



Department of Environmental Services
Land Use Planning Division
1600 SE 190th Avenue, Portland, OR 97233
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<http://www.multnomah.lib.or.us/lup/>

DECISION OF THE PLANNING DIRECTOR

Hillside Development Permit

Case File No.: HDP 0-10

September 5, 2000

Proposal: Request for Hillside Development Permit for a new single family dwelling.

Location: 366 NW 81st Place
Tax Lot 500, Sec. 36CB, T1N, R1W, W.M.
Lot 14, 500 Miller Road
Tax Acct #R28535-0280

Applicant/Owner:

| <u>Applicant:</u> | <u>Owner:</u> |
|---------------------------------|-----------------------------|
| John Chu | Ilya & Marsha Rakhlin |
| 3324 SE 57 th Avenue | 152000 SW Teal Blvd., Apt F |
| Portland, OR 97206 | Beaverton, OR 97707 |

Site Size: 10,0777 square feet

Present Zoning: Residential (R-10)

Approval Criteria: Multnomah County Code (MCC): MCC 11.15.2862 et seq., R-10; 11.15.6700 et seq., Hillside Development and Erosion Control

Decision: **Approve, subject to conditions, grading and filling for new single family home and driveway.**

CONDITIONS OF APPROVAL

Prior to any land disturbing activities:

1. A geological and/or engineering analysis certifying that the retaining walls are safe shall be submitted to the county prior to building permit sign-off.
2. No land disturbing activities shall be conducted until the erosion control measures are in place.
3. Applicant shall contact the case planner for an inspection of the installed erosion control measures once they are installed.

On-going restrictions:

1. This approval is based on the submitted revised written narrative(s) and the revised grading and erosion control plans, stamped 8/2/00 or later. 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 conditions of approval.
2. The applicant shall maintain best erosion control practices through all phases of development. All erosion control measures are to be implemented as prescribed in the multi-jurisdictional "*Erosion Control Plans Technical Guidance Handbook*" dated February 1994.
3. The County may supplement described erosion control techniques if turbidity or other down slope erosion impacts result from on-site grading work.
4. The drainage swale shall be covered with mulch and vegetated as soon as possible to minimize potential erosion.
5. If dirt is stockpiled during the rainy season, it will be tarped with visqueen to prevent run off and saturation.
6. If large areas of soil (greater than 1000 square feet) are still exposed when the winter rains begin (approximately Oct 1), visqueen, straw or similar material shall be laid down on exposed areas immediately to minimize erosion.
7. The property owner is responsible for removing any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems.

Follow up requirements after grading:

1. All graded, disturbed, and bare soil areas are to be seeded or planted, immediately following the completion of grading activities. These areas should also be mulched to protect the soil and control erosion while vegetation is maturing.
2. If planting above is temporary, permanent planting shall be accomplished within 30 days after final grading or no later than November 15 of the year grading occurs.
3. 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.
4. 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.
5. The property owner shall contact the case planner at the Land Use Planning Division at 988-3043, to arrange for a **site inspection** after the project is complete.

6. After all grading is complete and retaining walls are constructed, the owner shall submit to the Planning Division a letter from the Geotechnical Engineer that certifies that construction has occurred consistent with the approved construction plan.
7. Grading and erosion control activities described and approved under this permit shall be completed within two (2) years from the date of this approval.

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 said application have been paid in full.

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. Written responses by the applicant, demonstrating compliance with code criteria, are *italicized*. Planning staff comments and analysis may follow applicant responses. Where this occurs, the notation "Staff" precedes such comments.)

1. Project Background and Description:

Application is for a hillside development permit in order to cut and fill property in preparation of constructing a single family home and driveway on the site.

2. Site and Vicinity Characteristics:

The subject site is part of the 500 Miller Road subdivision approved in 1993. Access is from 81st Place off of Miller Road. The site is steeply sloped.

3. Multnomah County Code

11.15.2862 Single Family Residential (R10) Uses

(A) Single family dwellings

Staff: The proposed use is a single-family dwelling.

11.15.2864 Restrictions

(A) Lot Size- The minimum lot size shall be 10,000 square feet. The minimum average lot width shall be 70 feet, and the minimum lot width at the building line shall be 70 feet. The minimum average lot depth shall be 100 feet.

Staff: The applicant parcel is 10,077 square feet and meets the minimum lot size requirement. The subject parcel also meets the lot width and depth requirements.

(B) Yard Requirements

(1) Front Yard. There shall be a front yard having a minimum depth of 30 feet, unless a previous building line less than this has been established...

