



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
(503) 988-3043 FAX: (503) 988 -3389

DECISION OF THE PLANNING DIRECTOR

Hillside Development Permit **Case File No.: HDP 0-4** **August 14, 2000**

Proposal: Applicant requests approval for a Hillside Development Permit (HDP) to construct a new garage, a new foundation for an existing single-family residence, and a retaining wall. The applicant's submitted site plans and building elevations illustrate the garage will be 20' by 30'. The applicant narrative states approximately 30 cubic yards of material will be cut/filled/ stockpiled on the site to accommodate the proposed development.

Location: 19339 NW St. Helens Road.
T2N R1W, W.M. Section 18, Tax Lot 55.
R#97118-0550.

Applicant & Owner: Applicant: Property Owner:
Richard Minick Patricia Cisneros
Richard Minick Construction 19339 NW St. Helen's Rd
1282 E. 3rd Street, #30 Portland, OR 97231
Lafayette, OR 97127

Site Size: 1.07 acres according to Assessment and Taxation.

Zoning: Rural Residential (RR).

Approval Criteria: Multnomah County Code (MCC): MCC 11.15.2202 et seq., RR; and MCC 11.15.6700 et seq., Hillside Development Permit (HDP).

Decision: **Approve with Conditions, the Hillside Development Permit, HDP 0-4,** for the applicant's proposed new garage, retaining wall, foundation work, and the excavation/ filling of earth materials as described in the "Proposal" section above and herein. The applicant has provided narrative and site plan materials to illustrate compliance with the Multnomah County Code and Comprehensive Plan Policies.

The appeal period ends Monday, August 28, 2000.

CONDITIONS OF APPROVAL

A. Prior to zoning approval of building permit:

1. Prior to issuance of building permits: The applicant shall obtain approval of SEC 0-10 for a Significant Environmental Concern application.
2. Prior to issuance of building permits: The applicant may either submit photographs showing the erosion control measures have been installed as illustrated and described on the site plans and in the narrative, or the applicant may call the Staff Planner, Tricia R. Sears, in the Land Use Planning office at (503)-988-3043 for a site inspection.

B. On-going conditions:

1. **Best Management Practices are required through all phases of work.** No additional cutting, filling, or stockpiling or other grading activity, except the modifications specified by this permit, shall occur on the subject parcel without review of a Hillside Development Permit.
2. **In accordance with MCC 11.15.6428 (D)(6),** soil disturbing activities within a Stream Conservation Area are limited to the period between June 15 and September 15 of any given calendar year.

C. Miscellaneous Conditions:

1. Replanting and/ or reseeding of all areas disturbed by the grading activity, shall occur within **one (1) month** of the completion of the proposed project as shown in the submitted materials for **HDP 0-4**. The applicant shall contact the Multnomah County Land Use Planning Division at (503)-988-3043 for a site inspection; or provide written or photographic verification the vegetation has been installed as required.
2. Written evidence of compliance shall be submitted by the applicant to substantiate that the proposed development was constructed in accordance with the recommendations of the geotechnical reports submitted with HDP 0-4. The written evidence of compliance shall be written by a State of Oregon certified Engineering Geologist or a State of Oregon Registered Professional Geologist
3. This approval is based on the submitted material for **HDP 0-4**. The proposed garage, retaining wall, new foundation for the existing house, and all cutting/ filling/ stockpiling shall be constructed and accomplished on the site in accordance with the design, size, and location shown and described in the application materials submitted by the applicant.
4. No additional land use action and/or permit requests shall be accepted, relating to the subject application, until all required fees for the said application have been paid in full.

Note: The applicant shall make an appointment with the Staff Planner, Tricia R. Sears, at Multnomah County, (503)-988-3043, for building permit sign-off. The applicant shall bring five (5) sets of site and building plans to the Multnomah County Land Use Planning office for sign-off prior to submittal of the building permits to the City of Portland Building Department.

In the matter of HDP 0-4:

By: _____

Date: _____

Tricia R. Sears, Planner
For Kathy Busse, Planning Director
Multnomah County Department of Environmental Services
Land Use Planning Division

This decision becomes final on Monday, August 28, 2000, at 4:30 pm unless appealed.

A copy of the complete decision for **HDP 0-4** and supporting documentation is available at the Multnomah County Land Use Planning Division, 1600 SE 190th Avenue, Portland, OR 97233 (503)-988-3043.

