

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: T2-2024-0109

Applicant: Nick Scanlan

Proposal: New 192-square-foot floating dock and 56-square-foot gangway.

Location: 21610 NE Lachenvue Lane, Fairview

Property ID # R200102

Map, Tax lot: 1N3E21DB -05900

Alt. Acct. # R462901050

Base Zone: Urban Low Density Residential (LR-7)

Overlays: Significant Environmental Concern (SEC), Flood Hazard (FH)

Decision: Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Friday, October 17, 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 \$0.46/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: October 3, 2025

Vicinity Map

N↑



Applicable Approval Criteria:

Multnomah County Code (MCC): General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions

Lot of Record: MCC 39.3005 Lot of Record – Generally, MCC 39.3090 Lot of Record – Rural Residential (RR)

LR-7 Zone: MCC 39.4854 Uses Permitted Under Prescribed Conditions, (A) Accessory Buildings, MCC 39.4862 Dimensional Requirements and Development Standards

Significant Environmental Concern: MCC 39.5510 Uses; SEC Permit Required, MCC 39.5520 Application for SEC Permit, MCC 39.5530 Criteria for Approval of SEC Permit

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. T2-2024-0109 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. T2-2024-0109 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)]

Next Steps

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:

3. Log in to your account on the permit portal and submit your request for the Zoning Plan Review. 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.
4. **Apply for the following permits concurrently with the Zoning Plan Review:**
 - a. **Flood Development permit (Type I permit)**
 - b. **Erosion and Sediment Control permit (Type I permit)**

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

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

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

Findings of Fact

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

1.0 Project Description:

Staff: The applicant requests approval of a new 192-square-foot floating dock for personal use which includes a 56-square-foot gangway.

2.0 Property Description & History:

Staff: The subject property is in unincorporated east Multnomah County in the area known as the Interlachen Urban Plan Area. The subject property is zoned Urban Low Density Residential (LR-7) and is located within Metro’s Urban Growth Boundary (UGB). According to the Assessment and Taxation records, the subject property is developed with a single-family dwelling.

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.5). 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 platted as Lot 9, Block 2 of the Lachenvew subdivision. As the configuration of the subject property has not changed, the subject property remains a Lot of Record. *These criteria are met.*

6.0 Urban Low Density Residential (LR-7) Criteria:

6.1 MCC 39.4854 Uses Permitted Under Prescribed Conditions

The uses permitted subject to prescribed conditions for each use are:

(A) Accessory buildings such as garages, carports, studios, pergolas, private workshops, playhouses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached, provided:

Staff: The applicant is proposing to construct a floating dock and gangway for personal use which is considered accessory to the existing residential development.

(1) The height or total ground floor area of accessory buildings shall not exceed the height or ground floor area of the main building on the same lot.

Staff: The total square footage of the floating dock and gangway is 248 square feet and does not exceed the height of the existing dwelling (Exhibit A.2). *This criterion is met.*

(2) If attached to the main building, an accessory building shall comply with the yard requirements of this base zone.

Staff: The proposed dock is not attached to the existing dwelling. *This criterion is not applicable.*

(3) If detached and located behind the rear-most line of the main building, or a minimum of 50 feet from the front lot line, whichever is greater, a one-story accessory building may be located adjacent to or on a rear and/or side lot line not abutting on a street.

(4) A detached accessory building shall occupy no more than 25 percent of a required yard.

(5) The combined footprints of all buildings accessory to an accessory dwelling unit (ADU) shall not exceed combined footprints of 400 square feet.

Staff: The applicant is not proposing a building or accessory dwelling unit. *These criteria are not applicable.*

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 a new dock and gangway for personal use which is considered an accessory structure in the LR-7 zone. According to the submitted materials, no excavation or removal of materials of archaeological, historical, prehistorical, or anthropological has occurred or are proposed. *This criterion is met.*

7.2 MCC 39.5530 SEC Permit Criteria (Significant Environmental Concern)

* * *

(C) SEC Permit Approval Criteria

The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, and cultural areas that are designated SEC on the Multnomah County Zoning Map. Any proposed development, activity or use requiring an SEC permit shall meet/comply with the following:

(1) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.

Staff: The applicant is not proposing to remove a significant amount of vegetation for the construction of the floating dock and gangway. No trees are proposed to be removed and the gangway will be secured on shore in a location with minimal vegetation. The riparian area is dominated primarily by non-native grass and invasive Rorippa Amphibia Besser (Exhibit A.7). *This criterion is met.*

(2) Agricultural land and forest land shall be preserved and maintained for farm and forest use.

