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: T2-2013-2989

Permit: Significant Environmental Concern and Hillside Development Permit

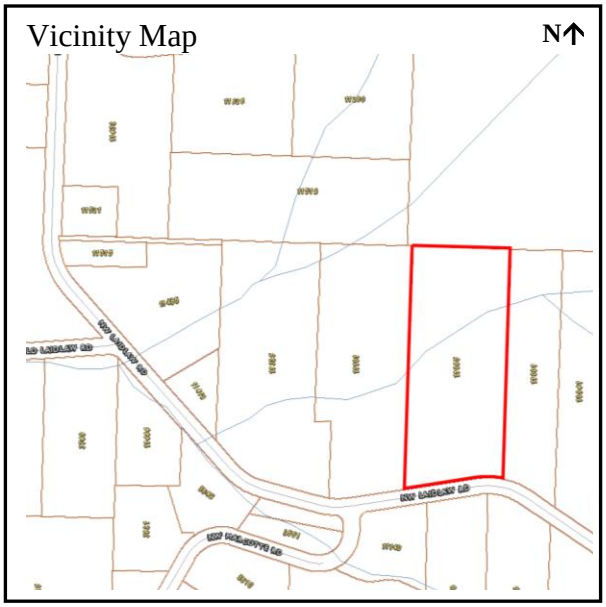
Location: 11065 NW Laidlaw Road
Tax Lot 200, Section 22DC
Township 1 North, Range 1 West, W.M.
Tax Account #R090603090

Applicants: Lee R Buckley
Owners: Usman Mughai and Zahra Baloch

Lot Size: 4.79 acres

Base Zone: Rural Residential

Overlays: Significant Environmental Concern for Streams / Hillside Development



Summary: Request to build an approximately 11,243 square foot single family dwelling with attached four car garage and associated development within the Rural Residential Zone (RR) and within the Significant Environmental Concern for Streams (SEC-s) and Slope Hazard Overlays.

Decision: Approved with Conditions

Unless appealed, this decision is effective March 14, 2014, at 4:00 PM.

Issued by:

By: _____
George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: Friday, February 28, 2014

Instrument Number for Recording Purposes: #2012130605

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 Lisa Estrin Staff Planner at 503-988-3043, ext. 22597.

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 March 14, 2014, at 4:00 PM.

Applicable Approval Criteria: Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR): MCC 33.3100 et. al: RR, MCC 33.4500 et. al: SEC-s, MCC 33.5500 et. al: Hillside Development, and Multnomah County Road Rules (MCRR) et. al.

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 for the single family dwelling, the property owner shall record the Notice of Decision cover sheet through the conditions of approval with the County Recorder along with a copy of the site plan (Exhibit A.25). The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and a copy filed with Land Use Planning. Recording shall be at the applicant's expense. [MCC 37.0670]

2. The property owner shall submit to Multnomah County Planning office an elevation survey by registered surveyor demonstrating dwelling height does not exceed 35 feet to mid-point of the highest gable per final grade (as described in MCC 33.0005 Definitions – Building Height), prior to dwelling final inspection. Staff recommends a survey prior to the framing inspection to verify the dwelling will meets the 35 foot maximum structure height requirement per MCC 33.3155(C).

3. The property owner shall ensure that soil disturbing activities within a Stream Conservation Area (SEC-s Overlay) shall be limited to the period between June 15 and September 15. Revegetation/soil stabilization shall be accomplished no later than October 15. [MCC 33.4575 (E)(6)]

4. The property owner shall ensure that observation of work required by the 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 zoning review approval for the building permit. [MCC 33.5515 (F)(3)]

5. The property owner shall ensure that 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 [MCC 33.5520(A)(2)(b)]

6. The property owner shall ensure that erosion control measures such as sediment fencing is installed prior to any soil disturbance on the property. Erosion control measures shall consist of "Best Management Practices" erosion control (those that perform as effectively as those prescribed in the currently adopted edition of the Technical Guidance Handbook) including but not limited to installing sediment fencing down slope of all soil disturbance areas, mulching disturbed soil areas, construction driveway, covering stock-piles with plastic or mulch as well as other measures listed on Exhibit A.23. Erosion control measures shall be maintained in working condition throughout the construction phase and until permanent vegetative cover such as grass is growing in the disturbance areas. Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical [MCC 33.5520(A)(2)]

