



MULTNOMAH COUNTY

Department of Environmental Services
Land Use Planning Division
1600 SE 190th Avenue
Portland, OR 97233 Phone: (503) 248-3043

NOTICE OF DECISION

GRADING AND EROSION CONTROL PERMIT

Case File No.: GEC 13-99

June 2, 1999

WHAT: An application for a Grading and Erosion Control (GEC) Permit for filling and grading activity on the subject parcel. The applicant proposes to excavate and fill on the site to accommodate a proposed replacement dwelling. The existing dwelling would be physically altered to become a non-dwelling and the new, proposed dwelling would be placed in the south part of the subject parcel. The applicant has already graded the site to accommodate the new driveway on the subject parcel. This grading activity totaled approximately 180 cubic yards of material (based on road distance, depth of fill, and road width – see site plan). Vegetation has been removed to accommodate the proposed new house. The applicant proposes to fill and disperse the fill material in area approximately 6,000 square feet and entailing 111.11 cubic yards. The remaining fill will be spread on the property for “cultivation purposes.” A copy of the site map is attached within this decision; the site map is composed of several sheets.

WHERE: **Property Location:**
29306 SE Orient Dr.
T1S, R4E, Section 19, Tax Lot 91.
R#99419-0910.
See attached map.

WHO: **Property Owner/ Applicant:**
Dennis and Catherin Brown
29306 SE Orient Dr.
Gresham, OR 97080

ZONING: Exclusive Farm Use (EFU) and Rural Center (RC).

**APPROVAL
CRITERIA:** The applicable approval Criteria for this decision include the following:
Grading and Erosion Control; Chapter 29.300, Multnomah County Code.

Notice:

This decision does not constitute a land use action and therefore may not be appealed.

LIMITATIONS/ SCOPE OF APPROVAL:

1. The applicant shall install erosion control measures on the site. Please call (503)-248-3043 for a site inspection or, at the time of building permit submittal, provide photo documentation showing that the erosion control measures have been installed. The applicant narrative provides additional details. **The applicant shall maintain Best Erosion Control Practices through all phases of development.**
2. Replanting and/ or reseeding of all other areas disturbed by this project shall occur within one (1) month of completion of the proposed work. Appropriate erosion control measures shall be maintained before, during, and after the project work as needed.
3. The applicant shall comply with the conditions set forth in **GEC 13-99**.
4. All work shall be performed in accordance with the Guidelines prescribed in the "Erosion Control Plans Technical Guidance Handbook" and "Surface Water Quality Facilities Technical Guidance Handbook". In the event of a conflict between the applicant's proposal and the "Erosion Control Plans Technical Guidance Handbook" and "Surface Water Quality Facilities Technical Guidance Handbook", those in the handbooks shall be required.
5. The applicant shall contact the Staff Planner, Tricia R. Sears, at (503)-248-3043, **for an appointment for building permit sign-off**. The applicant shall bring three (3) copies of the building plans to Multnomah County. The County will keep one (1) copy of the building plans and send two (2) copies of the plans with the applicant to be reviewed by the City of Gresham for Building permit review.
6. Except as otherwise specified in the above conditions, this approval is based upon the applicant's submitted written testimony, site and development plans, and substantiating documents. The applicant shall be responsible for implementing the development plan as presented and approved.
7. Prior to building permit sign-off, the applicant shall establish and record a deed restriction as described under ORS 215.283 (1)(t)(E). The ORS requires, "If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed on the deed records for the county. The release shall be signed by the county or its designee and state that the provisions of this paragraph regarding the placement of dwellings have changed to allow the siting of another dwelling. The county planning director or the director's designee shall maintain a record of lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions and release statements filed under this paragraph."
8. Right-of-Way approval for a building permit sign-off at 29306 SE Orient Drive will require that a driveway permit be obtained. There is no driveway permit of record. Please contact Alan Young at (503)-248-3582 for additional information.

9. The Right-of-Way Staff also provided this condition for GEC 13-99. The applicant must gain access to their property **via the driveway constructed on their own private property only**. The plat of "DAR-MIL ESTATES" which borders the applicant's east property line created a one (1) foot non-access strip along that entire property line that restricts the applicant from gaining access to their property via the dedicated right-of-way of unimproved SE 293rd Place. Multnomah County Land Use Planning approval of the plat of "DAR-MIL ESTATES" restricts the owner of Tax Lot 91, Section 19, 1S, 4E, from gaining access to their property across the westerly plat boundary of "DAR-MIL ESTATES" until such time as they dedicate nine (9) feet of property along the entire length of that plat boundary line. The additional nine (9) feet will create a fifty-foot total width right-of-way required for a local access road.

In addition, the site plan submitted for the building permit review shall illustrate the **non-access** provisions. The site plan submitted with GEC 13-99 shows access to SE 293rd and this access, as described above, is not a legal access to the subject parcel.

10. The applicant shall complete the standard procedure for stormwater calculation for the required detention storage volume resulting from development of the property sheet. It is attached to this decision for your convenience.
11. The applicant shall complete the Replacement Dwelling Agreement and the provisions of the agreement prior to building permit sign-off. The Replacement Dwelling Agreement is attached to this decision for your convenience.
12. No additional land use action and/ or permit requests shall be accepted, relating to the subject application, until such time as all required fees for the said application have been paid in full.

IN THE MATTER OF GEC 13-99:

Signed: Tricia R. Sears, *Land Use Planner*
For: Kathy Busse, *Planning Director*