Staff: The subject property is located on Fairview Lake and adjacent to residentially developed properties within the LR-7 zone. There are no adjacent agricultural or forest lands, therefore, the proposed development will not have any impacts on farm and forest uses. *This criterion is met.*

- (3) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.**

Staff: The applicant is proposing to construct the floating dock primarily off-site and will place the dock system on the parcel so that it does not extend into the waterway beyond what is necessary for the use. In addition, the location of the dock and gangway requires minimal disturbance and does not require significant removal of vegetation (Exhibit A.7). *This criterion is met.*

- (4) Significant fish and wildlife habitats shall be protected.**

Staff: The applicant provided a Significant Environmental Concern assessment which states that Fairview Lake does not serve as essential fish habitat. Non-native largemouth bass, bluegill and crappie populate the lake year-round. The proposed dock design will ensure a minimum 3 feet of water depth under the dock which allows fish passage and also prevents the dock from grounding on the lakebed which would disturb aquatic vegetation. Assembly of the proposed dock will be performed off-site then floated into place in the waterway to ensure minimal impact is caused during work in the area. No significant habitat for native or otherwise endangered fish exists in Fairview Lake (Exhibit A.7). *This criterion is met.*

- (5) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors.**

Staff: The applicant is not proposing a significant disturbance to this area as the dock system will be constructed off-site and floated into place to ensure minimal disturbance. In addition, the riparian area is dominated primarily by non-native grass and invasive Rorippa Amphibia Besser. The gangway will be secured on shore in a location with minimal vegetation (Exhibit A.7). *This criterion is met.*

- (6) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.**

Staff: Staff is not aware of any archaeological areas on the subject property and the applicant states that no sites of archaeological concern have been identified within the proposed work area (Exhibit A.7). *This criterion is met.*

- (7) Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.**

Staff: The proposed dock and gangway will be located partially within the Flood Hazard area of the property. The applicant states that the proposed dock is made of inert flotation materials which are in compliance with local, state, and federal standards for in water structures (Exhibit A.7). As a condition of approval, the applicant will be required to obtain a Flood Development permit. *As conditioned, this criterion is met.*

- (8) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.**

Staff: The applicant states that the proposed dock system will not be constructed in a location subject to heavy erosion (Exhibit A.7). An Erosion and Sediment Control permit will be required to ensure the proposed ground disturbance is evaluated and Best Management Practices are in place for the development. *As conditioned, this criterion is met.*

- (9) The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.**

Staff: The applicant states that the proposed dock system will be made of compliant, ecologically inert materials. The materials will not contribute any hazardous chemicals into the water, air, or nearby soils present at the site of installation. The proposed dock system will require minimal disturbance to the waterway and soil but the installation of the dock system will cause low amounts of environmental noise during a work period of a few hours, and the dock system will not contribute a measurable ambient noise level to the surrounding area (Exhibit A.7). *This criterion is met.*

(10) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.

Staff: The proposed dock system will be finished in neutral earth tone colors, and there will be no exterior lighting or signage on it (Exhibit A.7). *This criterion is met.*

(11) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.

Staff: The proposed work area in Fairview Lake is not a recognized habitat for fragile or endangered plant habitats. Proposed work is in line with local, state, and federal regulations such that its impact on the environment will be minimized (Exhibit A.7). *This criterion is met.*

(12) The applicable policies of the Comprehensive Plan shall be satisfied.

Staff: The proposed use is consistent with the Comprehensive Plan. *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 for the new dock in the LR-7 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 Form	12.31.2024
A.2	4	Narrative	12.31.2024
A.3	1	Site Plan	12.31.2024
A.4	4	Fire Service Agency Review	03.26.2025
A.5	2	SEC Assessment	03.26.2025
A.6	1	Revised Site Plan	03.26.2025

A.7	2	SEC Assessment	04.15.2025
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1N3E21DB -05900 (Alt Acct# R462901050)	12.31.2024
B.2	1	Current Tax Map for 1N3E21DB -05900	12.31.2024
‘C’	#	Administration & Procedures	Date
C.1	3	Incomplete Letter	02.28.2025
C.2	3	Applicant Incomplete Response	03.27.2025
C.3	1	2 nd Incomplete Letter	04.15.2025
C.4	1	Complete Letter	04.15.2025
C.5	5	Opportunity to Comment	06.26.2025
C.6	9	Decision	10.03.2025