

**MULTNOMAH COUNTY****LAND USE AND TRANSPORTATION PROGRAM**1600 SE 190TH Avenue Portland, OR 97233

PH: 503-988-3043 FAX: 503-988-3389

http://www.co.multnomah.or.us/dbcs/LUT/land_use

NOTICE OF DECISION

This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

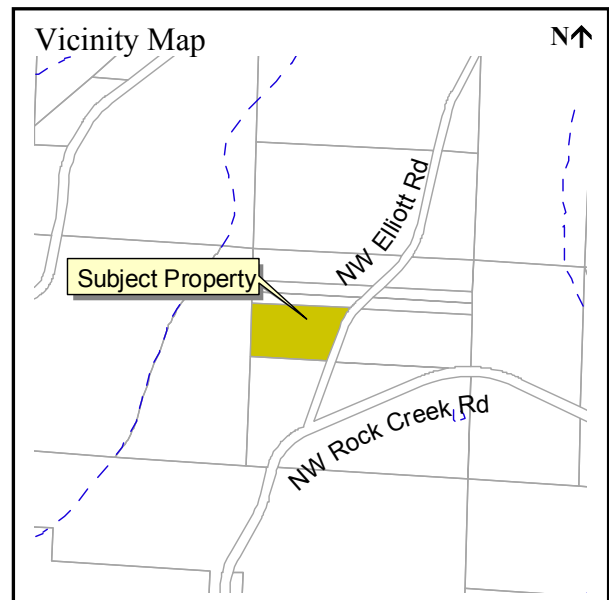
Case File: T2-05-075

Permit: Significant Environmental Concern
Permit/Hillside Development Permit

Location: 16247 NW Elliott Road
TL 1000, Sec 23, T2N, R2W, W.M.
Tax Account #R97223-0580

Applicant: Loran Friedrich

Owner: Loran Friedrich



Summary: Significant Environmental Concern Permit and Hillside Development Permit for a new single-family dwelling in the Rural Residential zoning district.

Decision: Approved with conditions.

Unless appealed, this decision is effective Tuesday, October 25, 2005, at 4:30 PM.

Issued by:

By: _____
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Tuesday, October 11, 2005

Instrument Number for Recording Purposes: # 2005065391

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Don Kienholz, Staff Planner at 503-988-3043.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals until all local appeals are exhausted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Tuesday, October 25, 2005 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 33.0005(L)(13), MCC 33.3115 Uses, MCC 33.3155 Dimensional Requirements, MCC 33.3170 Lot of Record, MCC 33.4570 Criteria for Approval of SEC-h Permit -Wildlife Habitat, MCC 33.5520 Hillside Development Permit Standards; Comprehensive Plan Policies 37 and 38.

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at http://www.co.multnomah.or.us/dbcs/LUT/land_use.

Scope of Approval

1. 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.
2. **Pursuant to MCC 37.0690, this land use permit expires two years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0690 and 37.0700. A request for permit extension may be required to be granted prior to the expiration date of the permit.**

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. **Prior to building permit sign-off, the applicant/owner shall record the Notice of Decision [pages 1-3 of this decision] with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 37.0670].**

2. **Building plans must identify the type and location of the sprinkler system to be installed in the dwelling prior to building permit sign-off. The system must be a NFPA 13 sprinkler system [Policy 38].**
3. **Drainage of storm run-off attributed to this development shall be handled, on-site, with the drainage system design that is to be constructed consistent with the specifications outlined by Craig LaVeille (G.E.) of LaVielle Geotechnical P.C. on the June 22, 2005 Geotechnical Engineering Report.**
4. **The property owner shall maintain best erosion control practices through all phases of development. Erosion control measures are to include the installation of sediment fences/barriers at the toe of all disturbed areas and post construction re-establishment of ground cover. Straw mulch, erosion blankets, or 6-mil plastic sheeting shall be used as a wet weather measure to provide erosion protection for exposed soils. All erosion control measures are to be implemented as prescribed in the current edition of the *Erosion Prevention Sediment Control Plans Technical Guidance Handbook*, copies of which are available for purchase at our office, or through the City of Portland.**
5. **The applicant/owner shall remove and clear and maintain the development area free of the nuisance plants listed under MCC 33.4570(B)(7).**
6. **On-site disposal of construction debris is not authorized under this permit. Spoil materials removed off-site shall be taken to a location approved for the disposal of such material by applicable Federal, State and local authorities. This permit does not authorize dumping or disposal of hazardous or toxic materials, synthetics (i.e. tires), petroleum-based materials, or other solid wastes which may cause adverse leachates or other off-site water quality effects.**
7. **The County may supplement described erosion control techniques if turbidity or other down slope erosion impacts result from on-site grading work. The Portland Building Bureau (Special Inspections Section), the local Soil and Water Conservation District, or the U.S. Soil Conservation Service can also advise or recommend measures to respond to unanticipated erosion effects.**
8. **Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project;**

