



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
(503) 988-3043 FAX: (503) 988-3389
<http://www.multnomah.lib.or.us/lup>

NOTICE OF DECISION

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

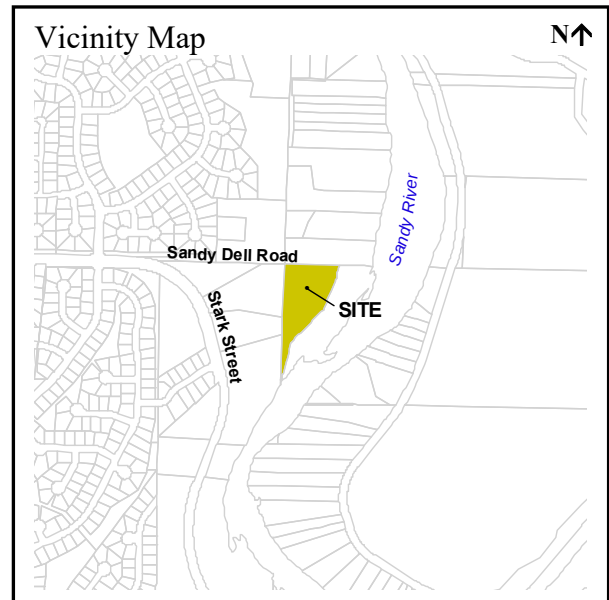
Case File: HDP 0-14

Permit: Hillside Development Permit

Location: SE Sandy Dell Road
TL 1600, Sec 6, T1S, R4E, W.M.
Tax Account #R99406-0080

Applicant: Gregory Schpankyn
3322 NE 162nd Ave
Portland, Oregon 97230-5017

Owner: Gregory Schpankyn
3322 NE 162nd Ave
Portland, Oregon 97230-5017



Summary: Placement of approximately 580 cubic yards of fill across an existing ravine, to create slopes suitable for a road crossing.

Decision: Approved with conditions.

Unless appealed, this decision is effective Wednesday, February 28, 2001, at 4:30 PM.

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 Director's 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 Derrick I. Tokos, AICP, Staff Planner at 503-988-3043.

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 \$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 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals (LUBA) 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 Wednesday, February 28, 2001 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 11.15.2202, Rural Residential; MCC 11.15.6700, Hillside Development Permit.

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.multnomah.lib.or.us/lup>.

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.

DECISION OF THE PLANNING DIRECTOR

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. Pursuant to MCC 37.0690, this land use permit expires two years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0690 and 37.0700. Such a request must be made prior to the expiration date of the permit.

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. This permit authorizes placement of structural fill across a ravine on the subject property to create an area suitable for road construction. **It does not authorize the construction of an access road.** Accessory uses such as roads may only be approved when proposed in conjunction with a primary or review use permitted in the zone district (MCC 11.15.2214). No such use or uses are proposed for the property at this time. Since the use of Sandy Dell Road is subject to the terms of a private easement agreement, evidence that this property has a right-of-access onto this road must be provided before construction of an access road at this location can be commenced.
2. This approval does not authorize grading activities within areas subject to the terms of a recorded easement, if the easement restricts or prohibits such activities. It is the responsibility of the property owner to ensure that the work proposed does not violate the terms of any easements that may extend into the work area, as illustrated on the erosion control plan.
3. **Notwithstanding any other provisions contained herein, the 74 cubic yards of soil placed without permits last spring shall either be removed off-site or incorporated into the structural fill this upcoming construction season (May 1st through September 30th).** In the meantime, the soil is to be covered with plastic sheeting as advised by your consulting geologist. Removal of this soil in advance of the construction season is authorized only if deemed necessary by your geologist or a geotechnical engineer to prevent slope failure (MCC .6730(A)(1)(c)).
4. The property owner is to adhere to all grading and construction recommendations contained in the narrative prepared by John Gray, RPG, with G2 Associates, Inc., dated October 31, 2000, along with the associated erosion control plan. **All work is to be supervised by a licensed geologist or geotechnical engineer. Once completed, a statement shall be submitted to our office, signed by the supervising geologist or engineer, certifying that all work was performed consistent with the report and plan.**