7. The property owner shall ensure that disposed spoil material or stock-piled topsoil are prevented from eroding into streams or drainageways by applying mulch or other protective covering such as plastic sheeting; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures. The property owner shall ensure that spoil materials or stock-piled topsoil to either be mulched or covered with plastic sheeting and not be located within the 200 feet of either stream. [MCC 33.5520(A)(2)]

8. The property owner shall ensure that the storm water control (detention) system as detailed in Exhibit A.21 is installed prior to the dwelling final to meet the standard that post construction storm water runoff will be no greater than existed prior to the development as described in Finding 4.4.4. [MCC 33.5520(A)(2)]

9. The property owner shall ensure that 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 cleanup activities.

10. The property owner shall ensure that the mitigation plan is implemented and installed as detailed in Exhibit A.22 and as shown on the Mitigation Plan Map (Exhibit A.25) within two years to the

effective decision date of this decision. Once the mitigation plantings are fully installed the property owner shall contact the Multnomah County Land Use Planning and request and inspection of the mitigation area. The property owner shall annually monitor plantings for a period of five years and ensures an 80 percent annual survival rate of any required plantings. If the survival rate falls below 80 percent additional planting shall be planted to replace those that died. [MCC 33.4575 (D)]

11. The property owner shall ensure that any exterior lighting shall be placed, shaded or screened to avoid shining directly into a Stream Conservation Area SEC-s Overlay. [MCC 33.4575 (E)(3)]

12. The property owner shall ensure that there is no planting of any invasive non-native or noxious vegetation as listed in MCC 33.4570(B)(7) and MCC 33.4570(A)(4). [MCC 33.4575(F)]

13. The property owner shall ensure that there is no outside storage of hazardous materials as determined by DEQ. [MCC 33.4575(F)]

14. The property owner shall ensure that a Right-of-Way Access Permit is obtained prior to final inspection of the dwelling. The driveway access shall meet the requirements of the Multnomah County Road Rules or a Road Rules Variance must be obtained. [MCRR 4.000]

15. The property owner shall ensure that prior to dwelling final inspection that local fire district development requirements have been met including the fire flow (water flow) as detailed in Exhibit A.8.

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, George Plummer, at (503) 988-3043 ext. 29152, 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 $61.00 will be collected. In addition, an erosion control inspection fee of $82.00 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. PROJECT DESCRIPTION

Staff: The applicant submitted a request to build an approximately 11,243 square foot single family dwelling with an attached four car garage and associated development within the Rural Residential Zone (RR) and within the Significant Environmental Concern for Streams (SEC-s) and Slope Hazard Overlays.

The proposed project utilizes the front on the property with most of the proposed development located outside the 200-foot stream conversation buffer (SEC-s Overaly). All but a minor amount of the dwelling (less than 200 square feet) will be within the buffer with the rest of the development within the buffer being lawn predominately used for the septic system for a total impacted area of 6,828. None of the development is within 100-feet of the protected stream. According to the Environmental Site Assessment (Exhibit A.22), "the total area of grading for the proposed construction will occur over an area roughly 32, 081 square feet (0.74 acre).

2. PROPERTY DESCRIPTION

Staff: The subject property was created as Lot 42, Bonny Slope Subdivision filed in 1923. The property is current vacant, however there was a previously existing dwelling that has been removed. The development area is an area that had been previously cleared except for a single line of trees that was removed. The property is a relatively shallow slope on the eastern half of the development area with increasing slopes for the western side and north part of the development area. The slope is about 12 to 18 percent in the development area.

3. RURAL RESIDENTIAL ZONE

3.1. Allowed Uses

MCC 33.3120 (A) Residential use, consisting of a single family dwelling constructed off-site, including a mobile or modular home placed on a Lot of Record, subject to the following conditions:

(1) Construction shall comply with the standards of the Building Code or as pre-scribed in ORS 446.002 through 446.200, relating to mobile homes.

