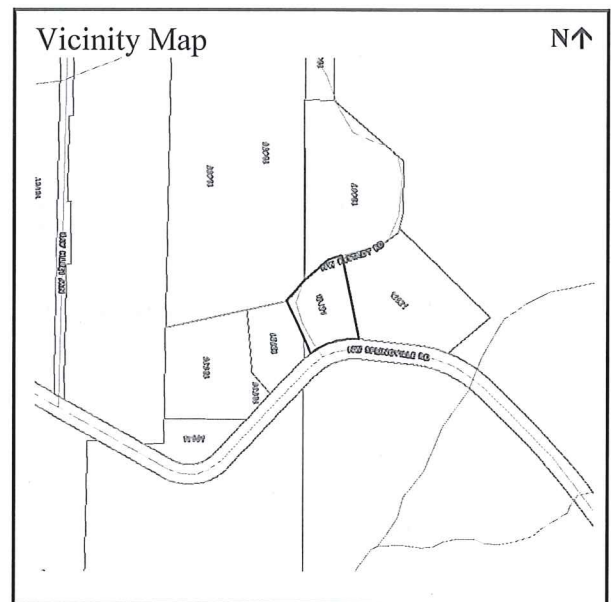


## NOTICE OF DECISION

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

**Case File:** T2-2013-3031  
**Permit:** Hillside Development Permit  
**Location:** 12421 NW Springville Rd.  
Tax Lot 00400, Section 15C  
Township 1 North, Range 1 West, W.M.  
Tax Account R961150380  
**Applicants:** John Talbot  
**Owners:** John R. & Linda J. Talbot  
**Base Zone:** Multiple Use Agriculture-20 (MUA-20)  
**Overlays:** Slope Hazard and Significant  
Environmental Concern for wildlife  
Habitat



**Summary:** A request for a Hillside Development Permit to replace an on-site sewage disposal system on the property related to an existing dwelling.

**Decision:** Approved with Conditions

Unless appealed, this decision is effective December 13, 2013, at 4:00 PM.

Issued by:

By:

  
George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: Friday, November 29, 2013

**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 George Plummer, Staff Planner at 503-988-3043, ext. 29152.

**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 December 13, 2013 at 4:00 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): MCC 33.2800 et. al: MUA-20 and MCC 33.5500 et al: Hillside Development

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. The applicant shall ensure that the disturbed soil area is reseeded with grass seed in spring once it is warm enough for the seed to germinate, by the end of March 2014. Until there is permanent vegetative cover, disturbed soil area shall be mulched with straw to prevent sediment runoff. The applicant shall inspect to site after all large rain events to determine that the erosion control is working and that no sediment is leaving the property. If there is any evidence that the installed erosion control silt fencing is not properly working and sediment is leaving the property, the applicant shall immediately reinstall the silt fence to prevent any further sediment from leaving the property. [MCC 33.5520(A)(2)(d), MCC 33.5520(A)(2)(f), MCC 33.5520(A)(2)(g) and MCC 33.5520(A)(2)(h)]
2. Spoil material or stock-piled topsoil associated with the development, shall be prevented from eroding by installing protective plastic covering. [MCC 33.5520(A)(2)(m)]
3. 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. [MCC 33.5520(A)(2)(n)]
4. Whenever sedimentation is caused by soil disturbance from the development, it shall be the responsibility of subject property owners (applicant) to remove it from all adjoining properties and/or drainage systems. [MCC 33.5520(B)(1)]

<b>Notice to Mortgagee, Lien Holder, Vendor, or Seller:</b>
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ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.
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## **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:** A request for a Hillside Development Permit to replace an on-site sewage disposal system on the property related to an existing dwelling.

### **2. Property Description & History (if needed):**

**Staff:** The proposed replacement septic system serves the existing dwelling established in 1941. The replacement was permitted by the City of Portland Sanitarian and work needed to be completed prior to commencement of the fall rainy season (Exhibit B.4). The project has been completed as allowed by County Land Use Planning as an emergency repair in order to complete the installation of the replacement sewage disposal system prior to the fall rainy season. A site visit by staff on October 2, 2013 confirmed erosion control measures were installed and there was no evidence of any sediment flow at that point.

The property appears on the 1962 zoning map as zoned Suburban Residential (SR) with a 40,000 square foot minimum lot size required. Given the subject property is shown on the 1962 zoning map and the property being a little more than an acre (with half the right-of-way added per MCC 33.2855), it would have met the minimum size requirement if created between 1958 when the zoning minimum was applied and 1962 when the map was made. There were no land division requirements to create a parcel until 1978. Thus there are not concerns about Lot of Record findings for the subject property (Exhibit B.3).

There are no known code compliance issues with the subject property.