5. The property owner(s) shall maintain best erosion control practices through all phases of development. Erosion control measures are to be placed as illustrated on the erosion control plan, and are to include sediment fences/barriers at the toe of disturbed areas and post construction re-establishment of ground cover. Straw mulch, erosion blankets, or 6-mil plastic sheeting shall be used as a wet weather measure to provide erosion protection for exposed soils. If spoil or fill materials are to be stockpiled on the property, they are to be located within the confines of the sediment fences/barriers and are to be covered with plastic or mulch when not in use. **The property owner(s) shall verify that all erosion control measures are properly installed and in working order prior to initiating grading activities.**
6. Drainage of storm run-off is to be collected into a perforated drainpipe and discharged into an energy dissipater consistent with the recommendations prepared by Eugene L. Smith, P.E., dated December 9, 2000. The type and size of dissipater shall be reviewed and approved by Mr. Smith prior to its installation (MCC .6730(A)(1)(d) & (A)(2)(l)).
7. Finished ground elevations for graded areas are not to be sloped steeper than a 2:1 ratio (MCC .6730(A)(1)(b)).
8. Earth disturbing activities, excluding landscaping, shall occur between May 1 and September 30 of each year that this permit is valid. **All disturbed areas are to be seeded or planted within thirty (30) days of the date grading activities are concluded** (MCC .6730(A)(1)(c), (A)(2)(b) & (f)).
9. Fill materials shall be clean and non-toxic. This permit does not authorize dumping or disposal of hazardous or toxic materials, synthetics (i.e. tires), petroleum based materials, or other solid wastes which may cause adverse leachates or other off-site water quality effects (MCC .6730(A)(2)(n)).
10. On-site disposal of construction debris is not authorized under this permit. Spoil materials removed off-site shall be taken to a location approved for the disposal of such material by applicable Federal, State and local authorities (MCC .6730(A)(2)(n)).
11. The property owner(s) are responsible for removing any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems. If any features within adjacent public rights-of-way are disturbed, the property owner(s) shall be responsible for returning such features to their original condition or a condition of equal quality (MCC .6730(B)).
12. The County may supplement described erosion control techniques if turbidity or other down slope erosion impacts result from on-site grading work. The Portland Building Bureau (Special Inspections Section), the East Multnomah County Soil and Water Conservation District, or the U.S. Soil Conservation Service can also advise or recommend measures to respond to unanticipated erosion effects.
13. The property owner(s) 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.

Findings of Fact

(Formatting Note: Staff as necessary to address Multnomah County ordinance requirements provides Findings referenced here. Headings for each finding are underlined. Multnomah County Code requirements are referenced using a **bold** font. Written responses by the applicant or their representative are *italicized*. Planning staff comments and analysis may follow applicant responses. Where this occurs, the notation "Staff" precedes such comments.)

1. Project Description:

Staff: The applicant is proposing to fill the westernmost portion of a ravine that is adjacent to Sandy Dell Road and parallels the north line of the property. The project will require the placement of approximately 580 cubic yards of compacted soil and rock, to create slopes suitable for a road crossing. About 74 cubic yards of uncompacted fill, placed along the north face of the ravine last spring is to be excavated and will either be removed off-site or, if suitable, will be used as part of the compacted fill. This will remedy a grading violation issued by the county for the uncompacted fill, as documented under code enforcement case #ZV 00-04. The applicant's erosion control plan (Exhibit 1) illustrates the location and extent of this fill project.

2. Site and Vicinity Characteristics:

Staff: The subject property is a triangular shaped piece of land, approximately 3.84 acres in size, on the south side of Sandy Dell Road, just west of the Sandy River. The corporate limits of the City of Troutdale border the property to the west. The ravine crossing the site flows west to east, toward the river. Outside of the ravine, the terrain is more gradual with the elevation dropping to the east. Severe slopes exist along the east edge of the property, where the land starts a sheer drop down to the river. The site is presently undeveloped and is forested.

This property lies just outside of the Urban Growth Boundary (UGB). Multnomah County zoning is Rural Residential (RR), a designation that provides for a single family dwelling per lawfully created parcel. New urban residential development is occurring on the land immediately to the west, in the City of Troutdale. Any portions of the ravine that existed on this site have been filled. Lands to the north between Sandy Dell Road and the river are also outside the UGB and have characteristics similar to the subject property. A number of these properties are residentially developed, and most are forested.