(2) The dwelling shall be attached to a foundation for which a building permit has been obtained.

(3) The dwelling shall have a minimum floor area of 600 square feet.

3.2. Dimensional Standards And Development Requirements

MCC 33.3155 (C) Minimum Yard Dimensions
Front: 30 feet
Rear:
Side: 10 feet
Maximum Structure Height – 35 feet
Minimum Front Lot Line Length – 50 feet.

3.3. LOT OF RECORD

MCC 33.3170 (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 …

MCC 33.0005: Definition - 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; …

Staff: The subject property, was created as Lot 42, Bonny Slope Subdivision filed in 1923 prior to any zoning requirements. The property meets Lot of Record standards. *The property is a Lot of Record.*

4. Hillside Development

4.1. <u>Materials Required for Hillside Development</u>

MCC 33.5515 (E) A Hillside Development permit may be approved by the Director only after the applicant provides:

.(1) Additional topographic information showing that the proposed development to be on land with average slopes less than 25 percent, and located more than 200 feet from a known landslide, and that no cuts or fills in excess of 6 feet in depth are planned. High groundwater conditions shall be assumed unless documentation is available, demonstrating otherwise; or

(2) A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or,

(3) An HDP Form– 1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with his/her stamp and signature affixed indicating that the site is suitable for the proposed development.

(a) If the HDP Form– 1 indicates a need for further investigation, or if the Director requires further study based upon information contained in the HDP Form– 1, a geotechnical report as specified by the Director shall be prepared and submitted.

Staff: The applicant submitted a HDP-Form – 1 for the property completed and stamped by Craig C. LaVielle, PE/GE (Exhibit A.4) confirming that site is suitable for the proposed development. The applicant also submitted a Geotechnical Engineering Report stamped by Craig C. LaVielle, PE/GE (Exhibit A.5) with site development standards for the proposed development. This standard is met by meeting Numbers (2) and (3).

4.2. Geotechnical Report Requirements

4.2.1 MCC 33.5515 (F) (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.

Staff: Mr. LaVielle, GE/PE verified the suitability of the site for the proposed development in HDP Form – 1 and addressed development standards for the proposed development in the Geotechnical Engineering Report. The combination of these two documents meets the needs for the geotechnical investigation of the site for the proposed development. *This standard is met.*

4.2.2. (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.

Staff: This site was previously developed with a dwelling, however the dwelling has been removed and there is no evidence the site had any significant previous manipulation of the ground after that removal. *This standard is not applicable.*

4.2.3 (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.

Staff: This standard will be a condition of approval. *This standard is met through a condition.*

4.3. Conform with Design Standards For Grading and Erosion Control

MCC 33.5515 (G) Development plans shall be subject to and consistent with the Design Standards For Grading and Erosion Control in MCC 33.5520 (A) through (D). Conditions of approval may be imposed to assure the design meets those standards.

Staff: The following Sections of this Decision 4.4 and 4.5 contain the findings for grading and erosion control standards in MCC 33.5520 (A) through (D). The applicant addressed these standards in Exhibit A.13 and some standards were addressed in the Geotechnical Engineering Report (Exhibit A.5) and on the Erosion control Plan (Exhibit A.23). Conditions of approval are imposed to assure the design meets those standards. *As conditioned, this standard is met.*

4.4. Grading Standards

MCC 33.5520(A)(1): Design Standards For Grading and Erosion Control -- Grading Standards

4.4.1. (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: Fill will be used. Methods and density specifications are indicated and will be compacted according to specifications set by the Mr. LaVielle, GE/PE. *This standard is met.*

4.4.2. (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 cut of fill is proposed steeper than 3:1 other than a rock wall design by the applicant, Lee R. Buckley, PE. *This standard is met.*

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

Staff: Engineering Geologist, Mr. LaVielle, GE/PE addressed this standards in HDP Form – 1 (Exhibit A.4) stating there was no potential for proposed earthwork to cause stability problems for adjacent properties. The response to this standard by the applicant is "None." There are no cuts or fills near adjacent properties thus proposed development with the erosion control measures (conditioned by this decision), the potential for any off-site endangerment or disturbance is minimal. *This standard is met.*