(2) Side Yards. Side yards shall be a minimum of ten feet.

(3) **Rear Yards.** There shall be a rear yard with a minimum depth of 25 feet to the main building.

(4) **Corner lots** may have a rear yard of not less than 10 feet if the front yard is not less than 30 feet and if the side yards are not less than 20 feet.

Staff: The front yard setback requirement were waived under LD 36-93, except that there shall be 20 feet from the garage to the edge of sidewalk. The front yard setback is proposed at 13' from the property line to the closest eave. The side yards setbacks are 10 feet on the east side and 15 feet on the north side. The rear yard setback is 25 feet. The yard requirements are met.

(E) **Height Restrictions:** Maximum height of any structure shall be 35 feet.

Building Height – The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- (a) The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.
- (b) An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item (1) above is more than 10 feet above the lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building, or as amended by the *State of Oregon Structural Specialty Code and Fire and Life Safety Regulations*.

Staff: Revised elevations of the house show that the building will be 35 feet as measured under the definition written above. This criterion is met.

(F) **Lot Coverage:** The maximum area that may be covered by the dwelling unit and accessory building shall not exceed 30% of the total area of the lot.

Staff: The area covered by the dwelling unit is approximately 3,022 square feet. The coverage would equal 29.99% and therefore meets the lot coverage requirement.

SOLAR ACCESS

11.15.6810 Applicability

The solar design standard in [Section .6815](#) shall apply to applications for a development to create lots in LR-40, LR-30, LR-20, LR-10, LR-7.5, LR-7, LR-5, R-40, R-30, R-20, R-10, and R-7 zones and for single family detached dwellings in any urban zone, except to the extent the approval authority finds that the applicant has shown one or more of the conditions listed in [Sections .6820](#) and [.6822](#) exist, and exemptions or adjustments provided for therein are warranted.

11.15.6815 Design Standard

At least 80 percent of the lots in a development subject to this Ordinance shall comply with one or more of the options in this Section.

A. Basic Requirement (*see Figure 9*). A lot complies with Section .6815 if it:

1. Has a north-south dimension of 90 feet or more; and
2. Has a front lot line that is oriented within 30 degrees of a true east-west axis.

B. Protected Solar Building Line Option (*see Figure 10*). In the alternative, a lot complies with Section .6815 if a solar building line is used to protect solar access as follows:

1. A protected solar building line for the lot to the north is designated on the plat, or documents recorded with the plat;
2. The protected solar building line for the lot to the north is oriented within 30 degrees of the true east-west axis;
3. There is at least 70 feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line;
4. There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or non-exempt vegetation.

C. Performance Option. In the alternative, a lot complies with Section .6815 if:

1. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis and at least 80 percent of their ground floor south wall protected from shade by structures and non-exempt trees; or
2. Habitable structures built on that lot will have at least 32 percent of their glazing and 500 square feet of their roof area which faces within 30 degrees of south and is protected from shade by structures and non-exempt trees.

11.15.6820 Exemptions from Design Standard

A development is exempt from Section .6815 if the Planning Director finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from Section .6815 to the extent the Planning Director finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with Section .6815.

- (A) Slopes – The site, or a portion of the site for which the exemption is sought, is sloped 20 percent or more in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor.

Exemption from design standard due to slope site. The building site is sloped more than 20%. The site slope is approximately 28%. A licensed professional land surveyor did the topographic on the site plan. The surveyor company is Centerline Concepts Inc.

Staff: Staff concurs. This lot meets the exemption from the design standards for solar access listed under (A) above.

11.15.6710 Permits Required

- A. Hillside Development Permit: All persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall

obtain a Hillside Development Permit as prescribed by this subdistrict, unless specifically exempted by MCC .6715.

Staff: Average slope within the development area is approximately 28%. Soil is Cascade silt loam with slopes from 15-30%. The requested development is not a land use activity exempted under MCC .6715. Therefore, a HDP permit is required.

11.15.6720 Application Information Required

An application for development subject to the requirements of this subdistrict shall include the following:

- A. A map showing the property line locations, roads and driveways, existing structures, trees with 8-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal.**

Please see site plan for property line location, road and driveways, existing structure, trees and proposed development and trees proposed for removal.

- B. An estimate of depths and the extent and location of all proposed cuts and fills.**

Please see site plan from the proposed topographic for estimate of depths and the extent and location of all proposed cuts and fills.

Staff: Applicant submitted cross sections and grading plans to illustrate the depth and extent of the grading.

- C. The location of planned and existing sanitary drainfields and drywells.**

No sanitary drainfields and drywells are required.

