



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 22-99

July 15, 1999

PROPOSAL: A retroactive application for a Grading and Erosion Control (GEC) Permit for filling approximately 90 cubic yards of material on the site. The applicant site plan illustrates the 80 cubic yards has been placed "fill over old fill". This fill was placed over approximately 100 cubic yards of old fill. In addition, in an area adjacent to the barn the applicant notes 10 cubic yards of dirt has been placed on the site. The applicant has a Zoning Violation case file, ZV 99-20, with Multnomah County. Site plans are attached to this document.

LOCATION: 13751 NW Springville Road
Tax Lot 35, Section 16, T1N, R1W, WM.
R#96116-0350.
See attached map.

**APPLICANT/
OWNER:** William H. Luchs
13751 NW Springville Road
Portland, OR 97229

ZONING: Multiple Use Agriculture (MUA-20); Significant Environmental Concern for Wildlife Habitat (SEC-h); Tualatin Basin.

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

DECISION: **APPROVED WITH CONDITIONS**, a Grading and Erosion Control (GEC) permit for the retroactive request to fill 90 cubic yards of earth material on the subject parcel as described in the Proposal section above. The applicant is required to grade a drainage ditch along the west property line in the area of the "old fill, grass" and the "fill over old fill" area on the site as specified herein.

LIMITATIONS/ SCOPE OF APPROVAL:

1. NO ADDITIONAL CUTTING, FILLING, OR STOCKPILING, OR OTHER GRADING ACTIVITY, EXCEPT THE MODIFICATIONS SPECIFIED BY THIS PERMIT, SHALL OCCUR ON THE SUBJECT PARCEL WITHOUT REVIEW OF A GRADING AND EROSION CONTROL PERMIT.
2. The applicant shall complete the following mitigation activity to remedy the problems created by the alteration of the site's topography. The site plan showing the location of the cut areas and the fill areas with the proposed erosion control measures has been submitted. The site has been revegetated since the earth-disturbing activities occurred. The applicant **is required to create an inceptor swale or drainage ditch** along the west property line in the area of the "old fill grass" and the "fill over old fill" on the subject property. The drainage ditch shall be established for a distance, based on the applicant site plan, of just over 100 feet along the west property line from the south property line (where the west and south property lines meet the right-of-way of NW Springville Road). The exit for the inceptor swale shall direct the water onto the applicant's property.

The drainage ditch is to have a bottom width of 2 feet a minimum and a depth of 1 foot. The side slope shall be 2H:1V or flatter. The maximum grade shall be 5 percent slope. A diagram has been attached to this decision, Figure 3-6. The diagram illustrates the inceptor swale or drainage ditch standards.

The purpose of the drainage ditch or inceptor swale is to retain the stormwater run-off on the subject property by channeling run-off from the existing slope of the property and to not impact the adjacent property (13838 NW Springville Road). Under Section 29.305, Grading and Erosion Control Permit Standards, subsection (1)(c) states, "Cuts and fills shall not endanger or disturb adjoining property."

The drainage ditch shall be constructed within three (3) weeks of the issuance of this decision; the project shall thus be completed or substantially completed by August 5, 1999.

3. Prior to work occurring on the site for the construction of the drainage ditch, the applicant shall **install erosion control measures**. The applicant shall maintain Best Erosion Control Practices through all phases of development. The applicant shall contact Staff, Tricia R. Sears, at (503)-248-3043 for a **site inspection** upon installation of the erosion control measures and completion of the drainage ditch. The Zoning Violation case, ZV 99-20, shall remain in effect until the drainage ditch is constructed in accordance with the requirements described in Condition of Approval #2. Should the applicant choose to not comply with the conditions of this decision by the August 5, 1999 time line, the appropriate code enforcement steps will be taken.
4. Replanting and/ or reseeding of all other areas disturbed by this project shall occur within **one (1) month** of completion of the proposed work. The applicant shall the Multnomah County Land Use Planning Division at (503)-248-3043 for a site inspection.
5. 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.

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. The applicant shall comply with the conditions set forth in **GEC 22-99**, except as may be modified by this decision.
7. 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 22-99:

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