

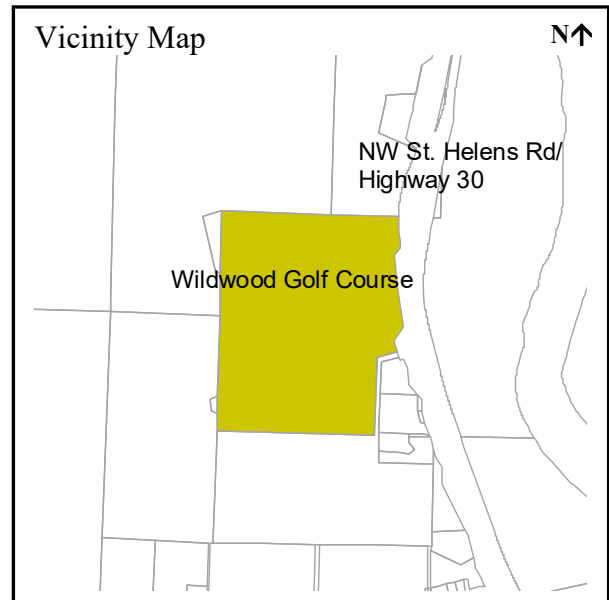


MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
<http://www.co.multnomah.or.us/dscd/landuse>

NOTICE OF DECISION

This notice concerns a Planning Director Decision on the land use case cited and described below.

Case File: HDP 0-16
Permit: Type II Hillside Development Permit
Location: 21881 NW St. Helens Road
Tax Lots 1 & 11, Sec 12, T2N R2W,
W.M.
Tax Account R#97212-0011
Tax Account R#97212-0010
**Applicant
& Owner:** Bill and Kay O'Meara
21882 NW St. Helens Road
Portland, OR 97231



Summary: Applicant requests approval for a Hillside Development Permit (HDP) for the work done on the 8th fairway at Wildwood Golf Course. The Applicant's narrative states that less than 50 cubic yards of material was be cut/ filled/ stockpiled on the site.

Decision: **Approval, with Conditions, of the Hillside Development Permit, HDP 0-16,** for the Applicant's excavation/ filling of earth materials as described in the "Proposal" section above and herein. The Applicant provided narrative and site plan materials to illustrate compliance with the Multnomah County Code and Comprehensive Plan Policies.

Unless appealed, this decision is effective November 6, 2001 at 4:30 PM.

Issued by:

By: _____
Tricia Sears, Planner

For: Kathy Busse - Planning Director

Date: Friday, April 14, 2017

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 Tricia Sears, 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 \$108.00 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 November 6, 2001 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): Multnomah County Code (MCC): MCC 33.2000 et seq. Commercial Forest Use (CFU-1); MCC 33.5500 et seq., Hillside Development Permit (HDP); MCC 37.0510 et seq. Administration and Procedures.

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.co.multnomah.or.us/dscd/landuse>.

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, **HDP 0-16**, 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 Multnomah County Code citation for that criterion follows in parenthesis.

1. No additional fill shall be placed on the existing streambanks. In addition, any newly exposed silty soils that develop as a result of future slumping in this area will be susceptible to erosion and should be revegetated or otherwise protected as soon as practical (GRI Geotechnical & Environmental Consultants report, dated December 28, 2000).

2. The Applicant shall submit a **Landscape Monitoring Report** to the Staff Planner one year from the date of issuance of this Planning Director's Decision for HDP 0-16. The Landscape Monitoring report shall include site plan, narrative, and photographic information regarding the status of the vegetation on the 8th fairway (location, size, type, and quality of the replanted grasses and cedar trees, and all other vegetation on the 8th fairway).