- D. Narrative, map or plan information necessary to demonstrate compliance with [MCC .6730](#)(A). The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.**

Please see attached geo-tech report for site conditions and architect site plan for proposed storm drainage, and erosion control. Stream protection does not apply.

Staff: A narrative, dated July 31, 2000, from JTC Inc. was submitted to the County on August 2, 2000. In addition, applicant submitted a letter from BoraH Building Management, dated August 7, 2000, addressing erosion control standards. A letter from Craig C. LaVielle, P.E., dated August 11, 2000, approving the proposed site preparation and erosion control measures specified by BoraH Building Management in their letter. A memo from Don Sherman, P.E., dated August 18, 2000, addressed drainage requirements for the retaining walls. The original site and erosion control plan, designed by Jerry Robinson, was revised and submitted on August 2, 2000. The site plan was revised to show that setbacks and lot coverage could be met.

- 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,**

A geo-tech report is attached with application.

Staff: A report, dated July 3, 2000, from Craig LaVielle, registered professional engineer, was submitted. The report concluded in his report that “the subject site is suitable for development and can generally be developed as planned. The slopes appear stable in their current and proposed configurations. The medium stiff, brown, Clayey Silt is adequate to support structures with shallow conventional isolated or continuous spread footings.” See report for recommendations for spread footings.

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: An HDP Form-1 was completed and signed by Craig LaVielle, P.E., with his stamp and signature affixed. The Form-1 does not indicate any need for further investigation.

- F. **Development plans shall be subject to and consistent with the Design Standards For Grading and Erosion Control in MCC .6730(A) through (D). Conditions of approval may be imposed to assure the design meets those standards.**

Staff: See below.

11.15.6730, Grading and Erosion Control Standards:

(A) Design Standards for Grading and Erosion Control

(1) Grading Standards

- (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.**

Not applicable. There will be no fill material for supporting proposed building.

Staff: The site plan indicates that foundation will not be constructed on fill.

(b) Cut and fill slopes shall not be steeper than 3V:1H unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified.

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: The site plan shows retaining walls as high as 10 feet in several locations on the site. Retaining wall are steeper than 3:1. A memo from Don Sherman, P.E. with his stamp makes the following comment “My retaining walls schedules indicate a 4” diameter drain to be run to daylight. It is also acceptable with me to use weep holes or to use both in conjunction as long as there is some method of draining the retained earth.” However, the memo does not specifically state or certify that the walls are safe. In order to meet this criterion, a geological and/or engineering analysis certifying that the retaining walls are safe shall be submitted prior to building permit sign-off.

Craig LaVielle, registered professional engineer, approved the proposed erosion control measures outlined in the August 7, 2000, letter from BoraH Building Management. He recommended that the erosion control measures be inspected at least twice weekly.

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

Proposed building cuts and fills shall not endanger or disturb adjoining property.

Staff: The site is downslope from adjacent private property. However, the public right-of-way and storm system could be impacted if erosion is not controlled properly. A condition of approval will required that the property owner is responsible for removing any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems.

(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;

Drainage system will connect to existing public storm system. The system should be pre-approved.

(e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced stream flow for a storm of 10-year design frequency.

Not applicable. No natural water courses or constructed channels exist

(2) Erosion Control Standards

(a) On sites within the Tualatin River Drainage Basin, erosion and stormwater control plans shall satisfy the requirements of OAR 340. Erosion and stormwater control plans shall be designed to perform as prescribed by the “*Erosion Control Plans Technical Guidance Handbook*” and the “*Surface Water Quality Facilities Technical Guidance Handbook*”. 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.

Erosion and storm water control plans shall comply with OAR 340 requirements. See site plan for erosion details.

Staff: This site is within the Tualatin River Drainage Basin. Erosion controls shall be placed as shown on the site plan dated 8/2/00. Controls shall be installed as described by the “*Erosion Control Plans Technical Guidance Handbook*.” There is no stream or water body in the vicinity. A condition of approval will ensure that this criterion is met.

(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.

General contractor and excavator will minimize the stripping of vegetation, grading or other soil disturbance, and to stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction.

A letter from BoraH Building Management dated August 7, 2000, responded to this and several other standards. They stated “General contractors will strip all vegetation that falls within the footprint of the building of the front porch system, the driveway and retaining wall area. This includes up to the retaining wall at the backyard and area between rear retaining wall and back wall of the house. Also the general contractor will be cleaning all brush off existing hillside that falls directly in front of house and front porch and step system. Any brush existing where street sidewalk will be installed, if necessary, will be cleared off. The area at southeast corner of lot will be left, will have minimal brush, vegetation removal, only to allow for future landscaping and tree removal as required.