Once this decision becomes final, applications for building permits may be made with the City of Portland. **When ready to have building permits signed off, call the Staff Planner, Don Kienholz, at (503)-988-3043 to schedule an appointment.** Multnomah County must review and sign off building permit applications before they are submitted to the City of Portland. Six (6) sets each of the site plan and building plans are required at the building permit sign-off.

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: Written findings are contained herein. The Multnomah County Code criteria and Comprehensive Plan Policies are in **bold** font. Staff comments and analysis are identified as **Staff:** and follow Applicant comments identified as **Applicant:** to the applicable criteria. Staff comments include a conclusionary statement in *italic*.

1. **Project Description**

Applicant: Significant Environmental Concern Permit and Hillside Development Permit for 3800 square foot single family dwelling.

2. **Site Characteristics**

Staff: The property is a vacant 4-acre parcel located in the Northwest Hills off of Elliott Road and near the Rock Creek Road/Elliott Road intersection. The site contains scrub brush, alder and other various trees. The site borders NW Elliott Road and has significant slopes (over 25%) that slope down and away from NW Elliott Road. No water courses are on the property. A mostly cleared area is situated adjacent to NW Elliott Road and is where the applicant is proposing to build.

3. **Public Comment**

MCC 37.0530 Summary Of Decision Making Processes.

(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses and natural features and resources, and how it will look. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Directors decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Land Use Board of Appeals (LUBA) within 21 days of when the signed Hearings Officer decision is mailed pursuant to 37.0660(D).

Staff: Public notice was mailed out on August 31, 2005. Those that received notice were given 14-days to provide comment. Three written comments were received with concerns on the proposal.

Two of the comments shared a concern with the potential impact to streams in the area, fish habitat and the watershed. One of these written comments contained the original Opportunity to Comment Vicinity Map with Rock Creek drawn on and a distance of 52-feet indicated between the creek and the rear property line of the subject lot. Staff looked into the proximity the development has to the stream as measured on the County's GIS mapping system. The development measured over 900-feet from the stream and over 550-feet from the edge of the

Significant Environmental Concern buffer area for protected streams. Stream protection measures where applicable are contained in water quality standards in the Hillside Development Permit approval criteria for erosion control, slope stability and stormwater management.

The last comment focused on the available water within the local aquifer. Multnomah County does not have jurisdiction over water usage in the area or water rights. Those areas are the responsibility of the Oregon Water Resources Department. Multnomah County ensures that the applicant has a well on site to provide water services to the dwelling or that the property is on public water pursuant to Comprehensive Plan Policy 37 – Water and Disposal Systems

Procedures met.

4. **Proof of Ownership**

MCC 37.0550 Initiation Of Action.

Except as provided in MCC 37.0760, Type I - IV applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.

Staff: Assessment and Taxation show Loren and Erena Friedrich as the owners of the subject property (Exhibit 1). Loren Friedrich has signed the application form in the case file to authorize the processing of the permit.

Criterion met.

5. **The Proposed Use is Allowed in the RR Zoning District**

MCC 33.3115 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.3120 through 33.3130 when found to comply with MCC 33.3155 through 33.3185.

MCC 33.3120 Allowed Uses

* * *

(C) Residential use consisting of a single family dwelling constructed on a Lot of Record;

Staff: The applicant has proposed a single-family dwelling on the site. A dwelling is an allowed use. Compliance with Lot of Record criteria is reviewed under Finding #7.

6. **The Proposed Dwelling Meets the RR Dimensional Requirements**

MCC 33.3155 Dimensional Requirements

A. (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.

Applicant: All minimum yard dimensions are met; see site plan attached as Exhibit B. The maximum height of the building will not exceed 35 feet. Criterion met.