For Your Information:

The subject properties remain identified with a Zoning Violation case, ZV 00-20, for the work done on the 8th fairway at Wildwood Golf Course in July and August 2000. This case, HDP 0-16, is issued by the Planning Director because it is one part of the Applicant/ Property Owner's efforts to resolve the issues identified in ZV 00-20. Those issues have not been fully resolved. The Applicant/ Property Owner submitted a related case, T2-01-085, for a Significant Environmental Concern application and a Planning Director's Interpretation application. Case file T2-01-085 was deemed incomplete on September 21, 2001. The matters described within case file T2-01-085 and any fines applicable to the matter, shall be resolved before case file ZV 00-20 is considered closed.

Staff and Applicant General Comments:

Applicant:

Narrative submitted by the Property Owner, Bill O'Meara, on August 23, 2001.

The Wildwood Golf Course opened as a 9 hole golf course with the permits for an additional 9 holes, in May of 1991. Several years after we opened I noticed some fir trees on the 8th fairway showed signs of disease. I consulted with experts and took steps to alleviate the problem. Eventually all eight mature fir trees died. They measured between 36" to 52" inches across the base. These trees became a safety issue. We had extreme concerns when we had high winds. As the trees deteriorated, and limbs began to drop we felt it was not safe to have the public directly in this area. We switched play to a nursery green we had developed, just short and to the east of the existing eighth green.

Estimates were obtained to remove trees with climbing gear, and to bring the trees down limb by limb, and block by block, as to not tear up the fairway. The estimates were extremely high and we would still be left with stumps, which potentially still carried the disease.

I made the decision to fall, limb, and buck the trees. I drug the logs to a self loader and disposed of as fire wood. The limbs were burnt, which left the stumps. I dug the stumps out and burnt the eight stumps behind the eighth green.

At this point the condition of the surface of the eighth fairway was rutted by the trees falling and the caterpillar dragging the logs off. There were eight holes from the stumps being dug out, and the grass from the fairway was about 12" to 16" in length, from not being maintained. This activity was done July and August of 2000.

The next step was to smooth the surface back out, fill the stump holes and compact the soil. The soil was trimmed no deeper than root level of the grass, except where the trees were felled leaving holes and indentations. The entire area was tilled, and we repaired a tile line that had been installed with ADS drain line. ADS pipe does not work with the iron algae present in our area and due to the thin slits and rough interiors. The ADS pipe was replaced with 2729 drain tile pipe with bigger holes and smooth interiors. The pipe was brought over and down the bank to the stream, in the same manner it had previously.

Excessive sod from tilling was bladed over the edge of the bank. The excess sod was dispersed over the banks, creating a thin layer of bank to be seeded. Erosion control blankets were then applied to the entire bank. We replaced the irrigation heads (the irrigation pipes and valves were left in place without excavation). Hydro-seeding was applied to the entire area.

Upon the request of Multnomah County, I hired an engineer to examine the site to determine the stability. I chose Mr. Crockett because of his experience of twenty plus years as head of the Washington Counties (sic) Public Works Department, where his duties included design of county road works with related fill and excavation. Mr. Crockett took measurements of the depth of the fill on the bank area. Mr. Crockett calculated 35 cubic yards of material was placed on the bank, and recommended we construct a French drain 4" wide, 18" deep, and 4' back from the top of the slope to catch surface water. This drainage line was piped over the bank, and down to the bottom to the creek. This was done to stop any surface water from running over the face of the creek banks. Mr. Crockett filed his findings with Mr. Derr, at which time I learned a geotechnical engineer was required. At this point I contacted H. Stanley Kelsay with GRI, Geotechnical & Environmental Consultants. Mr. Kelsay and myself met on the site and reviewed what had taken place. Mr. Kelsay reviewed Mr. Crockett's findings as well. Mr. Kelsay recommended to tarp the grass covered bank. He felt that if we seeded in May 2001 the roots would have more time to bond through the top soil and into the original soil (6 months) before the rains came in late October or November.

Tarpping has been completed and will stay in place until Spring rains subside, at which time we plan to remove the tarps and re-seed immediately. Irrigation does cover the bank area before good quality turf will be developed, through Spring, Summer, and Fall months.