4.4.4. (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 Lee Buckley, PE completed a Storm Water Certificate (Exhibit A.21) which certifies that the development is designed (with a storm water detention system) so the site storm water runoff attributed to the development will be no greater (during the 10-year/24-hour storm) than that which existed prior to development as measured at the property line. Storm water will not be allowed to discharge to the NW Laidlaw Road right of way ditch. A condition will require storm water dentition system be installed as detailed in Exhibit A.21 and A.23. *This standard is met through a condition of approval.*

4.4.5. (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;

Staff: No fills are proposed that encroach on natural watercourses or constructed channels. The proposed storm water detention system will detain water for up to a 10 –year/24 hour storm design frequency. *This standard is met.*

4.5. <u>Erosion Control Standards</u>

MCC 33.5520(A)(2): Design Standards For Grading and Erosion Control -- Erosion Control Standards

4.5.1 (a) On sites within the Tualatin River Drainage Basin, erosion and stormwater control plans shall satisfy the requirements of OAR 340. Erosion and storm-water 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 applicant states the site is not within the Tualatin River Drainage Basin, however the water in the streams on the property drain into the Tualatin River thus the property is in the Tualatin River Drainage Basin. The proposed development does not encroach on the 100-foot buffer from the protected stream (Exhibit A.25). The development does encroach within a 100-foot buffer of a minor intermittent stream. The proposal meets OAR 340 there is no solid waste disposal proposed and the project includes a mitigation plan for work in this area, therefore this stand is met. *This standard is met.*

4.5.2. (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 applicant has submitted an erosion control plan that limits the disturbed areas to those necessary to establish the development. Mulching and planting disturbed areas to stabilize the soil as quickly as practicable will be required. This standard will be included as a condition of approval. *This standard is met through conditions.*

4.5.3. (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 proposed development includes a minimum amount of fill to level the site for the dwelling area and minimal surrounding lawn to match the topographic contour at the east side of the dwelling. Mulching the disturbed soil, installing a sediment fence down slope of the disturbed areas and planting grass as soon as feasible will control erosion to result in the least erosion potential and adequately accommodate the volume and velocity of surface runoff possible during construction. The design with a rock wall around the upper lawn area surrounding the dwelling on the western and northern sides will hold the soil in place creating the least erosion potential while allowing for runoff. *This standard is met through conditions.*

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

Staff: Mulching the disturbed soil, installing a sediment fence down slope of the disturbed areas and planting grass as soon as feasible will control erosion to protect exposed critical areas during during construction. *This standard is met through conditions.*

4.5.5. (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: The proposed development maintains a 100-foot undisturbed buffer of natural vegetation for the protected stream. According to the mitigation plan map there is a minor intermittent stream that does not appear on our maps and is not a protected stream (as mapped by Metro's Title 13). The erosion and stormwater control features are designed to perform as effectively as those prescribed in the currently adopted edition of the Technical Guidance Handbook and will be required as a condition of approval. *This standard is met through a condition.*

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

Staff: A condition will require this standard to be met. *This standard is met through a condition.*

4.5.7. (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 proposes sediment fencing down slope of the soil disturbance areas as shown on Exhibit A.23. Mulching the disturbed soil areas will also be required. A condition will require these measures throughout the development period and until vegetation is established in the disturbed soil areas. *This standard is met through a condition.*

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

Staff: The applicant proposes sediment fencing down slope of the soil disturbance areas as shown on Exhibit A.23. Mulching the disturbed soil areas will also be required. A condition will require these measures. *This standard is met through a condition.*

4.5.9. (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: The applicant proposes sediment fencing down slope of the soil disturbance areas as shown on Exhibit A.23. Mulching the disturbed soil areas will also be required. A condition will require these measures. *This standard is met through a condition.*

4.5.10. (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: Storm drains are included in the design to carry surface runoff. *This standard is met.*

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

Staff: The proposal includes a storm water detention system with a riprap overflow. *This standard is met.*

4.5.12. (1) 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: The applicant proposes sediment fencing down slope of the soil disturbance areas as shown on Exhibit A.23. Mulching the disturbed soil areas will also be required. A condition will require these measures. *This standard is met through a condition.*

4.5.13. (m) Disposed spoil material or stock-piled 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: A condition will require that spoil materials or stock-piled topsoil to either be mulched or covered with plastic sheeting and not be located within the 200 feet of either stream. *This standard is met through a condition.*

4.5.14. (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 cleanup activities.