STAFF REPORT

Findings of Fact

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

Comments:

Applicant:

Excerpt from the geotechnical report dated February 7, 2000 from H.G. Schlicker & Associates, Inc.

At the time of our site visit we observed active landsliding activity along the slope northwest of the house. Much of the landslide activity was observed along the lower half of the slope, approximately 80 to 90 feet from the house (Figure 2).

The site lies near the top of a slope which shows indications of recent landslide activity. We observed active landsliding and soils creep activity within 55 feet northwest of the existing house. Soil creep is the gradual, steady downhill movement of soil and loose rock material on a slope. The recently installed sanitary drain field lies near the head of a depressed area along the slope which appears to have formed as the result of ground movement. Indications of recent storm water erosion was observed along the recently graded area northwest of the house where the septic system was recently installed. This erosion is the result of rain impact and storm water runoff along disturbed, loose soils. We observed straw placed on an older fill slope northwest of the house which appears to have controlled some of the erosion. Water infiltration into the soil by the drain field may decrease the stability of the slope resulting in continued or accelerated ground movement. Continued ground movement in the area of the drainfield may eventually cause damage to the drain field. Under existing conditions we do not anticipate that the existing landsliding activity northwest of the house will impact the house or the proposed garage area.

A lateral scarp of a large older landslide is located approximately 50 feet southwest of the house. Localized failures along the scarp of the landslide may occur in the future which fail back 5 to 10 feet at a time. We do not anticipate that these localized failures will impact the house or the proposed garage area.

We do not anticipate any adverse geologic conditions as a result of the proposed project providing that the following recommendations are adhered to during design and construction.

Staff:

1. Project Description:

The applicant proposes to construct a 20' by 30' garage adjacent to the existing single-family residence on the subject property identified as 19339 NW St. Helen's Road (R#97118-0550). The applicant also proposes to construct a four-foot high retaining wall along the east side and south east corner of the property. The retaining wall will support the cut slope located there. The applicant will also put a new foundation on the existing house (it is jacked up and on blocks at this time).

The applicant proposes to modify the site by cutting, filling, and stockpiling approximately 30 cubic yards on the site. The applicant has submitted a geologist report from H.G. Schlicker & Associates, Inc. The extent of the report as described by J. Douglas Gless, P.G., C.E.G. and Christopher C. Humphrey, P.G., is as follows, "This report addresses the engineering geologic issues as the site with regards to grading,

erosion control, and storm water disposal at the site related to the project." According to the narrative, the geologists estimated that 20 to 25 cubic yards of material had been excavated at the time of the geologist site visit. The material was stockpiled approximately 40 feet north-northeast of the house. The garage area of the property may be deepened by several inches that would result in the excavation of 2 to 3 additional cubic yards of material for the proposed garage.

In addition, the geologists' state that approximately 120 cubic yards of fill material was placed on the site at the time the manufactured home was placed on the site. Staff includes this material as part of the review of HDP 0-4 as no Grading and Erosion Control permit or Hillside Development Permit are on file for the subject property related to SEC 2-96 (the case that approved the placement of the manufactured home on the property). The applicant's engineer, J. Douglas Gless, completed the Hillside Development Permit Application: Geotechnical Reconnaissance and Stability Preliminary Study [HDP Form-1].

Staff visited the site July 11, 2000 and the site photos are in the case file for HDP 0-4. Staff deemed the application complete on July 21, 2000. The decision for the related case, a Significant Environment Concern permit, SEC 0-10, was issued on August 9, 2000.

2. Site and Vicinity Characteristics:

The subject property is identified as part of the Slope Hazard Area. The property is zoned Rural Residential (RR) with the overlay of Significant Environmental Concern for Wildlife Habitat, View, and Streams (SEC -h, -v, -s).

The subject property at 19339 NW St. Helen's Road has an existing single-family residence approved under SEC 2-96. The current location of the house is slightly different than what was approved under SEC 2-96. The applicant has asked for retroactive approval for the house location. In addition, the site work described by the geologist reveals that approximately 120 cubic yards of material was graded to accommodate placement of the manufactured home on the site subsequent to issuance of SEC 2-96. No Grading and Erosion Control permit or Hillside Development Permit is on file for the property prior to the submittal of this case, HDP 0-4. Therefore, retroactive approval for the site (120 cubic yards) will be included in this decision. The applicant requests approval for the work described above for the new foundation for the house, the retaining wall, and the garage. That work will encompass the cutting, filling, and stockpiling of approximately 30 cubic yards according to the geotechnical report.