No additional work is scheduled. This work would not have been done or the money spent if it were not for the diseased and dying trees that developed over time into such a dangerous situation.

An aerial photo taken by Metro in 1998 shows the condition before work was done on the trees. The supplemental map shows the tee, fairway, rough, nursery green, banks, trees, drain line, erosion control blanket, and tarping.

Staff:

Project Description & Site and Vicinity Characteristics:

The subject property at 21881 NW St. Helens Road (R#97212-0010 and R#97212-0011) is identified as Wildwood Golf Course. The Applicant requests approval for the work done in July and August 2000 on the 8th fairway of the golf course. The site work included removing diseased trees, tilling the site, replacing the drain line, and seeding of vegetation on the 8th fairway at Wildwood Golf Course. Some of the Applicant's site work occurred within the Stream Conservation Area of the Significant Environmental Concern stream (SEC-s) that flows through the 8th fairway. The subject properties are also designated with Significant Environmental Concern for wildlife habitat and view (SEC-h, -v).

The Applicant proposes to modify the site by cutting, filling, and stockpiling less than 50 cubic yards on the site. The Applicant submitted geologist reports from two State of Oregon Registered Professional Engineers, John Crockett, of JCrockett Engineering, and H. Stanley Kelsay, of GRI Geotechnical & Environmental Consultants.

Staff visited the site April 25, 2001 and met with Bill O'Meara, the owner of the property.

Staff deemed the case, HDP 0-16, incomplete as of January 12, 2001. The case remained incomplete until September 24, 2001. On that date, Staff notified the Applicant that the case would be considered complete based on the Applicant's resubmittal of application materials. A *Notice of Opportunity to Comment* was sent September 28, 2001 and the comment period closed on October 12, 2001. Staff issues this decision, with the findings herein, on behalf of the Planning Director. The application materials carry the burden to demonstrate the proposal meets the applicable Multnomah County Code and Comprehensive Plan Policies.

Exhibits:

- 1) Applicant site map "Wildwood Golf Course 8th Fairway Overview."
- 2) Applicant photo of the 8th fairway showing "area of tree removal" and "nursery green."
- 3) Applicant photo of the 8th fairway showing "drain line."
- 4) Site map by Staff illustrating the Slope Hazard Area on the subject properties.
- 5) 1998 aerial photo of the subject properties.

Multnomah County Code

Commercial Forest Use (CFU-1)

33.2005 Area Affected

MCC 33.2000 through 33.2110 shall apply to those lands designated CFU-1 on the Multnomah County Zoning Map.

Staff: The two subject properties (R#97212-0010 and R#97212-0011) that comprise Wildwood Golf Course are zoned Commercial Forest Use (CFU-1).

33.2015 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.2020 through 33.2055.

Staff: The Applicant's site work described herein altered the land. As defined by MCC 33.5525, *Land-disturbing Activities* are "Any act which alters earth, sand, gravel, or similar materials and exposes the same to the elements of wind, water, or gravity. Land-disturbing activities includes: excavations or fills, site grading, and soil storage." The Applicant's site work occurred within the Stream Conservation Area of the Significant Environmental Concern stream that runs through the 8th fairway. The *Stream Conservation Area* is, "An area extending 300 feet upslope from and perpendicular to the centerline of a protected stream. Any development proposed within a Stream Conservation Area shall be required to demonstrate that the development satisfies the standards of MCC 33.4575(B) through (E)." In addition, portions of the site are mapped as Slope Hazard Area according to the maps on file at the Multnomah County Land Use Planning office. Exhibit #4 attached to this decision illustrates the location of the Slope Hazard Area and the stream. See also Staff comments under MCC 33.5505.