Staff: As indicated on the submitted site plan (Exhibit 2) and the staff site visit, the proposed dwelling will meet the required dimensional setbacks. The site plan shows the dwelling being 50-feet from the property line. The dwelling is then over 100-feet from both side property lines and the rear property line.

Criterion met.

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

Applicant: Not applicable. Street has sufficient right-of-way to serve the area.

Staff: NW Elliott Road has 50-feet of right-of-way adjacent to the property. Fifty feet meets the minimum County requirement.

Criterion met.

7. **The Subject Property is a Lot of Record**

MCC 33.3170 Lot of Record

(A) In addition to the Lot of Record definition standards in MCC 33.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR zone applied;**
- (2) July 10, 1958, F-2 zone applied;**
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;**
- (4) October 6, 1977, RR zone applied, Ord. 148 & 149;**
- (5) October 13, 1983, zone change from MUF-19 to RR for some properties, Ord. 395;**
- (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;**

(7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.

MCC 33.0005(L)

(13) Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof which when created and when reconfigured (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

- 1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or**
- 2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or**
- 3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in *recordable form* prior to October 19, 1978; or**
- 4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and**
- 5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See *Date of Creation and Existence* for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)**

Staff: In 1962, the property was 9.60 acres in size, extended across NW Elliott Road and was zoned F-2. The property was then rezoned to MUF-20 on October 6, 1977 according to County records and zoning maps. The applicant submitted a deed describing the property in its current configuration signed and dated on November 16, 1979 – after land partition rules were in place. However, a deed was signed on July 28, 1978 and recorded on July 31, 1978 breaking off the property east of Elliott Road from the subject property, leaving the subject property in its current configuration on that date. With the recording of that deed on July 31, 1978, the property was first placed into its current configuration.

The MUF-20 zoning district had a provision allowing two lots of record to be created if a property was bisected by a County road. Therefore, the property contained two separate lots of record and when partitioned in 1978, the subject property met the zoning laws in place. Partition rules for

dividing three or fewer properties did not go into effect until October of 1978. Therefore, the property met the land division laws in place at the time it was created.

Criteria met.

8. **The Subject Site Has Appropriate Access**

MCC 33.3185 Access

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

Applicant: The subject lot abuts NW Elliott Road which is a County maintained road.
Criterion met

Staff: The property abuts a public street.

Criterion met.

9. **The SEC-h Approval Criteria Are Met**

MCC 33.4570 Criteria for Approval of SEC-h Permit -Wildlife Habitat

(B) Development standards:

- A. **(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.**

Applicant: The development will occur in the cleared areas of the property on the eastern side adjacent to NW Elliott Road. Several scrub alder trees will be removed. The site plan (Exhibit B) has been presented to the TVFR and a marshal has inspected both the plan and the actual property; indicating that the property will meet vegetation setbacks. Criterion met.

Staff: The development is proposed to take place in a partially cleared area adjacent to NW Elliott Road as shown on the submitted site plan (Exhibit 1). As seen in the air photo and on a staff site visit, the area is the most cleared on the property, reducing the impact the forested areas as much as practicable.

Criterion met.

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

Applicant: The proposed dwelling will be located within 200 feet of the existing public road, NW Elliott Road as indicated on the site plan, Exhibit B. Criterion met.

Staff: As seen on the site plan, the development is 50-feet from the fogline/property line of NW Elliott Road.

Criterion met.

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

Applicant: The total length of the driveway will be approximate y 100 feet in length. Criterion met.

Staff: The access to the development measures roughly 100-feet long as seen on the submitted site plan (Exhibit 1).

Criterion met.

- D. **(4) The access road/driveway shall be located within 100 feet of the property boundary if adjacent property has an access road or driveway within 200 feet of the property boundary.**

Applicant: The proposed driveway will be located within 200 feet of the northern property boundary. Criterion met

Staff: The access road is within 100-feet from the north property line as measured on the submitted site plan.

Criterion met

- E. **(5) The development shall be within 300 feet of the property boundary if adjacent property has structures and developed areas within 200 feet of the property boundary.**

Applicant: The proposed dwelling, well and septic will be within 200 feet of the property boundary. See Exhibit B. Criterion met

Staff: The proposed dwelling is 50-feet from the property line as measured on the site plan.