Staff: A condition will require 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 cleanup activities. *This standard is met through a condition.*

5. SIGNIFICANT ENVIRONMENTAL CONCERN FOR STREAMS

5.1. MCC 33.4575 (C) In addition to other SEC Permit submittal requirements, any application to develop in a Stream Conservation Area shall also include:

(1) A site plan drawn to scale showing the Stream Conservation Area boundary, the location of all existing and proposed structures, roads, watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval equivalent to the best available U.S. Geological Survey 7.5' or 15' topographic information;

(2) A detailed description and map of the Stream Conservation Area including that portion to be affected by the proposed activity. This documentation must also include a map of the entire Stream Conservation Area, an assessment of the Stream Conservation Area's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;

(3) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;

(4) A study of any flood hazard, erosion hazard, and/or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards as required by (E) (5) below;
(5) A detailed Mitigation Plan as described in subsection (D), if required; and
(6) A description of how the proposal meets the approval criteria listed in subsection (D) below.

Staff: The applicant has submitted the required information including plans for the SEC-s review. *These standards are met.*

5.2. MCC 33.4575 (D) For the protected stream resources, the applicant shall demonstrate that the proposal:
(1) Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its predevelopment state, as documented in a Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:

5.2.1. (a) A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC 33.4575 (C);

Staff: The application submittal includes site plans and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC 33.4575 (C). *This standard is met.*

5.2.2. (b) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;

Staff: The proposed work is not in the streams or wetlands and is less than one acre in size thus no coordination is needed with State and Federal agencies. The applicant is working with local agencies for required permitting. *This standard is met.*

5.2.3. (c) A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in MCC 33.4575 (D) (1);

Staff: The mitigation plan maintains native species of trees and shrubs but will remove invasive understory species. The impact area of the development is mitigated for through extensive planting of 60 trees, 136 shrubs and native grasses in an area equal to that dedicated to development which is located in the SEC-s Overlay (Exhibit A.25 and B.4). A condition will require implementing the mitigation plan. *This standard is met through a condition.*

5.2.4. (d) An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.

Staff: A condition will require annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings. *This standard is met through a condition.*

5.3. MCC 33.4575 (E) Design Specifications
The following design specifications shall be incorporated, as appropriate, into any developments within a Stream Conservation Area:

5.3.1. (1) A bridge or arched culvert which does not disturb the bed or banks of the stream and are of the minimum width necessary to allow passage of peak winter flows shall be utilized for any crossing of a protected streams.

Staff: No stream crossing is proposed, no bridge or culvert is proposed in the SEC-s Overlay. *This standard is not applicable for this development.*

5.3.2. (2) All storm water generated by a development shall be collected and disposed of on-site into dry wells or by other best management practice methods which emphasize groundwater recharge and reduce peak stream flows.

Staff: The proposal includes a storm water detention system for storm water detention up to a 10-year/24-hour storm event. *This standard is met.*

5.3.3. (3) Any exterior lighting associated with a proposed development shall be placed, shaded or screened to avoid shining directly into a Stream Conservation Area.

Staff: A condition will require exterior lighting associated with a proposed development shall be placed, shaded or screened to avoid shining directly into a Stream Conservation Area. *This standard is met through a condition.*

5.3.4. (4) Any trees over 6" in caliper that are removed as a result of any development shall be replaced by any combination of native species whose combined caliper is equivalent to that of the trees removed.

Staff: No trees are proposed to be removed in the SEC-s overlay. *This standard is met.*

5.3.5 (5) Satisfaction of the erosion control standards of MCC 33.5520.

