



DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION AND LAND USE PLANNING DIVISION
2115 SE Morrison Street
Portland, OR 97214 (503) 248-3043

DECISION OF THE PLANNING DIRECTOR

Floodplain Development Permit

Case File: FD 2-98

Date Decision Prepared: Tuesday, October 6, 1998

Proposal: Approximately 300 cubic yards of cut and fill work below the base flood elevation of the 100-year floodplain. Such activities are associated with the placement of riprap along an existing riverbank.

Related Case: Grading and Erosion Control Permit (GEC) 24-98
Significant Environmental Concern Permit (SEC) 32-98

Location: 26380 NW Reeder Road
TL 32, Sec. 26, T3N, R1W, W.M.
Tax Account R-98126-0320

Applicant: Steven Eudaly
6920 NE 42nd Ave.
Portland, OR 97231

Owner: Donald Eudaly
26380 NW Reeder Rd.
Portland, OR 97231

Site Size: 3.03 acres

Present Zoning: Multiple Use Agriculture (MUA20), Significant Environmental Concern (SEC), & Flood Hazard (FH)

Approval Criteria: Multnomah County Code (MCC): MCC 11.15.6301, Flood Hazard; Comprehensive Plan Policies 13, 14, 22, 37, 38, & 40.

Decision: **Approve, subject to the conditions below, 300 cubic yards of cut and fill below the base flood elevation of the 100-year floodplain, such activities being associated with the placement of riprap along an existing riverbank. This approval is based on the following findings and conclusions.**

Conditions of Approval

1. This approval is based on the submitted written narrative(s), and site plan. No excavation or fill shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner to comply with these documents and the limitations of approval described herein.
2. All grading activities shall be conducted in compliance with approved Grading and Erosion Control and Significant Environmental Concern Permits.
3. The proposed riprap embankment shall not encroach beyond the toe of the existing bank line (20-foot contour on the site plan) or extend above the elevation of the natural ground it is protecting. To adequately document the condition of the existing riverbank, the applicant is to provide photographs of the entire stretch of riverbank that is to be altered. Such photographs are to be submitted prior to any grading work being initiated.
4. Land disturbing activities within a 100-year floodplain, as described herein, may be subject to Federal or State permitting requirements such as those administered by the Army Corps of Engineers and Division of State Lands. The applicant is responsible for obtaining and complying with such permits, as required.

Findings of Fact

(Formatting Note: Staff as necessary to address Multnomah County ordinance requirements provides Findings referenced herein. Headings for each finding are underlined. Multnomah County Code requirements are referenced using a **bold** font. The notation "Staff" precedes Planning staff comments and analysis.)

1. Project & Property Description:

This project involves the placement of riprap along a 115-foot section of the river, to stabilize the riverbank and control for erosion. Roughly 300 cubic yards of soil is to be removed and replaced with an equivalent amount of fill. The existing bank height is 6 feet, with slopes in excess of 2:1. The toe of the bank is at an elevation of 20 feet. All of the proposed work is below the base flood elevation of the 100 year floodplain (elev. 26 ft.), and appears to be within the floodway of the Columbia River as illustrated on Panel #35 of the Federal Emergency Management Agency Flood Boundary and Floodway Map, dated March 18, 1986.

The applicant's site is a 3.03 acres rectangular parcel lying perpendicular to the Columbia River. The property's eastern boundary is defined by survey as being consistent with the 16-foot contour elevation, such elevation representing the river's ordinary high water mark. Reeder Road crosses the western third of the parcel. A single-family dwelling was recently constructed on the site approximately 125 feet west of the project area. A vicinity map and site plan are attached, illustrating the location of the property and project area.

2. Floodplain Development Permit Required

MCC 11.15.6303 establishes that the provisions of MCC .6301 - .6323 shall apply to all areas within the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA).

Per MCC 11.15.6307(A), No structure or manufactured home shall be erected, located, altered, improved or enlarged and no other new development including but not limited to grading, mining, excavation and filling shall occur on lands within the 100-year flood boundary unless a Floodplain Development Permit specifically authorizing the proposal has been obtained from Multnomah County.

Staff: Floodplain Development Permits are required where development activities are proposed within the 100-year flood boundary. A base flood elevation of 26 feet is established for the subject property per Panel #35 of the Federal Emergency Management Agency Flood Insurance Rate Maps for Multnomah County, dated March 18, 1986. The plan documents attached identify the location of the project as it relates to the boundary of the 100-year floodplain. As evidenced in the application, all of the approximately 300 cubic yards of excavation and fill is to occur within the 100-year floodplain. Therefore, consistent with MCC 6307(A), a Floodplain Development Permit is required.

3. Compliance with Floodplain Development Permit Approval Criteria

- A. **Per MCC 11.15.6315, the following standards shall apply to all new construction, substantial improvement or other development in areas within the 100-year flood boundary...**

Staff: All standards listed under MCC 11.15.6315 relate to the construction of residential or non-residential structures and utilities. This project involves none of these activities. Therefore, these criteria are not applicable to the request.

- B. **Per MCC 11.15.6317, In areas identified as floodway on the Flood Boundary and Floodway Maps, the following restrictions, in addition to the requirements of MCC .6315, shall apply:**

No development shall be permitted that would result in any measurable increase in base flood levels. Encroachment is prohibited, including fill, new construction, substantial improvement and other development, unless a detailed step backwater analysis, certified by a Registered Professional Engineer, is provided which demonstrates that the proposed encroachment will cause no measurable increase in flood levels (water surface elevations) during a base flood discharge.