Exhibits:

- 1) A copy of a portion of the applicant site plan; includes topography.
- 2) Reduced copy of the applicant's site plan showing the entire property.
- 3) Slope Profile B-B' from the H.G. Schlicker & Associates, Inc. report.
- 4) Soakage trench design details.
- 5) Sediment fence design details.

3. Multnomah County Code:

Rural Residential (RR)

11.15.2202 Purposes

The purposes of the Rural Residential District are to provide areas for residential use for those persons who desire rural living environments; to provide standards for rural land use and development consistent with desired rural character, the capability of the land and natural resources; to manage the extension of public services; to provide for public review of non-residential use proposals and to balance the public's interest in the management of community

growth with the protection of individual property rights through review procedures and flexible standards.

11.15.2204 Area Affected

MCC .2202 through .2230 shall apply to those lands designed RR on the Multnomah County Zoning Map.

Staff: The subject property is zoned Rural Residential (RR) according to the maps on file at the Multnomah County Land Use Planning office.

11.15.2206 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 .2208 through .2216.

11.15.2208 Primary Uses

(C) Residential use consisting of a single family dwelling constructed on a lot; and

Staff: The applicant proposes to construct a 20' x 30' garage adjacent to the single-family residence on the subject property. The existing dwelling was approved under SEC 2-96. At this time, the applicant also proposes to do some foundation work on the house. The applicant also requests retroactive approval for the location of the now existing house. According to the applicant, the house was placed in a slightly different location that originally shown and approved under case file SEC 2-96.

The proposed development is a modification to an existing single-family residence. The location of the house is slightly different than shown under SEC 2-96 but still meets the applicable criteria. The application meets the criterion.

11.15.2214 Accessory Uses

(A) Signs, pursuant to the provisions of MCC 11.15.7902-.7982. [Amended 1986, Ord. 543 § 2]

(B) Off-street parking and loading;

(C) Type A home occupations pursuant to the definition and restrictions of MCC 11.15.0010; and [Amended 1998, Ord. 900 § III]

(D) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district; and

(E) Family Day Care. [Added 1990, Ord. 643 § 2]

Staff: No signs are proposed for the site. The property contains adequate space for on-site residential parking. The applicant does not propose a Type A Home Occupation or a Family Day Care. The applicant proposes to construct a garage adjacent to the existing single-family residence. The use of the site is for single-family residential purposes.

The application meets the criterion.

11.15.2218 Dimensional Requirements

- (A) **Except as provided in MCC .2220, .2222, .2224 and .7720, the minimum lot size shall be five acres.**

Staff: The subject parcel is 1.07 acres in size and does not meet the five acre minimum lot size requirement of the Rural Residential zone. Based on Staff research, the subject property was created in its current size and shape in 1970 according to the tax card from Multnomah County Assessment and Taxation records. See MCC 11.15.2222 for additional Staff comments.

The application meets the criterion.

- (B) **That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.**

Staff: The adjacent street or road is St. Helen's Road and the road is under the jurisdiction of the Oregon Department of Transportation.

The criterion is not applicable to the application.

- (C) **Minimum Yard Dimensions - Feet**

Front	Side	Street Side	Rear
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30	10	30	30
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Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

Staff: The applicant site plan illustrates the single-family residence, with proposed new garage, meets the required setbacks for the front, rear, and side yards. The height of the structure and the setback distances will be verified at the time of building permit review.

The application meets the criterion.

- (D) **The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional requirements not otherwise established by Ordinance.**

Staff: As stated in subsection (B) of this section, no additional right-of-way dedication is required at this time.

The criterion is not applicable.

- (E) **Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.**

Staff: The applicant does not propose to construct any barns, silos, windmills or other such structures on the subject property. The new garage, 20' x 30', is the only building proposed for the site at this time by the applicant.

The criterion is not applicable to the application.

11.15.2222 Lot of Record

A. For the purposes of this district, a Lot of Record is a parcel of land:

- 1. For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to October 6, 1977; and**
- 2. Which, when established, satisfied all applicable laws.**

Staff: The subject property was recorded in its current form prior to October 6, 1977. Staff examined land use maps from 1998, 1989, 1986, and 1979. The applicant provided a copy of the deed. Also, Staff obtained a copy of the tax card for the property from the Assessment and Taxation records. The property met the applicable laws at the time it was established.