The first step of excavation would be to cut driveway and install proper base rock so trucks and equipment can move on lot. We would also cut for the street sidewalk, install 3-4” crushed ¾” minus gravel and install erosion silt fence directly behind street sidewalk area on up hillside. We would also at this time install erosion silt bags around any storm drains in street that may be affected by our excavation. If needed, a silt fence will be installed behind existing concrete retaining wall and would be extended to rear property line to catch any run off from right or rear yard.

Staff: Applicant’s description of the process indicates that most of the site will be cleared at one time. This is probably because the site is quite small and because the entire site will need to be re-graded to construct this house. Therefore it is imperative that the site be stabilized as quickly as possible. Erosion controls shall be installed prior to any land disturbing activities. The erosion control plans shows a gravelled construction entrance will be installed, straw bales will be placed around nearby catch basins, and silt fences will be installed. If large areas of soil (greater than 1000 square feet) are still exposed when the winter rains begin (approximately Oct 1), visqueen, straw or similar material shall be laid down on exposed areas immediately to minimize erosion. Conditions of approval will ensure that this criterion is met.

(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.

Architect and engineer shall plan to 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: Because of the size and topography of the lot, it is difficult to minimize cut and fill operations. Thus, erosion and surface runoff must be minimized through proper erosion control and sedimentation control techniques as described in this section.

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

General contractor shall add temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

We will normally, during fall and winter excavations, grind on site as much vegetation as we can for mulch around the foundation and other exposed areas. Also if during rainy season, we will install visqueen cover over any hillside areas that have been cleared or exposed to minimize any saturation.

Staff: All graded, disturbed, and bare soil areas are to be seeded or planted, immediately following the completion of grading activities. These areas should also be mulched to protect the soil and control erosion while vegetation is maturing. This criterion is met with this condition of approval.

(e) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;

Whenever feasible, natural vegetation shall be retained, protected and supplemented.

Staff: Very little natural vegetation will be retained or protected on this site due to the extensive grading required to construct the house and driveway. Applicant shall revegetate this site as soon as possible after grading.

(i) 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;

No stream on site.

(ii) The buffer required in (i) 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 “Erosion Control Plans Technical Guidance Handbook” and the “Surface Water Quality Facilities Technical Guidance Handbook” and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340;

Does not apply.

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

Retaining walls and foundation will have water protection sprayed on the uphill side as soon as concrete forms have been stripped. Then proper footing drains and rain drains will be installed at foundation and retaining walls and connected to storm drains.

Staff: Retaining walls are considered structural erosion controls. They will be installed as soon as possible after grading. Drainage measures for the retaining walls will be installed in conjunction with the retaining walls. Pipes to conduct runoff from the impervious structures will be connected to the storm water system. Permanent planting shall be accomplished within 30 days after final grading or no later than November 15 of the year grading occurs. This criterion is met with this condition of approval.

(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.

Front of lot will be protected against excessive run off by street sidewalk cut with crushed gravel and silt fence installed directly behind and uphill from street sidewalk. There should be a drainage pipe installed behind the existing retaining wall which we would expose at the top end, so our run off would have a place of discharge (besides spilling over into the street). This assumes the pipe would have the proper connection to storm drain system at other end.

Staff: Once grading and construction is complete, runoff from impervious surfaces will be piped to the storm water system in the street. No on-site detention is required by the Unified Sewerage Agency.

(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.

Sediment run off will be collected by the silt fence across front of lot with backup of crushed gravel at street sidewalk between silt fence and street curbs. Bio bags will be installed around all street storm drains that would be affected by our lot.

Staff: This criterion is met.

(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.

Surface water damage will be controlled by either placing visqueen over all excavated and exposed hillsides or by planting of grass seed if season will promote rapid growth.

Staff: This criterion is met.

(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: Runoff will be connected to the existing public storm system controlled by the Unified Sewerage Agency (USA). USA has provided authorization to issue to the applicant a stormwater connection permit.

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

If any drainage swales are created they would be covered with visqueen or seeded with grass if season promote growth of vegetation.

Staff: A small drainage swale is proposed along the north property line between the two retaining walls. This drainage swale shall be covered with mulched and vegetated as soon as possible to minimize potential erosion. With this condition of approval, this criterion is met.

(l) 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:

- i) Energy absorbing devices to reduce runoff water velocity;**
- ii) Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;**
- iii) Dispersal of water runoff from developed areas over large undisturbed areas.**

Erosion and sediment control devices are same as devices described in above categories.