Staff: The erosion control standards of MCC 33.5520 have been met or are conditioned to be met. Findings addressing erosion control standards of MCC 33.5520 are in Section 4.5 of this decision. *This standard is met.*

5.3.6. (6) Soil disturbing activities within a Stream Conservation Area shall be limited to the period between June 15 and September 15. Revegetation/soil stabilization must be accomplished no later than October 15. Best Management Practices related to erosion control shall be required within a Stream Conservation Area.

Staff: A condition will require that the soil disturbing activities within a Stream Conservation Area (SEC-s overlay) shall be limited to the period between June 15 and September 15. Revegetation/soil stabilization must be accomplished no later than October 15. A condition requires Best Management Practices related to erosion control. *This standard is met through a condition.*

5.3.7. (7) Demonstration of compliance with all applicable state and federal permit requirements.

Staff: There no state and federal permit requirements that we are aware of for this development. *This standard is not applicable.*

5.4. MCC 33.4575 (F) For those Stream Conservation Areas located within Metro's jurisdictional boundaries, the following requirements apply in addition to (C) through (E) above:

Staff: The subject property is within the Metro's jurisdictional boundary.

5.4.1 (1) The planting of any invasive non-native or noxious vegetation as listed in MCC 33.4570(B)(7) and MCC 33.4570(A)(4) is prohibited. A list of native plants can be found in the latest edition of the Metro Native Plant List.

Staff: A condition will prohibit planting of any invasive non-native or noxious vegetation as listed in MCC 33.4570(B)(7) and MCC 33.4570(A)(4). *This standard is met through a condition.*

5.4.2. (2) Outside storage of hazardous materials as determined by DEQ is prohibited, unless such storage began before the effective date of this ordinance; or, unless such storage is contained and approved during development review.

Staff: A condition will prohibit outside storage of hazardous materials as determined by DEQ unless such storage began before the effective date of this ordinance; or, unless such storage is contained and approved during development review. *This standard is met through a condition.*

6. TRANSPORTATION STANDARDS

MCRR 4.000 Access to County Roads

Finding: The applicant has requested delay of the review of the driveway location until after this permit is issued. Given the driveway is outside the SEC-s overlay area a change in the location other than the location shown on the plan (not located within the SEC-s Overlay) can be approved without altering this decision. The property owner will need to obtain a Right-of-Way Access Permit for the proposed development that meets the requirements of the Multnomah County Road Rules or a Road Rules Variance will need to be obtained. A condition will require obtaining the Right-of-Way Access Permit.

7. LETTER OF COMMENT

Steven Kim submitted a comment letter dated January 26, 2014. Mr. Kim is concern about drainage from the proposed dwelling. The applicant has design a storm drainage system (Exhibit A.21 and A.23) that meets the County Code standards as addressed in Findings Numbers 4.4.4 and 4.4.5 and conditioned to be installed by Condition Number 8.

Mr. Kim's second concern appears to be that the dwelling will not fit into the neighborhood. Our code does not require findings address whether a dwelling fits into the neighborhood. He also addresses that a dwelling should be designed to work with the existing topography. The dwelling was designed to only need a fill to level the dwelling to match topography of the eastern portion of the dwelling. The proposed development as conditioned meets the County Code.

8. CONCLUSION

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Hillside Development Permit and the Significant Environmental Concern for Streams Permit to establish a single family dwelling on the subject property in the Rural Residential Zone and the Significant Environmental Concern for Streams Overlay Zone. This approval is subject to the conditions of approval established in this report.

