

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

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

<http://www.multco.us/landuse>

NOTICE OF DECISION

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

Case File: T2-2012-2389

Permit: Significant Environmental Concern
Permit – Wildlife Habitat & Hillside
Development Permit

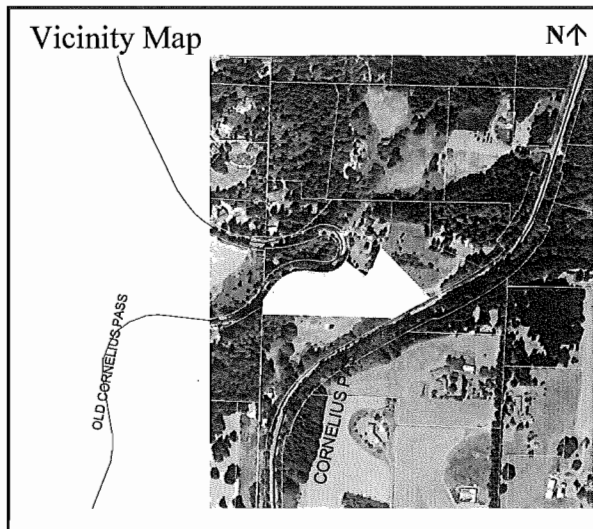
Location: 10509 NW Cornelius Pass Road
Tax Lot 1600, Section 06B,
Township 1N, Range 1W, W.M.
R961060080

Applicants: Simon Brown

Owners: Simon and Terrell Brown

Base Zone: Rural Residential

Overlays: Significant Environmental Concern – wildlife habitat (SEC-h); Slope Hazard (HD)



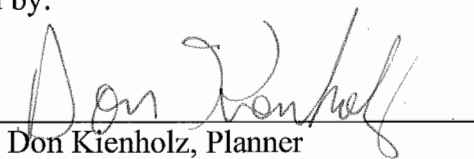
Summary: Replace an existing dwelling with a new manufactured single family dwelling. A 12x12-foot play structure is also proposed.

Decision: Approved with Conditions

Unless appealed, this decision is effective January 28, 2013, at 4:00 PM.

Issued by:

By:


Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: January 14, 2013

Instrument Number for Recording Purposes: #2012064727

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 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, ext. 29270.

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 January 28, 2013 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR): 37.0560 Code Compliance; 33.0005 Lot of Record; 33.3120 Allowed Uses; 33.3155 Dimensional Requirements; 33.3170 Lot of Record; 3185 Access; 33.4570SEC-h Approval Criteria; 33.5520 Grading and Erosion Control Standards; Multnomah County Road Rules (MCRR): 4.000 Access

Copies of the referenced Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR) sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.co.multnomah.or.us/landuse> or <http://web.multco.us/transportation-planning>.

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. **This land use permit expires two years from the date the decision is final pursuant to MCC 37.0690(B) as applicable. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0695, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.**

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. **After the decision is final and prior to building permit sign-off, the property owner shall record the Notice of Decision cover sheet through the conditions of approval with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made**

prior to building permit sign-off and a copy filed with Land Use Planning. Recording shall be at the applicant's expense (MCC 37.0670).