Hillside Development Permit (HDP)

33.5500 Purposes

The purposes of the Hillside Development and Erosion Control subdistrict are to promote the public health, safety and general welfare, and minimize public and private losses due to earth movement hazards in specified areas and minimize erosion and related environmental damage in unincorporated Multnomah County, all in accordance with ORS 215, LCDC Statewide Planning Goal No. 7 and OAR 340-41-455 for the Tualatin River Basin, and the Multnomah County Comprehensive Framework Plan Policy No. 14. This subdistrict is intended to:

- (A) Protect human life;
- (B) Protect property and structures;
- (C) Minimize expenditures for rescue and relief efforts associated with earth movement failures;
- (D) Control erosion, production and transport of sediment; and
- (E) Regulate land development actions including excavation and fills, drainage controls and protect exposed soil surfaces from erosive forces; and
- (F) Control stormwater discharges and protect streams, ponds, and wetlands within the Tualatin River and Balch Creek Drainage Basins.

Staff: The applicable criteria are evaluated with the purpose statement in mind.

33.5505 Permits Required

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 33.5510.

Staff: Portions of the subject properties are mapped on the Slope Hazard Map. The Applicant's site work occurred within the Stream Conservation Area (SCA) of the protected stream on the site. The Applicant's site work was not specifically exempted by MCC 33.5510.

33.5515 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.

Staff: The Applicant submitted photos and site plan information for the 8th Fairway of Wildwood Golf Course. The Applicant did not provide details, as described above, for

the entire site. The Applicant's submitted written and site plan information (including photos) describes the area of the site work that was done in July and August 2000. The information also describes the nature and extent of the watercourse, the wooded areas, and the area of tree removal. Exhibit #1 illustrates the 8th fairway.

The criterion is met.

(B) An estimate of depths and the extent and location of all proposed cuts and fills.

Staff: The Applicant states, in the "Supplement to Hillside Development Permit Application" narrative, that approximately 37 cubic yards of material was disturbed. The Applicant submitted a letter from Lori Warner of the Department of State Lands (DSL), dated January 19, 2001, that describes approximately 35 cubic yards of material was disturbed on the site.

The criterion is met.

(C) The location of planned and existing sanitary drainfields and drywells.

Staff: The Applicant's information does not show the location of the sanitary drainfields and drywells. The Applicant's site plan, attached as Exhibit #1, illustrates the location of the drain tile lines on the 8th fairway.

The criterion is met for the area relevant to the application.

(D) Narrative, map or plan information necessary to demonstrate compliance with MCC 33.5520 (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.

Applicant: The combination of the owner's narrative and site plan, Mr. Crockett's HDP Form-1 and attachments, and Mr. Kelsay's report address each of the substantive standards of MCC 33.5520(A) and demonstrate compliance with those standards.

Staff: The Applicant submitted the required forms and reports, completed by persons with the required certifications. The Applicant described the erosion control measures that were installed (see photos too). See also Staff comments under MCC 33.5520(A).

The criterion is 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**

Staff: The area of the work is less than 25 percent slope, is more than 200 feet from a known landslide, and does not contain cuts or fills in excess of 6 feet in depth according to the submitted information and references consulted by Staff.

The criterion is met.

- (2) A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or,**

Staff: The Applicant submitted a geological report prepared by a State of Oregon Certified Professional Engineer, H. Stanley Kelsay, of GRI Geotechnical & Environmental Consultants. The report does not state the site is suitable for the proposed development.

The criterion is not met.

- (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.**

Applicant: MCC 33.5515(E) requires a geological report or a completed HDP Form-1 prepared by a Geotechnical Engineer or a Certified Engineering Geologist. The HDP Form-1 was prepared by John Crockett. Mr. Crockett is a registered professional engineer with geotechnical experience but does not hold himself out as a geotechnical specialist. Consequently the applicant had the Form-1 supplemented by Stanley Kelsay's site visit and report. Mr. Kelsay is a "Civil Engineer, licensed to practice in the State of Oregon, who by training, education and experience is competent in the practice of geotechnical and soils engineering practices" quoted from MCC 33.5525(J). He is a well-qualified geotechnical engineer within the meaning of the Ordinance. Please let us know if you need additional information regarding Mr. Kelsay's credentials.