3. Construction of a Road Surface is not Authorized with this Permit

Staff: This project involves placement of fill in the ravine to create slopes suitable for a road crossing. Although the plans indicate that a 12 foot road is to be built, actual construction of a the road surface cannot be approved at this time. Roads are a use permitted in the Rural Residential zone district when they are accessory to an otherwise permitted use, such as a residence (MCC 11.15.2214). Since no development is proposed to be served by this road, it cannot be constructed.

An adjoining land owner provided comment on this application (Exhibit 2). They indicated that this property does not have a right of access onto Sandy Dell Road. Further, they pointed out that a drainage easement exists along the south side of the road. If this easement extends into the fill area, then this project may be restricted per the terms of the easement, notwithstanding the approval granted herein. These concerns are addressed with conditions of approval.

4. Hillside Development Permit Required

Per MCC 11.15.6710(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: The subject properties have been identified as being within the hazard areas as identified on the County's adopted "Slope Hazard Maps." Proposed grading is not related to an activity exempted under MCC .6715.

5. Compliance With MCC 11.15.6720, Application Information Required:

Per MCC 11.15.6720, 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.
- (B) An estimate of depths and the extent and location of all proposed cuts and fills.
- (C) The location of planned and existing sanitary drainfields and drywells.
- (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.
- (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.

* * *

- (G) 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: The applicant has provided all information required pursuant to MCC 11.15.6720. Therefore, the Planning Director may take action on the request. Copies of all submitted materials are available as part of the permanent case file (HDP 0-14).

6. Compliance With MCC 11.15.6730, Grading and Erosion Control Standards:

(Italicized text from October 31, 2000 letter prepared by John Gray, RPG, with G2 Associates, Inc.)

- A. **MCC .6730(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 require additional studies or information or work regarding fill materials and compaction.**

The most cost-effective means of resolution of this fill situation would entail construction of a controlled and restrained, compacted (structural) fill behind an interlocked concrete block wall keyed into the bottom of the draw. The blocks recommended are two feet square and five feet in length. A geotextile fabric reinforcement would be placed between each of

the block layers and extended into the fill a minimum of ten feet horizontally, as the fill is compacted in lifts. The fill compaction would need to meet or exceed a 95 percent density per ASTM D-698 or AASHTO T-99. The stripping of vegetation in preparation for excavation, block placement and fill placement and the results of the compaction should be monitored by this office for thoroughness and quality mechanical technique to assure that industry standards of practice are met. We point out that this technique of recreating the roadway fill into a stable and usable feature does not just involve the simple moving of soil fill up in the draw. Compaction of fill is as critical as is the installation of the geotextile fabric between the block courses, the sloping and compaction of the finished outer fill face and the planting of the slope to maximize erosion abatement and runoff control.

Staff: This criterion has been satisfied. The purpose of this project is to create a load-bearing surface upon which a driveway can be constructed. Areas intended for structural fill are illustrated on the applicant's erosion control plan. Plans for construction of the retaining wall, referenced above, have been changed to a stabilized rock slope, as shown on the plan and discussed in a December 13, 2000 letter from John Gray, RPG (Exhibit 3). As discussed in an October 26, 2000 letter from Mr. Gray (see file), structural fill may be soil or crushed rock, as approved by the project soils engineer, who is to monitor its placement and compaction through the course of construction.

B. MCC .6730(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.

...In order to minimize the volume of the fill, its visual impact into the ravine and the lateral extent of outbound or trailing finished fill slope, we are focusing at a slope declivity of two horizontal to one vertical. The fill will be a combination of crushed rock and the existing soil fill if prevailing weather conditions permit proper compaction results. Should adverse weather prevail during the correction and construction cycle, we recommend that the soil till be totally removed and disposed off site at an approved location. The fill would thereafter have to be constructed using select crushed rock placed under the watchful eye of this office and in compliance with the stated compaction standards.