2. No nuisance plants as listed in MCC 33.4570(B)(7) shall be planted on the subject property. If any of the listed plants are in the development area, they shall be removed during construction. The owner shall keep the development area free of the nuisance plants listed in MCC 33.4570(B)(7) [MCC 33.4570(B)(7)].
3. The property owner shall implement the erosion and sediment control measures as discussed and shown on the erosion control plan (Exhibit A.7) [MCC 33.5520]
4. The property owner shall ensure that non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters are prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities. On-site disposal of construction debris is not authorized under this permit. This permit does not authorize dumping or disposal of hazardous or toxic materials, synthetics (i.e. tires, etc), petroleum-based materials, or other solid wastes which may cause adverse leachates or other off-site water quality effects [MCC 33.5520(A)(2)(n)].
5. The property owner is responsible for removing any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems. If any features within the adjacent public right-of-way are disturbed, the property owner shall be responsible for returning such features to their original condition or a condition of equal quality [MCC 33.5520(B)].
6. The County may supplement described erosion control techniques if turbidity or other down slope erosion impacts resulting 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 or sedimentation effects [MCC 33.5520(C)].
7. 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 will expose the smallest practical area at any one time during construction. [MCC 33.5520(B)(2)].
8. Silt fencing shall be installed down slope of the disturbed soil area prior to soil disturbance and maintained until project is finalized and vegetation has been re-established. The location of all silt fencing, other grading and erosion control measures to be installed, and soil stockpiles must be shown on all final plan sets [MCC 33.5520(B)(2)].

Note: Once this decision is final, application for building permits may be made with the City of Portland. When ready to have building permits signed off, the applicant shall call the Staff Planner, Don Kienholz, at (503) 988-3043 ext. 29270, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Portland. Five (5) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee of \$53.00 will be collected. In addition, an erosion control inspection fee of \$77.00 may be required.

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*.

1.00 Project Description:

Staff: The applicant is seeking to replace an existing manufactured home with a new manufactured home in the Rural Residential zoning district. A 12x12-foot play structure is also included in the proposal. The location of the proposed dwelling is in the Significant Environmental Concern overlay for wildlife habitat (SEC-h) and in an area identified as having a slope hazard overlay, but is outside the SEC-s overlay. The two permits required are the Significant Environmental Concern permit and the Hillside Development Permit.

2.00 Code Compliance:

MCC 37.0560 CODE COMPLIANCE AND APPLICATIONS.

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

Staff: Being in full compliance means that the use of the property and buildings were properly permitted. Additionally, it requires the property to be a Lot of Record. Lot of Record findings are made under Finding #3 below.

There are no listed zoning complaints or open compliance cases for the property. The existing dwelling is being replaced by a new dwelling as allowed in the zoning district. A play structure (accessory use) is shown on the site plan towards the middle of the property and no permits were located for its placement. As such, it is included in the permit. Approval of the permit will remedy the lack of permits for the play structure and will bring the property into full compliance.

3.00 Lot of Record:

MCC Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 33.7785. 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.)

(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an "acknowledged unincorporated community" boundary which intersects a Lot of Record.

1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.
2. An "acknowledged unincorporated community boundary" is one that has been established pursuant to OAR Chapter 660, Division 22.

* * *

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.

(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 33.3185, 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 33.3160, 33.3175, and 33.4300 through 33.4360, 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:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;**
- (2) An area of land created by the foreclosure of a security interest.**
- (3) An area of land created by court decree**

Staff: The subject property was placed in its current configuration through a property line adjustment approved by the County in land use case PLA 22-99. The property has not had a change in configuration since that approval. As such, the property is a Lot of Record.

Criteria met.

4.00 Rural Residential Zone Criteria:

A. MCC 33.3120 Allowed Uses

- 1. (C) Residential use consisting of a single family dwelling constructed on a Lot of Record.**

Staff: A single family dwelling is an allowed use in the zone.

Criterion met.

- 2. (F) Accessory Structures:**

(1) Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district:

- (a) Garages or carports;**
- (b) Pump houses;**
- (c) Garden sheds;**
- (d) Workshops;**
- (e) Storage sheds;**
- (f) Greenhouses;**

(g) Woodsheds;

(h) Shelter for pets, horses or livestock and associated buildings such as: manure storage, feed storage, tack storage, and indoor exercise area;

(i) Swimming pools, pool houses, hot tubs, saunas, and changing rooms;

(j) Sport courts;

(k) Gazebos, pergolas, and detached decks;

(l) Fences, gates, or gate support structures; and

(m) Similar structures.

