no. T2-2024-0102 referenced in the subject line.
- b. Within four (4) years of the date of commencement of construction when the structure has not been completed. [MCC 39.1185(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 with the case no. T2-2024-0102 referenced in the subject line. [MCC 39.1185]

Note: The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 39.1195, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.

- 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 39.1170(B)]
- 3. **Prior to submittal for Zoning Review**, the property owner(s) or their representatives shall:
 - a. Apply for an Address Assignment for the subject property. [MCC 39.9965]
 - b. Obtain an Erosion and Sediment Control permit. [MCC 39.6225]
- 4. When submitting Building Plans for Zoning Review, the property owner(s) or their representatives shall:
 - a. Provide a copy of a signed and recorded covenant indicating that the accessory buildings approved by this permit will not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use [MCC 39.4070(T)(2), MCC 39.4075(L)(1), MCC 39.8860].
- 5. **As an on-going condition:**
 - a. The nuisance plants in MCC 39.5580 Table 1 shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property.
 - b. No ground disturbance shall occur within the mapped Geologic Hazard overlay or in areas with 25% or more slope other than the installation of the well. No well house may be installed within the Geologic Hazard overlay without first obtaining permits. [MCC 39.5075, MCC 39.5080(C)]
 - c. Excavations for the well shall comply with OAR 340-041-0345(4) for spoils and exposed areas. [MCC 39.5080(C)]

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:

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

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

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

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

Findings of Fact

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

1.0 Project Description:

Staff: The applicant requests a new 2,066-square-foot single-family dwelling and a 1,053-square-foot detached accessory building in the SEC-h overlay zone.

2.0 Property Description & History:

Staff: The subject property is in unincorporated west Multnomah County in the area known as the West Hills Rural Plan Area. The subject property is zoned Rural Residential and is located outside of Metro’s Urban Growth Boundary (UGB). According to the Assessment and Taxation records, the subject property is undeveloped.

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 39.1105 (Exhibit C.4). Staff did not receive public comments during the 14-day comment period.

4.0 Code Compliance and Applications Criteria:

4.1 MCC 39.1250 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 Zoning 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:

* * *

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.

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 Lot of Record Criteria:

5.1 MCC 39.3005 Lot of Record – Generally

(A) An area of land is a “Lot of Record” if it meets the standards in Subsection (B) of this Section and meets the standards set forth in this Part for the Zoning District in which the area of land is located.

(B) A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, either satisfied all applicable zoning laws and satisfied all applicable land division laws, or complies with the criteria for the creation of new lots or parcels described in MCC 39.9700. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

* * *

5.2 MCC 39.3090 Lot of Record – Rural Residential (RR)

(A) In addition to the standards in MCC 39.3005, for the purposes of the RR district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

* * *

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 39.4395, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

* * *

(C) Except as otherwise provided by MCC 39.4380, 39.4385, and 39.5300 through 39.5350, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(D) The following shall not be deemed to be a lot of record:

* * *

Staff: The subject property was lawfully established in its current size and configuration as Lot 27 of the Skyline Acres subdivision. As the configuration of the subject property has not changed, the property remains a Lot of Record. *These criteria are met.*

6.0 Rural Residential (RR) Criteria:

6.1 MCC 39.4360 Allowed Uses

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

(A) Residential use consisting of a single family dwelling on a Lot of Record.

* * *

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is customarily accessory or incidental to any use permitted or approved in this base zone and is a structure identified in the following list:

* * *

Staff: The applicant is proposing to establish a new 2,066-square-foot single-family dwelling and a 1,053-square-foot detached accessory building to be used as a personal workshop (Exhibits A.4 & A.5). *This criterion is met.*

- (2) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.**
- (3) The Accessory Structure may contain one sink.**
- (4) The Accessory Structure shall not contain:**
 - (a) More than one story;**
 - (b) Cooking Facilities;**
 - (c) A toilet;**
 - (d) Bathing facilities such as a shower or bathing tub;**
 - (e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or**
 - (f) A closet built into a wall.**

Staff: The detached accessory building will not contain a second story, cooking facilities, a bathroom, closets or bedrooms (Exhibit A.13). *These criteria are met.*

(5) Compliance with MCC 39.8860 is required.

Staff: A Condition of Approval is included to ensure the property owner records a covenant for the accessory building. *As conditioned, this criterion is met.*

- (6) The combined footprints of all buildings accessory to an accessory dwelling unit (ADU) shall not exceed combined footprints of 400 square feet and the combined footprints of all Accessory Buildings on a Lot of Record, including buildings accessory to an ADU, shall not exceed 2,500 square feet.**
- (7) An Accessory Structure exceeding any of the Allowed Use provisions above, except for the combined footprints allowed for all buildings accessory to an ADU, shall be considered through the Review Use provisions.**

Staff: The subject property is undeveloped. The proposed accessory building is 1,053 square feet in size (Exhibit A.4). *This criterion is met.*

- (8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. Such buildings shall be used for their allowed farm purposes only and, unless so authorized, shall not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use**

Staff: The applicant is proposing to use the existing accessory buildings as a workshop for personal use (Exhibit A.4). *This criterion is not applicable.*

6.2 MCC 39.4375 Dimensional Requirements and Development Standards

* * *

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
-------	------	-------------	------

30	10	30	30
----	----	----	----

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

* * *

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.