Staff: The Applicant submitted a copy of the Geotechnical Reconnaissance and Stability Preliminary Study, the HDP Form-1, completed by John Crockett, a State of Oregon Certified Professional Engineer. The engineer's stamp accompanied the report and his signature. The HDP Form-1 states, "By signing and affixing the required stamp below, the Certifying Engineering Geologist or Geotechnical Engineer certifies that the site is suitable for the proposed development."

The Applicant has provided sufficient information from the professional engineers to demonstrate compliance with the criterion. The criterion is met.

In summary, because at least one of the provisions [both (1) and (3)] is met for subsection (E), the criterion of subsection (E) is met.

(F) Geotechnical Report Requirements

- (1) A geotechnical investigation in preparation of a Report required by MCC 33.5515 (E) (3) (a) shall be conducted at the applicant's expense by a Certified Engineering Geologist or Geotechnical Engineer. The Report shall include specific investigations required by the Director and recommendations for any further work or changes in proposed work which may be necessary to ensure reasonable safety from earth movement hazards.**
- (2) Any development related manipulation of the site prior to issuance of a permit shall be subject to corrections as recommended by the Geotechnical Report to ensure safety of the proposed development.**
- (3) Observation of work required by an approved Geotechnical Report shall be conducted by a Certified Engineering Geologist or Geotechnical Engineer at the applicant's expense; the geologist's or engineer's name shall be submitted to the Director prior to issuance of the Permit.**
- (4) The Director, at the applicant's expense, may require an evaluation of HDP Form-1 or the Geotechnical Report by another Certified Engineering Geologist or Geotechnical Engineer.**

Staff (1 - 4): As described previously within this decision document, the site work was accomplished in July and August 2000. The geotechnical report from GRI and the HDP Form-1 from John Crockett state the work was done appropriately and in accordance with the required standards. No further reports regarding the site work on the 8th fairway of Wildwood Golf Course need to be submitted to the Planning Director at this time.

The criterion is met.

- (G) Development plans shall be subject to and consistent with the Design Standards For Grading and Erosion Control in MCC 33.5520 (A) through (D). Conditions of approval may be imposed to assure the design meets those standards.**

Staff: The Applicant and Staff comments to address the provisions of MCC 33.5520(A) through (D) are contained herein.

33.5520 Grading and Erosion Control Standards

Approval of development plans on sites subject to a Hillside Development Permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the 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;

Applicant (from the GRI report dated December 28, 2000): The earthwork and drainage improvements, which we understand were accomplished this past summer and fall, consisted of minor amounts of site grading estimated to be about 35 cubic yards. This grading consisted of trimming minor amounts of soil from the surface of the green and the surrounding area. All excavated material, which consisted of primarily of silty soils with varying amounts of clay and fine-grained sand, was side cast onto the adjacent streambank slopes. In conjunction with this work, a system of shallow trench drains was installed to facilitate drainage of surface water away from the fairway and limit surface water runoff over the streambank slopes. In addition, the newly exposed materials placed on the streambank slopes were covered with a landscape fabric, and the entire site was hydro-seeded to limit surface erosion.

Based on our visual observations at the site, the area of the site grading and drainage improvements is typically relatively flat to gently sloping. However, the adjacent streambank slopes, which are on the order of 20 ft. or more in height, are relatively steep. At the time of our site visit, the existing slopes were on the order of 1.5H:1V with locally steeper and flatter areas. The existing fill slopes had been recently seeded with grass, and no indications of surface erosion were observed. However, there were indications of local slumping at the top of the new fill slopes along the western limits of the project.

Staff: The earth disturbing activities were not made to accommodate structures. The site work described above was to improve drainage on the site. The information provided in the Applicant's narrative as well as the GRI report and the HDP Form-1, provides sufficient details on the nature and extent of the site work. No further information regarding the fill materials and the compaction is necessary at this time.