(2) If the accessory structure is a building, then to be an “allowed use” the foot print of the building in combination with the footprint of all other accessory buildings on the property shall not exceed 2500 square feet.

(3) If the accessory structure has a bathroom or kitchen facilities, then prior to issuance of the building permit the property owner shall record a deed restriction with County Records that states that the owner understands and agrees that the structure cannot be occupied as a dwelling.

(4) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.

Staff: A 12x12-foot play structure is considered accessory to the residential use of a property as it is intended for recreational purposes only by residents of the property. The structure measures a total of 144 square feet. There is a well house on the subject property approved at the time the original residence was approved that measures 8x10-feet. In total, the accessory structures measure less than 2500 square feet in total area and are therefore allowed as outright uses.

Criteria met.

B. MCC 33.3155 DIMENSIONAL REQUIREMENTS

1. (A) Except as provided in MCC 33.3160, 33.3170, 33.3175 and 33.4300 through 33.4360, the minimum lot size for new parcels or lots shall be five acres. For properties within one mile of the Urban Growth Boundary, the minimum lot size shall be as currently required in the Oregon Administrative Rules Chapter 660, Division 004 (20 acre minimum as of October 4, 2000).

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

Staff: No new lot is being created therefore minimum lot size and area are not applicable.

Criteria met.

2. (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.

Staff: The proposed replacement dwelling (Exhibit A.7) will be 30-feet from the south (side) property line. All other property lines are more than 100 feet away. Thus, all setback requirements are satisfied for the dwelling. The play structure is more than 120-feet to any property line. The play structure satisfies the setback requirements.

The applicant submitted photographs of the play structure (Exhibit A.14) and it is roughly 10-feet tall. Therefore it meets the height requirement. The proposed manufactured home is a single story dwelling and is below the 35-foot height limitation.

Criterion met.

3. (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 dwelling and play structure are more than 100-feet to the closest road frontage. The yards for both structures are adequate.

Criterion met.

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

Staff: No structures are proposed to be taller than the 35-foot height limit.

Criterion met.

5.00 Significant Environmental Concern Permit:

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.

Staff: The new dwelling is proposed to be in the exact same location as the existing dwelling. The area has no 'forested' area as defined and is 'cleared.' The play structure is in an area also considered to be 'cleared' and within 100 feet of the dwelling.

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.**

Staff: As measured on the site plan (Exhibit A.7), the replacement dwelling would be roughly 165-feet from NW Cornelius Road.

Criterion met.

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

Staff: The proposed dwelling site is served by an existing driveway. That driveway is shown on the site plan with a length of 485-feet.

Criterion met.

- D. **(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

(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.

(c) Diagram showing the standards in (a) and (b) above.

(d) The standards in this subsection (4) may be modified upon a determination by the County Road Official that the new access road/driveway approach would result in an unsafe traffic situation using the standards in the Multnomah County "Design and Construction Manual," adopted June 20, 2000, (or all updated versions of the manual). Standards to be used by the Road Official from the County manual include Table 2.3.2, Table 2.4.1, and additional referenced sight distance and minimum access spacing standards in the publication A Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials (AASHTO) and the Traffic Engineering Handbook by the Institute of Transportation Engineers (ITE).

1. The modification shall be the minimum necessary to allow safe access onto the public road.

2. The County Road Official shall provide written findings supporting the modification.

Staff: The driveway serving the dwelling site is an existing driveway and is not being modified.

Criteria met.

- E. **(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: No development on an adjacent property is within 200-feet of a common side property line. The replacement dwelling is located within 30-feet of the southern side property line.

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.**
 - (f) Fencing standards do not apply where needed for security of utility facilities.**

Staff: No fencing is proposed as part of the application.