9. EXHIBITS

'A' Applicant's Exhibits
'B' Staff Exhibits
'C' Comments Received

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	7/18/2013
A.2	6	Narrative	7/18/2013
A.3	34	Environmental Site Assessment for Tax Lot 200, Map 1N1W22DC for a Single Family Residential Development (9 pgs) Appendix A – Maps (14 pages) Appendix B – Wildlife Habitat Data Forms (4 pages) Appendix C – Color Photographs (4 pages) Appendix D – Literature Citation (2 pages)	7/18/2013
A.4	4	Hillside Development Permit Application – Form 1	7/18/2013
A.5	17	Geotechnical Engineering Report for 11065 NW Laidlaw Road (12 pages) Figure 1 - Vicinity Map (1 page) Figure 2 - Site Plan (1 page) Figure 3 - Map from Dogami's Slido website (1 page) Static 1 - 10 Most Critical Surfaces, Minimum Bishop FOS (1 page) Seismic 1 - 10 Most Critical Surfaces, Minimum Bishop FOS (1 page)	7/18/2013
A.6	7	Plans Reduced Size [with Oversized Elevations Drawings labeled A.6.O (5 additional pages)] Site Plans including Erosion Control Plan, and Storm Water Plan – Sheet 1-3 and S (4 pages) South Wall and West Wall Elevations – Sheet 1 (1 page) North Wall and East Wall Elevations – Sheet 2 (1 page) Main Floor Plan – Sheet 3 and 3.1 (2 page) Upper Floor Plan – Sheet 4 (1 page)	7/18/2013

		Lower Floor / Foundation Plan	
A.7	10	Certification of Onsite Sewage Disposal (1 page) Cover Sheet – Page 1 of 10 (1 page) Construction Specifications – Page 2 of 10 (1 page Environmental Health (EH) Reviewed Site Plan – Page 3 of 10 (1 page) Septic Tank Details – Page 4 of 10 (1 page) Advantex Recirculating Textile Filter Details - Page 5 of 10 (1 page) Pump Curve – Page 6 of 10 (1 page) Groundwater Interceptor Details – Page 7 of 10 (1 page) Drainfield Details – Page 8 of 10 (1 page) Capping Fill Details – Page 9 of 10 (1 page) Preliminary Parts List – Page 10 of 10 (1 page) EH reviewed Sheet 1 (1 page)	7/18/2013
A.8	9	Fire Service Agency Review dated 7/12/2013 (4 pages) Letter from TVFR regarding Proposed Structure dated 7/12/2013 (1 page) Tualatin Valley Water District Fire Hydrant Flow Test Report (2 pages) Appendix B Table B105.1 Minimum Required Fire – Flow and Flow Duration for Buildings (1 page) Site Plan Stamped by TVFR (1 page)	7/18/2013
A.9	1	Certification of Water Service dated March 18, 2013	7/18/2013
A.10	1	Police Services Review	7/18/2013
A.11	1	School District Review	7/18/2013
A.12		Storm Water Certificate (1 page) Calculations (4 pages) Storm Water Drainage Trench Details A – C Erosion Control and Details – Sheet No. 2 Storm Water Disposal Plan and Details – Sheet No. 3	7/18/2013
A.13	8	Grading and Erosion Control Worksheet	7/18/2013
A.14	3	Advanced BMP Documentation Form	7/18/2013
A.15	4	Site Distance Analysis with Exhibit A 5.00 foot Street Dedication Legal Description	7/18/2013

A.16	2	Oversized Elevation Drawings	10/1/13
A.17	2	Tualatin Valley Water District	10/7/13
A.18	5	Addendum to narrative address issue detailed in incomplete application letter	11/20/13
A.19	1	Deed recorded 10/12/12 as instrument number 2012-130605	11/20/13
A.20	1	Letter dated November 13, 2013 from Craig C. LaVaielle, PE addressing erosion control, stormwater plan and foundation design	11/20/13
A.21	12	Revised Storm Water Disposal System with plans	11/20/13
A.22	36	Revised Environmental Site Assessment and Mitigation Plan	11/20/13
A.23	4	Revised Site Plans including: 2. Erosion Control Plan 2.1. Re-Vegetation Plan 3. Storm Water Disposal Plan	11/20/13
A.24	4	Plans Reduced Size Elevation and Floor Plans	11/20/13
A.25	1	Mitigation Planting Plan	11/20/13
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Information for 1N1W22DC - 00200	NA
B.2	1	A&T Tax Map with Property Highlighted	NA
B.3	1	2012 Aerial Photo of the Property	NA
B.4	1	2012 Aerial Photo of the property with the SEC-s Overlay	NA
B.5	1	Bonny Slope subdivision Plat	NA
'C'	#	Comments Received	Date
C.1	1	Steven Kim submitted a comment letter dated January 26, 2014	1/29/2014