The criterion is met.

- (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;**

Staff: No cuts or fill slopes are described as being more than 3:1.

The criterion is met.

- (c) Cuts and fills shall not endanger or disturb adjoining property;**

Staff: The Applicant's submitted photos (dated August 23, 2001) illustrate the location and type of erosion control measures installed on the site. Exhibit #2 illustrates the location of the "erosion blanket tarped area" on the site. During the conversation with the Property Owner when Staff walked the site on April 25, 2001, the Property Owner described how the site had been revegetated during and after the site work. These measures prevent disturbance to adjoining property. In addition, on the HDP Form-1, under item 5, the engineer answers "no" in response to "In your opinion, will the proposed earthwork cause potential stability problems for the subject and/ or adjacent properties?"

The criterion is met. Based on the submitted information, Staff finds the cuts and fills would not endanger or disturb adjoining property.

- (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;**
- (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;**

Applicant: With regard to piping of surface water drainage to the creek, Mr. Crockett recommended a French drain system parallel to the top of the creek bank to intercept the drainage from the fairway so that it could be piped to the creek rather than run off over the bank slope, thereby eliminating the possibility of surface erosion. The balance of the drainage system was previously in place including piping over the bank to the stream below. The poorly functioning ADS pipe was replaced with 2729 drain tile pipe that works better in the presence of iron algae. The owner's narrative explains these matters and both Mr. Crockett and Mr. Kelsay note that the drainage work prevents erosion from surface water runoff over the bank.

Staff (d and e): The Applicant submitted a completed copy, signed by John Crockett, of the Drainage Certificate. Therefore, the Applicant's engineer states, "I hereby certify that drainage improvements illustrated on the enclosed, stamped set of plans have been designed to adequately handle, on-site, run-off attributed to a storm of 10-year design frequency."

The criteria of (d) and (e) are met.

(2) Erosion Control Standards

- (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;**

Applicant (letter from DSL dated January 19, 2001): We were concerned about possible fill material that may have entered the riparian wetland associated with the stream below the green. There may have been some filling along the toe of the slope, however, it is clear from photographs and documents you provided, that it was less than 50 cubic yards. According to the documents I reviewed during the site visit, less than 33 cubic yards of grading was actually conducted for the project. In addition, the banks of the slope appeared to be adequately stabilized at the time of the site visit.

Staff: The Applicant submitted comments from an engineer, via the GRI geotechnical report, and submitted the letter from Lori Warner of DSL, an excerpt of which is included above. The letter describes that the site was

adequately stabilized "at the time of the visit," but does not describe the conditions that existed during the site work. The geotechnical report requires mulching of the site and describes that some future work might be necessary along the streambank. Such work is neither proposed by the Applicant here nor approved by the Planning Director.

Based on the photos, it appears that large areas of the site were exposed during the grading activities. With review of the submitted information, it is Staff's finding that appropriate erosion control measures, including the hydro-seeding, were established during the site work. The criterion is therefore 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;

Applicant: With regard to the volume of material involved in the grading, Msrs Crockett and Kelsay and Lori Warner of the Division of State Lands (January 19, 2001 letter) agree that the number is between 33 and 35 cubic yards. The owner's calculations, based on the area and depth of the fill on the stream bank as shown on the site plan, equal approximately 37 cubic yards. The 4800 square foot area described is somewhat larger than the actual irregularly shaped bank area, so that the actual volume of material is most likely no more than 35 cubic yards. Mr. O'Meara's narrative explains that the material removed from the fairway was sod with attached soil no deeper than the root level of the grass.

It should be noted that the tree removal and green and fairway repair work took place last summer, the stream bank was protected through the winter and additional revegetation was completed earlier this year. The HDP standards are intended to assure that work is done in a manner that prevents problems due to earth movement and erosion. Because both the work and the restorative efforts are complete, the real proof that the specific standards were satisfied is the successful completion of the work without adverse effect on the property, including the stream, or an adjacent property.

