



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

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## DECISION OF THE PLANNING DIRECTOR

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### Hillside Development Permit

**Case File No.: HDP 0-2**

July 27, 2000

**Proposal:** HDP permit for site work associated with construction of a new single family dwelling.

**Location:** 361 NW 81<sup>st</sup> Place  
1N1W36CB -00600.  
Tax Acct. R#285350020

**Applicant/Owner:** **Applicant:**  
Eric Ostmo  
628 SW Colony Dr.  
Portland, OR 97219

**Owner:**  
Holt & Haugh  
500 Miller Road Ltd.  
1200 NW Front Ave Suite 450  
Portland, OR 97209

**Site Size:** 14,866 square feet

**Zoning:** R-10 Single Family Residential

**Approval Criteria:** Multnomah County Code (MCC): MCC 11.15.6700, Hillside Development and Erosion Control;

**Decision:** **Approve, subject to conditions,** site work to construct the proposed new single family dwelling.

### CONDITIONS OF APPROVAL

#### On-going restrictions:

1. This approval is based on the submitted written narrative and site plans. No excavation or fill shall occur under this permit other than that which is specified within these documents. Additional submittals and actions may be required of the applicant as noted in these 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. Applicant shall ensure that fills along the driveway are adequately protected from erosion until permanently stabilized.

**Prior to any land disturbing activities:**

1. The applicant shall make an appointment with the Staff Planner, Chuck Beasley, at Multnomah County, (503) 988-3043, for building permit sign-off. The applicant shall bring five (5) sets of the final revised site and building plans to the County for sign-off prior to submittal of the building permits to the Portland Building Department.
2. Applicant shall submit a revised site plan which:
  - a. shows the location, extent, and timing of revegetation on disturbed surfaces, consistent with the Technical Guidance Handbook section 3.3.6.
3. No land disturbing activities are to be conducted until the erosion control measures are in place.
4. Applicant shall contact the case planner for an inspection of the installed erosion control measures.

**Follow up requirements after grading:**

1. Per the revised site plan, 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. If not established before the onset of the wet winter season, use heavy mulch or mulching mesh.
2. If planting above is temporary, permanent planting shall be accomplished within 30 days after final grading or no later than September 1 of the year grading occurs.

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:**

Applicant proposes to construct daylight basement style house on the lot. The project scope is described in the June 7, 2000 letter in response to the notification of incomplete application, and revised design concept.

## 2. Site and Vicinity Characteristics:

The subject property is within the Miller 500 subdivision. The property is on south – southwest facing slopes below NW Skyline Blvd. in the Tualatin Basin. The lot slopes at approximately 17% down toward Miller Road, and is contained by a 5’ high retaining wall along the Miller Road and lower 81<sup>st</sup> Place frontages.

## 3. Multnomah County Code

### 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:** Site is identified as within a slope hazard area on the “Slope Hazard Map,” and is not exempt under MCC .6715(3), therefore the 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.**

**Staff:** Application includes site plans showing the above items.

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

**Staff:** This information is in the June 7, 2000 revisions. There are some changes in volume from the original application due to the daylight basement design.

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

**Staff:** Not applicable as property is on sanitary and storm sewer.

- 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.**

**Staff:** A certification that the stormwater service provider, United Sewerage Agency, has been provided as evidence that stormwater from new impervious surfaces will be accepted into the public system.

- 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,
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:** Applicant has submitted a completed HDP Form – 1 that indicates the site is suitable for the proposed development, and further investigation is not recommended when retaining wall heights are less than 4' (see June 7 submittal).

- 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.

#### **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.**

*No fill will be required on site other than the crushed rock and gravel for the garage, driveway and sidewalks. This crushed rock will be compacted with a vibratory compactor and inspected prior to any flatwork.*

*5/16/00 Submittal: The rock for the garage (optional) and driveway/walkway will be compacted to 95% T-99. The fills for the footing backfill will not have a required compaction. They will be placed against the foundation wall and sloped away from the house.*

**Staff:** The fill areas intended to support structures that are subject to these standards are the driveway and walks as indicated on the revised, 6/7/00 site plan, and the compaction densities are found in the 5/16/00 response.