Criterion met.

- F. **(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.

Applicant: The applicant /owner does not plan to put up any fencing. Should the owner decide to erect fencing at any future time, he will comply with 33.4570(B)(6). Criterion met.

Staff: The subject site was free of fencing on the day of the staff site visit. The applicant is not proposing any fencing with this application and a condition of approval will require future fencing to meet these requirements.

Criterion met.

G. (7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:

Scientific Name	Common Name	<i>Loentodon autumnalis</i>	Fall Dandelion
<i>Chelidonium majus</i>	Lesser celandine	<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Cirsium arvense</i>	Canada Thistle	<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Cirsium vulgare</i>	Common Thistle	<i>Phalaris arundinacea</i>	Reed Canary grass
<i>Clematis ligusticifolia</i>	Western Clematis	<i>Poa annua</i>	Annual Bluegrass
<i>Clematis vitalba</i>	Traveler's Joy	<i>Polygonum coccineum</i>	Swamp Smartweed
<i>Conium maculatum</i>	Poison hemlock	<i>Polygonum convolvulus</i>	Climbing Binaweed
<i>Convolvulus arvensis</i>	Field Morning-glory	<i>Polygonum sachalinense</i>	Giant Knotweed
<i>Convolvulus nyctagineus</i>	Night-blooming Morning-glory	<i>Prunus laurocerasus</i>	English, Portugese Laurel
<i>Convolvulus seppium</i>	Lady's nightcap	<i>Rhus diversiloba</i>	Poison Oak
<i>Cortaderia selloana</i>	Pampas grass	<i>Rubus discolor</i>	Himalayan Blackberry
<i>Crataegus sp. except C. douglasii</i>	hawthorn, except native species	<i>Rubus laciniatus</i>	Evergreen Blackberry
<i>Cytisus scoparius</i>	Scotch broom	<i>Senecio jacobaea</i>	Tansy Ragwort
<i>Daucus carota</i>	Queen Ann's Lace	<i>Solanum dulcamara</i>	Blue Bindweed
<i>Elodea densa</i>	South American Water-weed	<i>Solanum nigrum</i>	Garden Nightshade
<i>Equisetum arvense</i>	Common Horsetail	<i>Solanum sarrachoides</i>	Hairy Nightshade
<i>Equisetum telemateia</i>	Giant Horsetail	<i>Taraxacum oficinale</i>	Common Dandelion
<i>Erodium cicutarium</i>	Crane's Bill	<i>Ultricularia vuigaris</i>	Common Bladderwort
<i>Geranium roberianum</i>	Robert Geranium	<i>Utica dioica</i>	Stinging Nettle
<i>Hedera helix</i>	English Ivy	<i>Vinca major</i>	Periwinkle (large leaf)
<i>Hypericum perforatum</i>	St. John's Wort	<i>Vinca minor</i>	Periwinkle (small leaf)
<i>Ilex aquafolium</i>	English Holly	<i>Xanthium spinoseum</i>	Spiny Cocklebur
<i>Laburnum watereri</i>	Golden Chain Tree	<i>various genera</i>	Bamboo sp.
<i>Lemna minor</i>	Duckweed, Water Lentil		

Applicant: No nuisance plants will be planted along with the proposed development. The development area and the landscaped area will be maintained to keep same list of nuisance plants from growing. Landscaping plans will take into consideration the recommended fire resistant vegetation list provided by the Tualatin Valley Fire and Rescue 's fire marshall's office. Criterion met

Staff: A condition of approval will require the applicant/owner to remove all listed nuisance plants from the development area and to keep it clear of the listed nuisance plants.

Criterion met.

10. **Hillside Development Permit Approval Criteria**

MCC 33.5505 Permits Required

Hillside Development Permit: All persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit as prescribed by this subdistrict, unless specifically exempted by MCC 33.5510.

Staff: The proposed development site is within an area identified on the Slope Hazard Map and therefore the applicant needs a Hillside Development Permit.

MCC 33.5515 Application Information Required

A. (F) Geotechnical Report Requirements

(1) A geotechnical investigation in preparation of a Report required by MCC 33.5515 (E) (3) (a) shall be conducted at the applicant's expense by a Certified Engineering Geologist or Geotechnical Engineer. The Report shall include specific investigations required by the Director and recommendations for any further work or changes in proposed work which may be necessary to ensure reasonable safety from earth movement hazards.