Staff: This criterion is met.

(m) Disposed spoil material or stockpiled 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.

We will haul off all excess dirt except necessary dirt for backfill and final yard grading. If dirt is stockpiled during the rainy season, it will be tarped with visqueen to prevent run off and saturation.

Staff: No stockpile location is shown on the site plan. There is no stream nearby to be concerned about. A condition of approval restating the applicants proposal will ensure that this criterion is met.

(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.

Not applicable. No construction pollution such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals or wastewater on this site.

Staff: A condition of approval will ensure that if there are any of the above mentioned chemicals, then they should be properly handled and disposed of.

(o) On sites within the Balch Creek Drainage Basin, erosion and stormwater control features shall be designed to perform as effectively as those prescribed in the *Erosion Control Plans Technical Guidance Handbook* (January, 1991). All land disturbing activities within the basin shall be confined to the period between May first and October first of any year. All permanent vegetation or a winter cover crop shall be seeded or planted by October first the same year the development was begun; all soil not covered by buildings or other impervious surfaces must be completely vegetated by December first the same year the development was begun.

This property is not located within the Balch Creek Drainage Basin and thus this criteria does [not] apply to this application.

(B) Responsibility

(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 of approval will ensure compliance with this criterion.

Policy 37 - Utilities

Water and Disposal Systems

- A. Shall be connected to a public sewer and water system, both of which have adequate capacity; or**
- B. Shall 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**
- C. Shall have an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or**
- D. Shall have an adequate private water system, and a public sewer with adequate capacity.**

Staff: There is an existing 8" public sewer line located in 81st Place and the lateral pipe is already provided. There is existing 6" public water line in 81st Place. No improvements are required to connect this lot to the system. This criterion is met.

Drainage

- A. Shall have adequate capacity in the storm water system to handle the run-off; or**

- B. The water run-off shall be handled on the site or adequate provisions shall be made; and**
- C. The run-off from the site shall not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.**

Staff: Stormwater shall be connected to the existing public storm system. This criterion is met.

Energy and Communications

- A. There shall be an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and**
- B. Communications facilities are available.**

Staff: Telephone and electricity is available in the area.

Policy 38: Facilities

It is the County's Policy to coordinate and encourage involvement of applicable agencies and jurisdiction in the land use process to ensure:

Fire Protection

- A. There is adequate water pressure and flow for fire fighting purposes; and**
- B. The appropriate fire district has had an opportunity to review and comments on the proposal.**

Staff: Tualatin Valley Fire and Rescue District has reviewed this proposal and stated that the existing access is adequate. There is a hydrant with adequate water pressure and flow nearby.

Conclusion

Considering the findings and other information provided, this application for a Hillside Development Permit, as conditioned, satisfies applicable Comprehensive Framework Plan policies and Multnomah County Zoning Ordinance requirements.

By: _____ Date _____

Virginia Bowers, Planner
For Kathy Busse, Planning Director
Multnomah County Department of Environmental Services
Land Use Planning Division

NOTICE:

State law requires a public notice (by mail) to nearby property owners and to any recognized Neighborhood Association, of a Planning Director decision which applies discretionary or subjective standards or criteria to land use or development applications. The notice must describe the method to appeal the decision and, if appealed, the County must hold a public hearing to consider the merits of the application. A person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830 [ORS 197.763, ORS 215.416(11)].

The Decision of the Planning Director detailed above will not become final until the 12-day appeal period for filing an appeal has expired. The 12-day appeal period that starts the day after the

notice is mailed. If the 12th day falls on a Saturday, Sunday, or a legal holiday, the appeal period extends through the next full business day. Any person who is adversely affected or aggrieved by the decision, or who is entitled to written notice as described above, may appeal this decision. To file an appeal, complete an Appeal of Administrative Decision form and submit it to the Multnomah County Land Use Planning office, together with a \$100.00 fee and supplemental written materials (as needed) stating the specific grounds, approval criteria, or standards on which the appeal is based. If an appeal is filed, a public hearing will be scheduled before a County Hearings Officer pursuant to Multnomah County Code section 11.15.8290 and in compliance with ORS 197.763. To review the application file(s), obtain appeal forms, or other instructions, call Multnomah County Land Use Planning office at (503) 988-3043, or visit our offices at 1600 SE 190th Avenue, Portland, Oregon, 97233 [hours: 8:00 a.m.-4:30 p.m.; M-F].

The appeal period ends Monday, September 18, 2000, at 4:30pm. If there is no appeal, this decision becomes final on that date.

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.