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>Chelidonium majus</i>	Lesser celandine
<i>Cirsium arvense</i>	Canada Thistle
<i>Cirsium vulgare</i>	Common Thistle
<i>Clematis ligusticifolia</i>	Western Clematis
<i>Clematis vitalba</i>	Traveler's Joy
<i>Conium maculatum</i>	Poison hemlock
<i>Convolvulus arvensis</i>	Field Morning-glory
<i>Convolvulus nyctagineus</i>	Night-blooming Morning-glory
<i>Convolvulus seppium</i>	Lady's nightcap
<i>Cortaderia selloana</i>	Pampas grass
<i>Crataegus sp. except C. douglasii</i>	hawthorn, except native species
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	Queen Ann's Lace
<i>Elodea densa</i>	South American Water-weed
<i>Equisetum arvense</i>	Common Horsetail
<i>Equisetum telemateia</i>	Giant Horsetail
<i>Erodium cicutarium</i>	Crane's Bill
<i>Geranium roberianum</i>	Robert Geranium
<i>Hedera helix</i>	English Ivy
<i>Hypericum perforatum</i>	St. John's Wort
<i>Ilex aquafolium</i>	English Holly
<i>Laburnum watereri</i>	Golden Chain Tree
<i>Lemna minor</i>	Duckweed, Water Lentil

Scientific Name	Common Name
<i>Loentodon autumnalis</i>	Fall Dandelion
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Phalaris arundinacea</i>	Reed Canary grass
<i>Poa annua</i>	Annual Bluegrass
<i>Polygonum coccineum</i>	Swamp Smartweed
<i>Polygonum convolvulus</i>	Climbing Binaweed
<i>Polygonum sachalinense</i>	Giant Knotweed
<i>Prunus laurocerasus</i>	English, Portugese Laurel
<i>Rhus diversiloba</i>	Poison Oak
<i>Rubus discolor</i>	Himalayan Blackberry
<i>Rubus laciniatus</i>	Evergreen Blackberry
<i>Senecio jacobaea</i>	Tansy Ragwort
<i>Solanum dulcamara</i>	Blue Bindweed
<i>Solanum nigrum</i>	Garden Nightshade
<i>Solanum sarrachoides</i>	Hairy Nightshade
<i>Taraxacum officinale</i>	Common Dandelion
<i>Utricularia vulgaris</i>	Common Bladderwort
<i>Urtica dioica</i>	Stinging Nettle
<i>Vinca major</i>	Periwinkle (large leaf)
<i>Vinca minor</i>	Periwinkle (small leaf)
<i>Xanthium spinosum</i>	Spiny Cocklebur
<i>various genera</i>	Bamboo sp.

Staff: Nuisance plant removal and long term abatement in the development area shall be a condition of approval.

Criterion met with condition of approval.

6.00 Hillside Development Permit:

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:

A. (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;

Staff: The replacement home is to be placed in the same location as the existing dwelling. The new home is slightly larger and will require a 2-3 foot deep cut expansion for the foundation. The excavated material is to be spread around the parking area and fire turnaround where it will not support any structures.

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;**

Staff: No slopes will be greater than 3:1 as seen on the site plan and explained in the narratives.

Criterion met.

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

Staff: The proposed cut and fill is to enlarge the existing foundation area for the new dwelling that will be placed in the same place as the existing home. The fill resulting from that excavation will be placed over the parking and turnaround areas which are roughly 30-feet from the closest property line. The machinery used to excavate the material will be used to compact the fill and ensure no overflow to the adjacent property.

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;**

Staff: The applicant has submitted a completed Stormwater Drainage Certificate signed and stamped by Cynthia L. Hovind, Professional Engineer (Exhibit A.15).

Criterion met.

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

Staff: The fill area is roughly 50-feet from an identified drainage on site.

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.

Staff: The site is identified as being within the Rock Creek Watershed which drains to the Tualatin Basin. The development for the placement of the home is more than 300-feet to the nearest creek.

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;**

Staff: The minimal earth disturbance required for the replacement home will be stabilized at the time the fill is placed over the parking and fire turnaround area. It will be compacted in order to be used for vehicular maneuvering. Gravel will then top the fill.