(2) Any development related manipulation of the site prior to issuance of a permit shall be subject to corrections as recommended by the Geotechnical Report to ensure safety of the proposed development.

(3) Observation of work required by an approved Geotechnical Report shall be conducted by a Certified Engineering Geologist or Geotechnical Engineer at the applicant's expense; the geologist's or engineer's name shall be submitted to the Director prior to issuance of the Permit.

(4) The Director, at the applicant's expense, may require an evaluation of HDP Form- 1 or the Geotechnical Report by another Certified Engineering Geologist or Geotechnical Engineer.

Applicant: A geotechnical report has been prepared by Craig LaVielle, a certified

geotechnical engineer. A copy of this report is attached as Exhibit E. Any corrections recommended by the geotechnical engineer will be implemented. The owner has no plans to begin development before issuance of any permits. Any observation of work required by the geotechnical report will be conducted by a certified engineering geologist or geotechnical engineer at the applicant's expense. This observation will likely be conducted by Craig LaVielle. If any changes in the project's geotechnical engineering occurs, the Planning Director will be notified.

Staff: The applicant has supplied a HDP Form-1 and a Geotechnical report certified by Craig LaVielle, a Geotechnical engineer, indicating the proposal site is suitable for development. The entire HDP Form-1, geotechnical report and submitted exhibits are available for public viewing in the case file.

Criteria met.

MCC 33.5520 Grading and Erosion Control Standards

Approval of development plans on sites subject to a Hillside Development Permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

B (A) Design Standards For Grading and Erosion Control

1. (1) Grading Standards

- a. **(a) Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The Director or delegate may require additional studies or information or work regarding fill materials and compaction;**

Applicant: The attached development plan identifies the location and extent of cuts and fills necessary for grading the proposed home site and driveway improvements (Exhibit C). It is estimated that 300 cubic yards of material will be cut and 200 cubic yards will be filled. A geotechnical report, attached as Exhibit E, explicitly states compaction density specifications which will be adhered to during development

Staff: The exhibits noted by the applicant indicate where the topography will be altered with cut and fill. The geotechnical report also describes the recommended compaction densities and methods.

Criterion met.

- b. **(b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified;**

Applicant: The attached development plan (Exhibit C (a and b)) identifies the location and extent of cuts and fills necessary for grading the proposed home site and driveway improvements. No cuts or fills will be in any location with a slope greater than 4:1 as indicated in the geotechnical report and Exhibit C.

Staff: No areas of the development will have slopes greater than 4:1 as the applicant has indicated. The Geotechnical Engineer has indicated that the stability of the area will not be affected by the proposed development and is suitable for development if his recommendations are followed.

Criterion met.

c. **(c) Cuts and fills shall not endanger or disturb adjoining property;**

Applicant: The geotechnical report indicates that the proposed development will not endanger or disturb adjoining properties, as long as the recommendations in the geotechnical report are followed. The attached development plan (Exhibit A) has been designed in accordance with these recommendations.

Staff: Staff concurs. The Geotechnical Engineer has indicated that the development will be safe if the recommendations are followed.

Criterion met.

d. **(d) The proposed drainage system shall have adequate capacity to bypass through the development the existing upstream flow from a storm of 10-year design frequency;**

Applicant: The proposed development will have adequate drainage. The rate of storm water runoff attributed to the development (during the 10-year/24 hour storm) will be no greater than that which existed prior to development as measured from the property line.

Staff: The applicant has provided a Drainage Certificate signed by the Geotechnical Engineer that indicates the runoff generated from the new development will be handled on-site for the 10-year/24-hour storm event.

Criterion met.

e. **(e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced streamflow for a storm of 10-year design frequency;**

Applicant: There are no natural watercourses on the subject lot near the proposed home site. According to the geotechnical recommendations, no constructed channels are required for storm water. Fills will not encroach on either natural watercourses or constructed channels

Staff: There are no watercourses on site or within 100-feet of the development and therefore the fill will not impact any watercourse.

Criterion met.