Staff: This criterion has been addressed. The geotechnical reconnaissance conducted by John Gray, RGP, dated October 26, 2000, indicates that slopes will be safe to a slope of 2:1 provided construction is supervised by the project soils engineer (Exhibit 4). Erosion control measures are illustrated on the applicant's erosion control plan and specified in the narrative contained herein. Required measures are listed as a condition of approval.

C. MCC .6730(A)(1)(c), Cuts and fills shall not endanger or disturb adjoining property.

The proposed corrective work will be contained within the uppermost 50 to 60 feet of the head of this eroded draw. The lower elevation of the activity zone should be demarcated by the proper installation of an approved silt fence placed in accordance with County standards. We recommend that a row of staked straw bales also be placed immediately below the fence line to aid in controlling runoff and the transportation of any silt by rainfall. These items should be maintained through the next year in order that the finished slope and its new protective vegetation can be fully assessed for satisfactory performance. Absolutely no activity should occur east of the silt fencing within this draw. These measures and a high standards of construction control in fill compaction should be adequate to control the effects of project activities, and result in the protection of this and adjacent properties.

Staff: The geotechnical reconnaissance conducted by John Gray, RPG, indicates that proposed earthwork will not create potential stability problems for the subject and/or adjacent properties (ref: Items 5 and 6 of the reconnaissance report), provided the project soils engineer supervises the work.

Plan and section drawings prepared by John Gray, RPG, illustrate the location and slope of the unconsolidated fill placed on the north face of the ravine last spring (Exhibit 5). During a site visit in November with Mr. Gray we observed that this material is grassed over and could identify no areas of active soil erosion. We also observed that the soil is beginning to slowly slough down toward the base of the ravine (ref: photographs in the case file). As long as the material is stable, we do not expect it to attribute to soil erosion or have any other adverse impact on adjoining properties. On-site terrain is not conducive to wet weather grading, where it would be difficult to prevent soil erosion from discharging down the ravine to the Sandy River. Considering this, we prefer that the fill be covered and monitored for stability through the winter and early spring, and be relocated and/or removed next construction season (May 1st through September 30th). The only time the fill should be disturbed during the wet weather season is when it is necessary to prevent slope failure or some other adverse impact to adjoining properties as identified by a consulting geologist or geotechnical engineer. This approach was confirmed with Mr. Gray at the site, and is addressed with conditions of approval.

D. MCC .6730(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;

Since the fill work is being conducted at the very head of the draw and blended into the western boundary of upland slopes, the project will not collect any more runoff, nor focus additional water than already travels to this small fill area. We do recommend the installation of an (12) inch diameter perforated plastic or corrugated metal pipe in the bottom of the draw per the attached drawing (Exhibit 1). Since local runoff, and not groundwater is the concern, the proposed storm water line to be buried in the base of the new fill would function to collect infiltration runoff from within the fill body and carry it further eastward for release within the same draw in which it would be developed. The (12) inch diameter pipe exceeds the required 10-year design frequency needs stipulated by County.

Staff: Subsequent to preparing this narrative, the applicant had Eugene L. Smith, P.E., with Smith Engineering, prepare drainage computations to confirm that the drainage improvements proposed are adequate to bypass run-off attributed to a 10 year, 24 hour storm (Exhibit 6). This analysis concluded that a pipe sized to 12 inches in diameter will be adequate to bypass the required flows, provided it is placed as recommended. Such drainage analysis, along with its accompanying supporting materials, is sufficient to establish compliance with this criterion.

E. MCC .6730(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.

The existing draw is an old erosional feature caused and exacerbated over the past 50 to 70 years by runoff focused from a culvert previously installed by the County road

department on higher ground to the west. The proposed corrective actions contained within this project will not restrict or divert any flow (10-year or otherwise), which might course to this area. The (12)-inch perforated pipe will act as a backup to collect all runoff which might hit the fill surface and infiltrate into the draw, aiding the runoff to remain in its course within the draw. The fill unit will blend topographically into existing lateral slopes and should not impact flow, the drainage configuration, or otherwise affect the natural drainage features of this hillside.

Staff: This criterion has been addressed. The drainage calculations prepared by the Eugene I. Smith, P.E., indicate that a pipe size of least 12" in diameter will be adequate to bypass water that infiltrates to the base of the fill. The analysis does not account for any concentrated flows from upslope properties, and no such flows were in evidence when we conducted our site visit in November.