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;**

Staff: The cut and fill portion of the project is required to fit the replacement dwelling in the same location as the existing dwelling and is therefore the minimal necessary. The topography will not change as a result of the project and will remain flat for appropriate vehicular access. The relatively flat topography will not adversely impact drainage or surface runoff.

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

Staff: There will be no exposed critical areas during the project. Any exposed soil will be quickly compacted and graveled over as noted in the applicant's HDP Worksheet (Exhibit A.13).

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;

Staff: Natural vegetation is not being removed as a result of the project. The area of excavation is a previously disturbed area that does not contain vegetation. The parking areas and fire turnaround also exist and do not contain vegetation.

Criterion met.

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

Staff: There are no required plantings or structural erosion control and drainage measures.

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;**

Staff: The applicant's completed storm water certificate (Exhibit A.15) demonstrates runoff will be adequately handled 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;**

Staff: Exposed soil will be graveled over and will not cause sedimentation.

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;**

Staff: Slopes on the development site are nearly flat, so runoff damaging excavations or cut faces is not a concern.

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;**

Staff: The applicant's stormwater certificate demonstrates drainage provisions on site are adequate.

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;**

Staff: No drainage swales are proposed.

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.

Staff: With slopes being relatively flat, water velocity is not an issue. Silt fencing is shown on the site plan (Exhibit A.7) to trap sediment.

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;**

Staff: Fill material will be compacted before being topped with gravel.

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.**

Staff: A condition of approval will require the owner to keep any such non-erosion pollution on site.

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.

Staff: The site is not within the Balch Creek Drainage Basin.

7.00 Transportation Standards:

MCRR 4.000 Access to County Roads

MCRR 4.100 Required Information: Applicants for a new or reconfigured access onto a road under County Jurisdiction may be required to provide all of the following:

- A. Site Plan;
- B. Traffic Study-completed by a registered traffic engineer;
- C. Access Analysis-completed by a registered traffic engineer;
- D. Sight Distance Certification from a registered traffic engineer; and
- E. Other site-specific information requested by the County Engineer

Staff: The site has previously been reviewed for access and no changes are proposed to the driveway or access point onto the County right-of-way.

Criteria met.

8.00 Conclusion :

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Environmental Permit and Hillside Development Permit to locate a replacement dwelling in the Rural Residential zone. This approval is subject to the conditions of approval established in this report.

9.00 Exhibits:

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2012-2389 at the Land Use Planning office.

Exhibit #	# of Pages	Applicant Exhibits
A.1	1	General Application Form

A.2	1	July 5, 2012 Site Plan
A.3	11	SEC-h Worksheet
A.4	4	July 5, 2012 HDP Form-1
A.5	1	City of Portland Septic Inspection Sheet
A.6	1	Applicant's Response Form
A.7*	1	November 15, 2012 Site Plan
A.8*	1	November 15, 2012 Elevation Plans
A.9	1	Elevation Plan Key
A.10*	1	Floor Plans
A.11*	1	Site Plan Depicting Slopes Over 25% and Watercourses
A.12	4	November 15, 2012 HDP Form-1 Signed and Stamped by a Professional Engineer
A.13	7	Applicant's HDP Worksheet
A.14	2	Photo's of 12x12 Play Structure on Property
A.15	1	Storm Water Certificate
A.16	2	Well Log For Property
A.17	4	Fire Service Agency Review Form and Letter From TVF&R
A.18	2	On-Site Sewage Disposal Certification Form and Signed Site Plan
A.19	7	Deeds Showing Previous Property Line Adjustment Completed
'B'	#	Staff Exhibits
B.1	2	A&T Property Information
B.2	3	July 9, 2012 Incomplete Letter
B.3	1	November 30, 2012 Complete Letter
B.4	7	Opportunity to Comment and Mailing List