### **3. Hillside Development Standards**

#### **3.1. Application Information Required**

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

**\* \* \***

**(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.**

**Staff:** The applicant submitted three documents stamped and signed by John H. Gray, Certified Engineering Geologist (CEG) which include a narrative introduction for the HDP-1 Form, a completed HDP-1 Form (Exhibit A.2), and an narrative addressing the

limited septic system excavation as well as the grading and erosion control standards. In the HDP-1 form Mr. Gray found that “Site stability is not at question on this property.”, however Mr. Gray was not aware that there would be excavation for new drainfield lines when the HDP-1 form was completed. The applicant later submitted an addendum narrative (Exhibit A.3) in which Mr. Gray affirms his knowledge of the excavation for new drainfield lines and addresses grading and erosion control standards ensuring site stability *This standard is met.*

### **3.2. Grading Standards**

- 3.2.1. MCC 33.5520(A)(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 re-quire additional studies or information or work regarding fill materials and compaction.**

**Staff:** The project does not include any new fill. The trenches excavated for the septic system drain-lines will be refilled with excavated materials. A septic drainfield must not be compacted. *This standard is met.*

- 3.2.2. MCC 33.5520(A)(1)((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:** There are no new cuts or fill slopes greater than 3:1 remaining after the project completion. *This standard is met.*

- 3.2.3. MCC 33.5520(A)(1)(c): Cuts and fills shall not endanger or disturb adjoining property**

**Staff:** Given the information provided by the Mr. Gray, CEG the project will not endanger or disturb adjoining property. *This standard is met.*

- 3.2.4. MCC 33.5520(A)(1)(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:** There is no change in drainage proposed. *This standard is met.*

- 3.2.5. MCC 33.5520(A)(1)(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:** The project is more than 400 feet from any watercourse. There is no constructed channel near the project. Thus the project does not impact any watercourse or channel. *This standard is met.*

### **3.3. Erosion Control Standards**

- 3.3.1. MCC 33.5520(A)(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 erosion control includes straw mulching the disturbed soil area and silt fence installed down-slope of the disturbed soil area. The project is more than 400 feet from the nearest stream. There is no new impervious surface or change in drainage. Erosion control plan satisfies the requirements of OAR 340. *This standard is met.*

- 3.3.2. MCC 33.5520(A)(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 soil disturbance is limited to the project area necessary to complete the installation of the replacement septic system. The project has been completed as allowed by County Land Use Planning to finish the work prior to the wet season. A site visit by staff on October 2, 2013 confirmed erosion control measures were installed and there was no evidence of any sediment flow at that point. *This standard is met.*

- 3.3.3. MCC 33.5520(A)(2)(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 project minimized cut and fill operations to the excavation and refilling of drainfield trenches. The project conforms the pre-existing topography. *This standard is met.*

- 3.3.4. MCC 33.5520(A)(2)(d): Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.**

**Staff:** The erosion control measures include straw mulching. The mulch can be required as a condition. *This standard is met through a condition.*

- 3.3.5. MCC 33.5520(A)(2)(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 project is more than 400 feet from any stream. *This standard is met.*

**3.3.6. MCC 33.5520(A)(2)(f): Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical.**

**Staff:** A condition of approval requires the applicant to seed the disturbed soil area with grass seed during the beginning of the next growing season, by the end of March 2014. *This standard is met through condition.*

**3.3.7. MCC 33.5520(A)(2)(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 disturbed soil area has a buffer down slope created by conifer trees which cover the ground with a bed of conifer needles. Given the straw mulching and conifer needle buffer, runoff should be effectively controlled. Silt fencing has been installed down slope of the project and during the site visit the applicant agreed to monitor the erosion control to ensure there is no sediment runoff from the site. *This standard is met through condition.*

**3.3.8. MCC 33.5520(A)(2)(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:** Silt fencing has been installed down slope of the project and during the site visit the applicant agreed to monitor the erosion control to ensure there is no sediment runoff from the site. A condition will require monitoring. *This standard is met through condition.*

**3.3.9. MCC 33.5520(A)(2)(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:** No cut face exists for this project. There is a slight slope across the soil disturbance area on which mulch is to be used. *This standard is met.*

**3.3.10. MCC 33.5520(A)(2)(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 proposal is for installation of a septic system drainfield. No drainage provisions are needed. *This standard is met.*

**3.3.11. MCC 33.5520(A)(2)(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 swale is proposed. *This standard is not applicable.*

**3.3.12. MCC 33.5520(A)(2)(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 proposal includes mulching to absorb rain water velocity and runoff velocity. There is a natural area under existing mature conifer trees with fallen needles that will also serve this purpose. Silt fence has been installed down slope of the project, however when staff visited the site it was noted that much of it was not properly install, though staff notes there was no sediment runoff. The property owner agreed to monitor for erosion and sediment runoff and if there was any evidence of erosion and/or sediment movement to repair the fencing as needed. *This standard is met through a condition.*

**3.3.13. MCC 33.5520(A)(2)(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 small pile of spoils is on site which the property owner agreed to cover with plastic. *This standard is met through a condition.*

**3.3.14. MCC 33.5520(A)(2)(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 will require this. *This standard is met.*

**3.4. Responsibility**

**MCC 33.5520(B)(1): 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.**

**Staff:** A condition will require this. *This standard is met.*



#### 4. **Transportation Standards**

##### **MCRR 4.000 Access to County Roads**

**Staff:** The proposed septic system replacement is for an existing development. This is no increased impact to the Transportation System and no changes are proposed for the existing driveway.

#### 5. **Conclusion**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Hillside Development Permit to establish a replacement septic system in the MUA-20 zone. This approval is subject to the conditions of approval established in this report.

#### 6. **Exhibits**

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application form	8/13/13
A.2	6	A narrative introduction for the HDP-1 Form and a completed HDP-1 Form by John H. Gray, CEG	8/13/13
A.3	5	Narrative addressing the limited septic system as well as the grading and erosion control standards by John H. Gray, CEG	8/28/13
‘B’	#	Staff Exhibits	Date
B.1	2	A&T Property Information	
B.2	1	A&T Tax Map with Property Highlighted	
B.3	1	1962 Zoning map	
B.4	16	Emails from Erin Mick, Sanitarian, On-site Sanitation Program address permitting for septic system	