Staff: Staff made findings that the cuts and fills of the development did not endanger adjacent properties [MCC 33.5520(A)(1)(c)] and that the drainage of the site was adequately retained on the site [MCC 33.5520(A)(1)(d) and (e)]. Most of the removal of earth materials was the surface layer of the ground. Based on the submitted information, including site photos, Staff finds the Applicant could have exposed less area of land during the development. However, as stated by Staff in MCC 33.5520(A)(2)(b), the erosion control measures, including hydro-seeding, were appropriately installed.

The criterion is met.

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

Applicant (from Exhibit #1): The fill area was hydro-seeded and covered with an erosion control blanket. The fill area didn't have enough time to establish itself before winter set in; the area was tarped. The tarping was removed and reseeded with deep

rooting fescue and heavily planted with cedar trees. The disturbed area on the bank had previous vegetation consisting of grass and blackberries.

Staff: The Applicant used erosion control blankets/tarping on the streambank, as illustrated on Exhibit #2, the Applicant's photo of the 8th fairway at Wildwood Golf Course. In addition, Exhibit #1 illustrates the location of the erosion control blanket and includes a description of the vegetation removed and planted at the site.

The criterion is met.

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

- 1. 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;**
- 2. The buffer required in 1. 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 currently adopted edition of the “*Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)*” and the “*City of Portland Stormwater Quality Facilities, A Design Guidance Manual (1995)*” and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340;**

Applicant (JCrockett narrative): The work being done consists only of the re-development of the existing golf course green and its immediate surrounding area. Work consisting of top-soil and existing surface removal and re-building the green and re-sodding surrounding areas.

New wood-lined surface fabric was placed on the existing slope below the green (above the stream area) and covered with soil to hold the new planting. The entire area was then Hydra-Seeded to assure a good coverage.

Additional drainage is being supplied by installing a drainage way above the streambank area and connecting outlet pipes out to the lower bank to avoid bank erosion, as well as repairing all deficient drains in the entire area.

The work described above provide erosion and storm water features that satisfy the requirements of MCC 11.15.6730A.2.E.2.

Staff: The 100-foot undisturbed buffer of natural vegetation was not retained by the Applicant on the 8th fairway. No mitigation plan was submitted. Staff has required, under Condition of Approval #2, the Applicant submit a Landscape Monitoring Report within one year of the issuance of this Planning Director's Decision. The Report shall include narrative, site plan, and photographic details that describe the location, size, type, and condition of the existing vegetation on the 8th fairway. The report shall include proposed plantings for the site.

The criterion is met. See also the requirements under Condition of Approval #2.

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

Staff: Erosion control measures, such as erosion control blankets and hydro-seeding, were installed on the site according to the Applicant. Also, according to the site plan provided by the Applicant (see Exhibit #1), permanent plantings were installed; "the tarping was removed and reseeded with deep rooting fescue and heavily planted with cedar trees."

The criterion is met.

- (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;**

Staff: Based on the submitted information, the Applicant installed erosion control measures, including hydro-seeding, during the site work. Permanent plantings occurred after the completion of the site work and the removal of the erosion control blanket. The drain lines accommodate the drainage, according to the submitted Drainage Certificate. The surface water is appropriately retained by the above-described means.

The criterion is met.

- (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;**

Staff: The Applicant's site plan attached as Exhibit #1 illustrates the location of the drain tile lines that provide drainage for the site. This application, HDP 0-16, is for work that was done in July and August 2000; the erosion control measures were installed and the area was replanted. Staff considers the area of the site work stabilized based on the submitted information and the April 25, 2001 site visit.

The 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;**

Staff: As has been described, including the report by GRI and the Property Owner's narrative at the beginning of this decision document, hydro-seeding occurred during the project (impregnated fabric placed on the streambank), and permanent planting were installed afterwards. The drain tiles provide the mechanical drainage system for the site.