2. **(2) Erosion Control Standards**

- a. **(a) On sites within the Tualatin River Drainage Basin, erosion and stormwater control plans shall satisfy the requirements of OAR 340. Erosion and stormwater control plans shall be designed to perform as prescribed by the currently adopted edition of the "*Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)*" and the "*City of Portland Stormwater Quality Facilities, A Design Guidance Manual (1995)*". Land-disturbing activities within the Tualatin Basin shall provide a 100-foot undisturbed buffer from the top of the bank of a stream, or the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland; unless a mitigation plan consistent with OAR 340 is approved for alterations within the buffer area.**

Applicant: The attached development plan (Exhibit A) has been designed in compliance with the requirements of OAR 340. The proposed development is located more than 200 feet from a naturally occurring seasonal drainage/stream channel which traverses the property adjacent to the subject property on the west. No wetlands are present on the site

Staff: The site is within the Tualatin River Drainage Basin. There are no watercourses on site or within 100-feet of the development. The applicant is using Best Management Protection Measures to prevent erosion.

Criterion met.

- b. **(b) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;**

Applicant: The driveway and the home site are situated within a cleared non-forested area. The only vegetation removal will include several small alder trees and small plants (weeds and grasses). The attached development plans identifies the extent of the cut and fills necessary for grading the proposed home site and driveway improvements. It is estimated that 300 cubic yards of cut and 200 cubic yards will be filled. According to the geotechnical report (Exhibit E), the slopes associated with the development plan appear stable and future stability won't be an issue. Proper management of the site drainage and re-vegetation of the slopes will be the responsibility of the applicant. The proposed development will be established and maintained in compliance with the engineer's

recommendations and as specified on the attached development plan.

Staff: The fact that the development is already clear will help minimize the stripping of vegetation. The geotechnical engineer has indicated through the Geotechnical Report that if his recommendations are followed, erosion will be minimized and the development site will remain stable and safe and expose as little disturbed area as possible during construction. Mulching and reseeding is a part of the erosion control plan and will also help minimize exposed areas of earth material.

Criterion met.

- c. **(c) Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff;**

Applicant: Care will be taken to reduce erosion during construction and afterward. Exposed critical areas will be protected during development with mulching as needed. Vegetation and /or continued mulching will be used to anchor and stabilize slopes. As noted previously, the attached development plans identify the extent of the cut and fills necessary for grading the proposed home site and driveway improvements. It is estimated that 300 cubic yards of cut and 200 cubic yards will be filled. According to the geotechnical report (Exhibit E), the slopes associated with the development plan appear stable and future stability won't be an issue. Proper management of the site drainage and revegetation of the slopes will be the responsibility of the applicant. The proposed development will be established and maintained in compliance with the engineer's recommendations and as specified on the attached development plan.

Staff: The applicant is proposing to cut 300-cubic yards of soil to make the site suitable for development but also to use 200-cubic yards of that soil for the development to minimize total earth disturbance. The site contains slopes that on average are more than 25%. Therefore, cutting and filling is necessary to create a flat area for the foundation and associated residential development such as the yard and driveway. The cut and fill that are proposed run parallel to the natural contours and match the topography of the site. Mulching and vegetation will be used as anchors on the exposed earth material and set in as soon as practicable to prevent erosion. The Geotechnical Engineer has certified the surface runoff will be adequately handled on site.

Criterion met.

- d. **(d) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;**

Applicant: Exposed critical areas will be protected during development

with mulching as needed. Vegetation and /or continued mulching will be used to anchor and stabilize slopes.

Staff: Mulching and vegetation are proposed as part of the erosion control measures and will be placed as soon as practicable to help prevent erosion and reduce the amount of exposed earth material.

Criterion met.

e. **(e) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;**

1. A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland;

2. The buffer required in 1. may only be disturbed upon the approval of a mitigation plan which utilizes erosion and stormwater control features designed to perform as effectively as those prescribed in the currently adopted edition of the "*Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)*" and the "*City of Portland Stormwater Quality Facilities, A Design Guidance Manual (1995)*" and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340;

Applicant: The natural vegetation of the region will be used in landscaping plans. A list of fire resistant vegetation, provided by TVFR will be considered in landscaping plans. The proposed site was already cleared so no vegetation removal is required. The proposed site does not include a stream, body of water or a wetland designation. Natural native vegetation will be considered in the landscaping plans of the development site. The criterion specified in 1. is met. All existing natural vegetation along the property lines will be retained and protected.