Staff: The subject property is not adjacent to the right-of-way. The closest property boundary to the accessory building is the northern front property boundary. The proposed accessory building is located 30 feet from the northern front property line and exceeds the minimum required setback from all other property lines. The closest property boundary to the single-family dwelling is the western side property line. The proposed single-family dwelling is located 52 feet from the western side property line and exceeds the minimum required setback from all other property lines. The proposed single-family dwelling and accessory building are under 15 feet in height (Exhibit A.10). *These criteria are met.*

* * *

(H) All exterior lighting shall comply with MCC 39.6850.

Staff: The applicant provided an exterior lighting plan (Exhibit A.9). *This criterion is met.*

7.0 Significant Environmental Concern Overlays Criteria:

7.1 MCC 39.5510 Uses; SEC Permit Required

(A) All uses allowed in the base zone are allowed in the SEC when found to satisfy the applicable approval criteria given in such zone; provided however, that the location and design of any use, or change or alteration of a use, except as provided in MCC 39.5515, subject to approval of an SEC permit pursuant to this Subpart.

(B) Any excavation or any removal of materials of archaeological, historical, pre-contact or anthropological nature shall be conducted under the conditions of an SEC permit, regardless of the zoning designation of the site.

Staff: The applicant is requesting approval of a new single-family dwelling and detached accessory building. The proposed development is an Allowed Use under MCC 39.4360(A) and (F), if the proposal meets certain requirements of Multnomah County Code. A Significant Environmental Concern review for Wildlife Habitat (SEC-h) is required as the proposal is not exempt from obtaining permits. Conditions of Approval will require the property owner to demonstrate compliance with all the applicable approval criteria as discussed below. Lastly, according to the plans, no excavation or removal of materials of archaeological, historical, prehistorical, or anthropological has occurred or are proposed. *This criterion is met.*

7.2 MCC 39.5860 Criteria for Approval of SEC-h Permit – Wildlife Habitat

* * *

(B) Development standards:

(1) Where a parcel contains any non-forested “cleared” areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

Staff: The proposed single-family dwelling and detached accessory building are located within the non-forested cleared area of the property (Exhibit A.5). *This criterion is met.*

(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

Staff: As measured on the applicant's site plan, the development is within 200 feet from NW Old Skyline Boulevard to the north (Exhibit A.5). *This criterion is met.*

(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

Staff: The proposed driveway is approximately 160 feet in length (Exhibit A.4). *This criterion is met.*

(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:

(a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or

* * *

Staff: The applicant is not proposing a new driveway approach as part of this proposal. *This criterion is not applicable.*

(5) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.

Staff: The proposed development is located within 300 feet of the western side property boundary. *This criterion is met*

(6) Fencing within a required setback from a public road shall meet the following criteria:

- (a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.**
- (b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.**
- (c) Cyclone, woven wire, and chain link fences are prohibited.**
- (d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.**
- (e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development. (See Figure 4 below.)**
- (f) Fencing standards do not apply where needed for security of utility facilities.**

Staff: The applicant is proposing fencing along the northern property boundary. The fencing is less than 42 inches in height with a 17-inch gap between the ground and the bottom of the fence (Exhibit A.5). *These criteria are met.*

(7) The nuisance plants in MCC 39.5580 Table 1 shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property.

Staff: *As conditioned, 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 Significant Environmental Concern review (SEC-h) for a new single-family dwelling and a detached accessory building in the Rural Residential 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

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

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application	11.15.2025
A.2	1	Letter of Authorization	11.15.2025
A.3	2	Pre-Filing Waiver	11.15.2025
A.4	6	Code Narrative	11.15.2025
A.5	6	Area Maps and Site Plan	11.15.2025
A.6	8	Erosion Control Plan	11.15.2025
A.7	1	Dwelling Floor Plan	11.15.2025
A.8	1	Accessory Building Floor Plan	11.15.2025
A.9	2	Exterior Lighting Plan	11.15.2025
A.10	3	Accessory Building Elevation Drawings	11.15.2025
A.11	1	Water Service Certification	11.15.2025
A.12	11	Easement	01.06.2025
A.13	2	Revised Accessory Building Floor Plan	01.06.2025
A.14	2	Transportation Planning Correspondence	01.15.2025

‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1N1W09A -01900 (Alt Acct# R773502800)	11.15.2025
B.2	1	Current Tax Map for 1N1W09A -01900	11.15.2025
‘C’	#	Administration & Procedures	Date
C.1	3	Incomplete Letter	12.20.2024
C.2	3	Applicant Incomplete Response	01.06.2025
C.3	1	Complete Letter	02.12.2025
C.4	5	Opportunity to Comment	04.15.2025
C.5	11	Decision	08.04.2025