**(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.**

*No slope will be steeper than 3:1. The average slope of the site is less than 20%.*

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

*Cuts and fill will not endanger or disturb adjoining property. All cuts will be no closer than 10 feet of the 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;**

*The proposed drainage system has adequate capacity to handle a storm of 10-year design frequency. A copy of the engineer's statement regarding this fact is included in tab (5), page 17. Additionally, the calculations relating to this were submitted and approved when the subdivision was developed. As is stated in the engineer's letter, the drainage system is build to handle all 14 lots of the subdivision for a storm of 10-year design frequency.*

**Staff:** The applicant has submitted a stormwater connection authorization from United Sewerage Agency as evidence that this standard is met.

**(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.**

*The site is not close to a natural watercourse or constructed channel.*

## **(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 control measures for the site will be in accordance with the performance specifications as specified in the referenced handbooks. There are no stream banks, water bodies or wetlands within 100 feet of the proposed operations.*

**Staff:** The Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994) requires sediment fencing to be installed at the toe of disturbed areas for single family home sites with slopes greater than 10%. The revised site plan does show a sediment fence along the down-slope portion of the property.

**(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.**

*All vegetation stripping and excavation will take place within a 2-day time period. The vegetation will be transplanted if possible or hauled off site. The excavated soil will be stockpiled on site and used for backfill around the foundation. The stockpiled material will be monitored closely for erosion and hay bales or temporary plastic covering will be used if necessary. The backfill will occur as soon as the foundation is cured. These items will be accomplished in the summer time to hopefully avoid the rainy season.*

**(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.**

*The house is being placed in the flattest portion of the site. Cuts will be kept to only what is needed to excavate the housing footprint.*

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

*Vegetation on the lower level of site will be kept in order to protect the lower bank of the site leading to Miller Road.*

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

*All natural vegetation will be retained and protected except for that which is necessary to remove for the house and yard. Vegetation will be supplemented with grass front and back yards, along with numerous plants and trees.*

**(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;**

**Staff:** There are no streams or wetlands within 100 feet of the proposed project.

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

*Erosion control measures will be installed before any construction begins.*

**Staff:** Applicant has not indicated what permanent plantings are proposed, and has not indicated when permanent plantings will occur. As required above, applicant shall indicate type of permanent plantings for all cleared areas and an approximate time when they will be installed.

**(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 excavation of this site will not cause increased water runoff. After the house is build, there will be less water runoff due to the fact that a large percentage of the water will be contained in the front yard drains, rain drains, and low point foundation drains. The remaining soil will have vegetation of some kind.*

**Staff:** Also see requirement under (1)(d) above.

**(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.**

*Silt fences will be installed as shown on the site plan.*

**Staff:** Sediment fences should be adequate for summer construction period. Additional measures will likely be necessary at the onset of the wet weather period that begins November 1, unless landscaping is installed by that time.

**(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.**

*Hay bales will be used to guard against surface water damaging the cut face of excavations. After the foundation is placed, front yard drains will intercept most of the water at the front of the house and transport it to the storm system.*

**Staff:** If the site work is not completed during dry weather, the cut face of excavations will need to be protected from erosion due to rain fall impacting the exposed surface. Plastic sheeting, straw mulch spread over the surface, or erosion blankets are accepted measures for this purpose.

**(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.**

*All roof drains, low point drains and front yard drains will carry run-off to the storm drain lateral located on the site plan. The storm lateral ties into the approved storm drainage system.*

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

*No drainage swales will be used.*

**(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.**

*Silt fences located at the bottom of the site should intercept any polluted discharge.*

**(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.**

*Stockpiles material will be protected during wet weather by hay, mulching or temporary plastic covering.*

**Staff:** There is no drainageway or stream nearby.

**(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.**

*No pesticides or fertilizers will be used during construction. Solid waste will be picked up daily and disposed of accordingly.*

**(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.**

*Not applicable.*

## **(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.**



## **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 \_\_\_\_\_  
Chuck Beasley, 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 12<sup>th</sup> 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 190<sup>th</sup> Avenue, Portland, Oregon, 97233 [hours: 8:00 a.m.-4:30 p.m.; M-F].*

The appeal period ends Monday, August 8, 2000, at 4:30pm. If there is no appeal, this decision becomes final on that date.

## **Notice to Mortgage, Lien Holder, Vendor or Seller:**

**ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.**