Staff: No stream is located on site and thus the buffer requirement is met. The area of development is mostly cleared and will require only a minimal amount of clearing. This will allow the applicant to retain the natural vegetation as much as possible. The applicant has also proposed to revegetate the yard area to protect the site from erosion and sedimentation.

f. **(f) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;**

Applicant: Any permanent plantings and/or any required structural erosion control and drainage measures will be installed as soon as feasible following the building permit approval.

Staff: The revegetation will occur as soon as practicable as a condition of approval for disturbed areas. No structural erosion control measures are proposed as part of the project.

Criterion met.

- g. **(g) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;**

Applicant: Provisions will be made to effectively accommodate increased runoff caused by altered soil and surface conditions during development as specified on the attached development plan (Exhibit C).

Staff: The Geotechnical Engineer has certified that the additional stormwater will be effectively accommodated on site for a 10-year/24-hour storm event. The erosion control measures described in the geotechnical report and shown on the site plans will retard any potential runoff and keep it from leaving the site. Those measures will include but not be limited to silt fencing, mulching and coverings over exposed earth material. The drainage system certified by the Geotechnical engineer will also adequately handle runoff on site.

Criterion met.

- h. **(h) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized;**

Applicant: Measures will be taken to trap sediment in the runoff water until areas soil disturbance are stabilized as specified on the attached development plan (Exhibit C).

Staff: No structural erosion controls are proposed but the proposed silt fence will trap sediment and keep it on site.

Criterion met.

- i. **(i) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding;**

Applicant: Provisions will be made to prevent surface water from damaging the existing cut face as specified by in the development plan (Exhibit C)

Staff: The applicant has noted that revegetation shall occur which will help exposed areas to stabilize. Mulching will help prevent exposed cut faces from being damaged.

Criterion met.

- j. **(j) All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system;**

Applicant: All drainage provisions and criteria as described in the attached geotechnical report and storm water certificate will be adhered to for the present development.

Staff: The Geotechnical Engineer has designed a stormwater system that will adequately carry the additional runoff. There are no watercourses on the property or drainage ways that will be utilized.

Criterion met.

- k. **(k) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;**

Applicant: There are no plans to use drainage swales as part of this development.

Staff: No drainage swales are part of the proposal.

Criterion met.

- l. **(l) Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:**

- 1. Energy absorbing devices to reduce runoff water velocity;**
- 2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;**
- 3. Dispersal of water runoff from developed areas over large undisturbed areas.**

Applicant: Erosion and sediment control devices will be provided, if required, on the areas indicated on the development plans. See Exhibit C.

Staff: The applicant has provided an erosion control plan that includes silt fencing, mulching and reseeding to prevent discharging. If measures in place do not work, the property owner is required to supplement them with additional erosion control.

Criterion met.

- m. **(m) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures;**

Applicant: No disposed material or stockpiled topsoil is located or planned to be located on the site.

Staff: No watercourses or drainage ways are on the property, but mulching will still be provided over exposed soils to prevent erosion.

Criterion met.

- n. **(n) Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.**

Applicant: Non-erosion pollution associated with construction will be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.

Staff: This criterion shall be met with a condition of approval requiring property handling of the listed materials.

Criterion met.

- o. **(o) On sites within the Balch Creek Drainage Basin, erosion and stormwater control features shall be designed to perform as effectively as those prescribed in the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)". All land disturbing activities within the basin shall be confined to the period between May first and October first of any year. All permanent vegetation or a winter cover crop shall be seeded or planted by October first the same year the development was begun; all soil not covered by buildings or other impervious surfaces must be completely vegetated by December first the same year the development was begun.**

Applicant: The site is not situated within the Balch Creek Drainage Basin. Therefore this standard does not apply to this proposed development site.

Staff: Staff concurs – the property is not within the Balch Creek Drainage Basin.

Criterion met.

Conclusion:

Staff: Based on the findings and other information provided above, this application for a Significant Environmental Concern permit and a Hillside Development Permit satisfies, with appropriate conditions, the applicable Multnomah County Zoning Code requirements

Exhibits:

1. Multnomah County Assessment and Taxation Information
2. Submitted Site Plan