Staff: The "no rise" certification and conveyance compensation analysis provided, demonstrates that the proposed development will not measurably increase base flood levels. A detailed step backwater analysis is not required, in that the applicant has submitted evidence that the proposed riprap embankment will not encroach beyond the toe of the existing bank line or extend above the elevation of the natural ground it is protecting. To adequately document the condition of the existing riverbank additional photographs are needed for the entire stretch of riverbank to be altered. This concern has been addressed with a condition of approval contained herein.

4. Compliance with Applicable Comprehensive Plan Policies

Staff: The following Multnomah County Comprehensive Plan Policies require that, for all quasi-judicial actions, findings be made demonstrating that proposed activities comply with the Policy objectives. A Floodplain Development Permit is a quasi-judicial land use action, therefore, the following findings have been prepared:

A. **Policy 13: Air, Water And Noise Quality:**

It is the county's policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to air quality, water quality, and noise levels.

Staff: Any water quality impacts related to this development are to be mitigated consistent with a Grading and Erosion Control Permit, an application for which is currently being reviewed by the County (GEC 24-98). No impacts to air quality or noise levels are anticipated as a result of this development.

B. **Policy 14: Developmental Limitations**

The County's policy is to direct development and land form alterations away from areas with development limitations except upon a showing that design and construction techniques can mitigate any public harm or associated public cost, and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics:

- **Slopes exceeding 20%;**
- **Severe soil erosion potential;**
- **Land within the 100 year flood plain;**
- **A high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year;**
- **A fragipan less than 30 inches from the surface;**
- **Land subject to slumping, earth slides or movement.**

Staff: This permit addresses the impacts that this development will have on flood levels within the 100-year floodplain. A grading and erosion control permit will address any soil erosion or slope concerns related to this proposal.

C. **Policy 22: Energy Conservation**

The County's policy is to promote the conservation of energy and to use energy resources in a more efficient manner. In addition, it is the policy of Multnomah

County to reduce dependency on non-renewable energy resources and to support greater utilization of renewable energy resources. The county shall require a finding prior to the approval of legislative or quasi-judicial action that the following factors have been considered:

- **The development of energy-efficient land uses and practices;**
- **Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreational centers;**
- **An energy-efficient transportation system linked with increased mass transit, pedestrian and bicycle facilities;**
- **Street layouts, lotting patterns and designs that utilize natural environmental and climactic conditions to advantage.**
- **Finally, the county will allow greater flexibility in the development and use of renewable energy resources.**

Staff: The factors listed under this policy have been considered in the review of this application. These factors are tailored to address energy resource issues related to urban development and, therefore, are not applicable to this request.

D. Policy 37: Utilities:

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

- **The proposed use can be connected to a public sewer and water system, both of which have adequate capacity; or**
- **The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or**
- **There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or**
- **There is an adequate private water system, and a public sewer with adequate capacity.**
- **There is adequate capacity in the storm water system to handle the run-off; or**
- **The water run-off can be handled on the site or adequate provisions can be made; and**

- **The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.**
- **There is an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and**
- **Communications facilities are available.**

Furthermore, the County's policy is to continue cooperation with DEQ, for the development and implementation of a groundwater quality plan to meet the needs of the county.

Staff: Increased stormwater volume attributed to this project is minimal and will have a negligible impact on the Columbia River. Any water quality impacts related to this development are to be mitigated consistent with a Grading and Erosion Control Permit.

E. Policy 38: Facilities:

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

- **The appropriate school district has had an opportunity to review and comment on the proposal.**
- **There is adequate water pressure and flow for fire fighting purposes; and**
- **The appropriate fire district has had an opportunity to review and comment on the proposal.**
- **The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.**

Staff: Proposed grading activities relate to the placement of riprap along an existing riverbank. No buildings or related structural improvements are proposed with this application. Therefore, staff finds that police, fire, and school services will not be impacted by this project.

F. Policy 40: Development Requirements:

The county's policy is to encourage a connected park and recreation system and to provide for small private recreation areas by requiring a finding prior to approval of legislative or quasi-judicial action that:

- **Pedestrian and bicycle path connections to parks, recreation areas and community facilities will be dedicated where appropriate and where designated in the bicycle corridor capital improvements program and map.**
- **Landscaped areas with benches will be provided in commercial, industrial and**

multiple family developments, where appropriate.

- **Areas for bicycle parking facilities will be required in development proposals, where appropriate.**

Staff: This proposal does not impact any existing or planned park and recreation areas or bicycle facilities.

Conclusion

Considering the findings and other information provided herein, this application for approval of 300 cubic yards of cut and fill below the base flood elevation of the 100-year floodplain, as conditioned, satisfies applicable Comprehensive Framework Plan policies and Multnomah County Zoning Ordinance requirements.

Exhibits

All materials submitted by the applicant, prepared by county staff, or provided by public agencies or members of the general public relating to this request are hereby adopted as exhibits hereto and may be found as part of the permanent record for this application.

In the matter of: FD 2-98

Multnomah County Department of Environmental Services
Transportation and Land Use Planning Division

By: _____
Derrick I. Tokos, AICP – Planner

For: Kathy Busse – Planning Director

This decision filed with the Director of the Department of
Environmental Services on Tuesday, October 6, 1998

NOTICE

This decision may be appealed within 10 days of the above date, pursuant to the provisions of MCC 11.15.8290. An appeal requires a \$100.00 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 2115 SE Morrison Street (Phone: 248-3043).

The appeal period ends Friday, October 16, 1998.