- F. **MCC .6730(A)(2)(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.**

This project does not lie within the Tualatin River basin thus the standards for that code item do not apply.

- G. **MCC .6730(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.**

As previously indicated, we have recommended the installation of silt fencing and straw bales just below the lower elevational and lateral (horizontal) limits of the proposed project activity limits. All activities involved in this process will be contained within the limits of the upper draw and the lower silt fence. All strippings should be stored for later distribution as planting soil over the finished slope to be constructed within the boundaries of this project. Should this not be practicable, then all strippings should be hauled off site for proper disposal at the time of the initial stripping and excavation. No clearing or stripping should be required outside of this draw, which will control the activity and disturbances to an absolute minimum area.

Staff: This criterion is addressed with conditions of approval. Soil erosion attributed to this project should be minimal provided, the stripping of vegetation is limited to the fill area illustrated on the erosion control plan, and all grading work is initiated and completed in a timely fashion, within the same construction season (May 1st through September 30th). Soil erosion attributed to the stored strippings will be minimized if such strippings are stockpiled and covered and located on the subject property upslope of the erosion control measures illustrated on the plan. Re-seeding of graded areas once work is complete will help to quickly stabilize disturbed soils.

- H. **MCC .6730(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.**

All work required by correction of the existing fill and/or the completion of the recommended fill corrective actions will be focused at minimization of erosion potential and any influences of the natural drainage characteristics and flow which occur within the project area.

Staff: The erosion control plan and narrative prepared by John Gray, RPG, and the drainage analysis prepared by Eugene L. Smith, P.E., as discussed herein, establish that surface run-off will be adequately handled. Further, this project should not pose a significant erosion risk, provided the applicant/owner adheres to the recommendations made by Mr. Gray and Mr. Smith, along with the conditions of approval contained herein.

- I. **MCC .6730(A)(2)(d), Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.**

The proposed development and corrective actions have been focused to the tightest possible area which will still permit accomplishment of the work. Temporary mulching will be applied over the completed finish slope to aid in the escalation of vegetation regrowth. The corrective work will otherwise fully involve the affected area up to the moment of completion. Temporary vegetation will not be an option until the fill work has been fully completed.

Staff: This criterion has been addressed with a condition of approval contained herein.

- J. **MCC .6730(A)(2)(e), Whenever feasible, natural vegetation shall be retained, protected, and supplemented;**

(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;**

(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;**

No activity will occur outside of the zone necessary to fully and successfully accomplish the desired corrections. This work does not lie within 100 feet of the top of any stream or river or wetland. This code item is not seen as applicable to the subject parcel and proposed corrective action measures recommended.

Staff: This criterion has been addressed. To our knowledge, the boundaries of the work area do not encroach within 100 feet of a stream tributary or any wetlands.

- K. **MCC .6730(A)(2)(f), Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical.**

As previously stated, the client will commence project corrective work by first installing silt fencing and staked straw bales along the lower limits of the activity zone. These features should be fully maintained for one year to control siltation and the effects of localized runoff in the activity area. As the proposed fill correction is implemented and compaction occurs, erosion controls will follow the slope completion. We recommend that the contractor place new straw matting over the new fill face and that new vegetation be densely planted over the slope as soon as practicable. These improvements should be inspected periodically over the first year of the project life to assure success of the process.

Staff: This requirement has been addressed with a condition of approval contained herein.

- L. **MCC .6730(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.**

The proposed corrective activities are not expected to result in an increase of runoff flow rate. Retardation of runoff with this small site is not seen as viable since that act would result in the potential acceleration of erosion.

Staff: This criterion has been addressed. We do not anticipate an increase in surface runoff during the course of construction or after grading activities have concluded.

- M. **MCC .6730(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.**

The recommended silt fencing and straw bales are expected to trap all silt which might occur with the project area. Due to the side hill nature of this draw and the abutting slopes, we do not anticipate the need for any ponds, and actually recommend against the construction of said features which we see as a potential risk.

Staff: Installation of a sediment fence/barriers, where proposed, should adequately collect sediment from storm runoff, provided such measures are installed before grading begins and are properly maintained until the work is finished.