The 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: See also the Applicant and Staff comments under MCC 33.5515 (E)(3). The Applicant submitted a Drainage Certificate completed by John Crockett, a State of Oregon Registered Professional Engineer.

The criterion is met.

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

Staff: No drainage swales are proposed.

The criterion is not applicable to this development.

- (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:**

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

Staff: See MCC 33.5520(A)(2)(f) and Exhibit #1.

The 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;**

Staff: As has been described, the grading activities that disturbed the earth materials on the site were protected by the erosion control blanket and hydro-seeding.

The 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.**

Staff: This criterion is provided as informational.

(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;**
- (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 information is provided for your awareness.

(C) Implementation

- (1) Performance Bond – A performance bond may be required to assure the full cost of any required erosion and sediment control measures. The bond may be used to provide for the installation of the measures if not completed by the contractor. The bond shall be released upon determination the control measures have or can be expected to perform satisfactorily. The bond may be waived if the Director determines the scale and duration of the project and the potential problems arising therefrom will be minor.**
- (2) Inspection and Enforcement. The requirements of this subdistrict shall be enforced by the Planning Director. If inspection by County staff reveals erosive conditions which exceed those prescribed by the Hillside Development, work may be stopped until appropriate correction measures are completed.**

Staff: The Applicant and Property Owner shall comply with the Conditions of Approval, contained herein of the Planning Director's Decision for HDP 0-16.

(D) Final Approvals

A certificate of Occupancy or other final approval shall be granted for development subject to the provisions of this subdistrict only upon satisfactory completion of all applicable requirements.

Comprehensive Plan Policies:

POLICY 14: DEVELOPMENT 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:

Staff: Based on the soil maps on file at the Multnomah County Land Use Planning office, the two subject properties are comprised of at least the following soil types: Haploxerolls, steep (19E); Quatama loam, 3 to 8 percent slopes (37B); Quatama loam, 8 to 15 percent slopes (37C); and Sauvie silt loam, protected (45). The information below is from the *Soil Survey of Multnomah County, Oregon*. Most of the 8th fairway appears to contain soil types 37B and 37C according to the soil maps.

A. Slopes exceeding 20%;

Staff: Soil type 19E may have slopes that exceed 20%.

B. Severe soil erosion potential;

Staff: The hazard of erosion for 19E is moderate to high, the hazard of erosion for both soil type 37B and soil type 45 is slight, and the hazard of erosion for soil type 37C is moderate.

C. Land within the 100-year flood plain;

Staff: The two subject properties of Wildwood Golf Course are not within the 100-year floodplain. A protected stream, designated as Significant Environmental Concern-stream, runs through the 8th fairway. The site work done by the Applicant, as described within this decision document, occurred within the Stream Conservation Area, or buffer area, of the protected stream.

D. A high seasonal water table within 0-24 inches of the surface for three or more weeks of the year;

Staff: Soil types 19E and 45 don't have a water table level listed, while soil types 37B and 37C have a water table at a depth of 2 to 3 feet from December through April with a seasonal high water table.

E. A fragipan less than 30 inches from the surface;

Staff: The *Soil Survey* did not use the term fragipan specifically for any of these soil types.

F. Land subject to slumping, earth slides or movement.

Staff: Soil type 19E is subject to slumping (particularly in cut and fill areas), while the other three soil types were not described as subject to slumping, earth slides or movement.

Conclusion:

Based on the findings and other information provided and described above, the Applicant has carried the burden necessary to demonstrate compliance with the standards of the Hillside Development Permit provisions of the Multnomah County Code. Therefore, the Planning Director's Decision is to **Approve with Conditions** the Applicant's request under **HDP 0-16** for the site work done on the 8th fairway at the Wildwood Golf Course in unincorporated Multnomah County, as described herein.

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.