- N. **MCC .6730(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.**

As the stripping process rises up the slope and the fill is being placed, we recommend the use of plastic sheeting to cover and protect exposed soil which is not directly in the path of fill placement. This would apply to the upper slope sections of the subject draw which would be standing stripped (temporarily) above the fill compaction elevation at any given point in the reworking process. The placement of erosion control matting and/or straw is recommended over all finished slopes upon completion of the structural fill unit to control erosion runoff.

Staff: We concur. Temporary cut and fill slopes and finished grades above the retaining wall will be steep, therefore, the use of protective cover to prevent surface runoff from

damaging exposed surfaces appears to be warranted. The measures discussed are appropriate for this purpose.

- O. **MCC .6730(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.**

The existing draw is the sole feature handling runoff from within the zone affected by the structural fill work and corrective action measures proposed in this project. The runoff which occurs within this topographic draw is expected to remain within the same drainage. We recommend against even a temporary diversion of any runoff to any location outside of the existing drainage.

Staff: As previously discussed, information provided by Eugene L. Smith, P.E., establishes that proposed drainage improvements should adequately handle anticipated storm run-off.

- P. **MCC .6730(A)(2)(k), Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion.**

This matter has been fully and previously discussed.

Staff: Drainage swales will not be constructed with this project.

- Q. **MCC .6730(A)(2)(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.

These elements are not seen as relevant to this project given its very small areal extent, topography, etc.

Staff: Installation of sediment fences/barriers at the toe of disturbed areas, by itself, should be sufficient to contain soil erosion. However, implementation of additional measures such as the use of straw mulch or plastic to protect exposed soils in wet weather, and post construction re-establishment of ground cover will help to ensure that pollution discharges do not occur. As noted by Eugene L. Smith, P.E., in his drainage computations (Exhibit 6), an energy dissipater is needed where the drainage is to discharge to retard the velocity of the run-off and reduce the risk of erosion. The requirement that such a dissipater be installed is addressed with a condition of approval.

- R. **MCC .6730(A)(2)(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.**

Strippings and unsuitable fill materials which will not be immediately used in the corrective structural fill work should be exported from the project. There appears to be no space on this project for the temporary storage of soil, import crushed rock or strippings. No materials will be permitted to interfere with the natural drainage characteristics or runoff flow (however small) in this drainage during the proposed work cycle. As previously stated, the draw (below the activity zone) will be protected using silt fencing and straw bales during construction and for one year thereafter.

Staff: This criterion has been addressed with a condition of approval.

- S. **MCC .6730(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: This criterion has been addressed with a condition of approval.

- T. **MCC .6730(A)(2)(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.**

Staff: This property is not within the Balch Creek Drainage Basin.

- U. **MCC .6730(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: This criterion has been addressed with a condition of approval.

- V. **MCC .6730(B)(2), It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream watercourse or swale, or upon the floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or right-of-way during such activity, and to return it to its original or equal condition.**

Staff: This criterion has been addressed with a condition of approval.

7. Compliance With Applicable Comprehensive Plan Policies:

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: Erosion control measures required through the course of this review should be adequate to address water quality impacts caused as a result of construction activities attributed to this project. Air and noise impacts related to this project are negligible.

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: Hillside Development Permit approval criteria are designed to address on-site development limitations.

C. 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: This project is not a development requiring water, sewer, or communication services. Stormwater and water quality issues relative to this application have been addressed under Finding #6.

D. 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: Not applicable. This project does not impact the service requirements of the organizations listed under this plan policy.

Conclusion

Considering the findings and other information provided herein, this application for placement of approximately 580 cubic yards of fill across an existing ravine, 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. Exhibits referenced herein are enclosed, and brief description of each is listed below:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
1	3	Erosion Control Plan
2	2	Letter from Greg Baurer, dated January 30, 2001
3	1	Letter from John Gray, RPG, dated December 13, 2000
4	2	Plan view and section drawing of the unconsolidated fill placed last spring
5	4	HDP Form 1 Geotechnical Reconnaissance, completed by John Gray, RPG, October 26, 2000
6	4	Drainage computations prepared by Eugene L. Smith, P.E., with Smith Engineering

In the matter of: HDP 0-14

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 Wednesday, February 14, 2001