The application meets the criterion.

B. A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.

Staff: the subject property has less than the required minimum lot size and is a Lot of Record under (A). The front lot line of the subject property meets the minimum requirement of the RR zoning district.

The application meets the criterion.

11.15.2226 Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC .6110 through .6148.

Staff: The applicant will provide the required two on-site parking spaces. The site plan illustrates ample room on the site for compliance with this standard.

The application meets the criterion.

11.15.2228 Access

Any lot in this district shall abut a street, or shall have other access determined by the Hearings Officer to be safe and convenient for pedestrians and passenger and emergency vehicles.

Staff: The applicant's gravel driveway accesses a paved driveway that accesses NW St. Helen's Road. This is illustrated on the attached site plans. The SEC decision is issued through an administrative process and is subject to review by the Hearings Officer only if the administrative decision is appealed.

The application meets the criterion.

Hillside Development Permit (HDP)

11.15.6700 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.

[Added 1991, Ord. 677 § 2; Amended 1991, Ord. 691 § 2]

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: The subject parcel is identified as part of the Slope Hazard Map. The Slope Hazard Maps are on file at Multnomah County Land Use Planning.

11.15.6720 Application Information Required

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

- (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 applicant information indicates the development is on a property with an average slope of 36 to 46% and thus exceeds the 25% standard. The applicant's engineer provided a geotechnical report on the site. The report is dated February 7, 2000. The proposed location of the garage is 55 feet from the identified active soil creep area and is thus within 200 feet of a known landslide area. No cuts or fills over 6 feet in depth are planned. Information from soil maps and the Soil Survey of Multnomah County, Oregon (copies of this

information are in the related case file, SEC 0-10) identifies the property with soil types that may have high groundwater conditions.

The application does not meet this criterion; therefore, the application must comply with (2) or (3) below.

- (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 has provided a geotechnical report written by J. Douglas Gless, a State of Oregon certified Engineering Geologist, and Christopher C. Humphrey, a State of Oregon Registered Professional Geologist. The report states "As detailed in our report, the existing house is located approximately 50 feet from an older landslide scarp and approximately 55 feet from an area of active soil creep. Under the existing and proposed conditions we do not anticipate that this landslide activity northwest of the house or localized landsliding along the scarp of the older landslide southwest of the house would impact the house or the proposed garage. We do not anticipate that the added weight of the proposed garage, or the proposed grading activity as detailed in our report, would increase the landslide hazards to the house or the proposed garage provided that the recommendations detailed in our report are adhered to."

In addition, the geotechnical report includes the statement, "We don't not anticipate any adverse geologic conditions as the result of the proposed project providing that the following recommendations are adhered to during design and construction."

The application meets the criterion.

- (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.**

[Renumbered 1996, Ord. 847 § II]

Staff: The applicant has provided a geological report for the site and the HDP Form-1. J. Douglas Gless, a State of Oregon certified Engineering Geologist completed the HDP Form-1. Gless and Christopher C. Humphrey, a State of Oregon Registered Professional Geologist, completed the geological report for the property. The engineers have affixed their stamps and signatures to the documents.

The application meets the criterion.

(F) Geotechnical Report Requirements

- (1) A geotechnical investigation in preparation of a Report required by MCC .6720(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.**

Staff: The applicant has provided a report from J. Douglas Gless, a State of Oregon Registered Engineering Geologist, and Christopher C. Humphrey, a Registered Professional Geologist. The report is dated February 7, 2000. The engineer also completed the HDP Form-1 as required. The report includes recommendations for the proposed site work.

The criterion is satisfied.

- (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.**

Staff: The engineer's report submitted by the applicant focuses on the grading and fills; slope stability; foundations; retaining walls; and drainage. As described by the geologist report, 120 cubic yards of material was graded to accommodate the placement of the manufactured home on the site subsequent to the approval of SEC 2-96. No approved permit is on record for that site work. Therefore, Staff will include the site work from that situation into the review of the applicant's current proposal. At this time, the applicant does not propose to remove vegetation to accommodate construction of the garage, the retaining wall, or the placement of a new foundation under the existing house.

The application meets the criterion.

- (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.**

Staff: The applicant will implement the engineer's recommendations and comply with the Multnomah County standards. Staff will require verification that the site work occurred on the property in accordance with the geologist report. See Condition of Approval #2 of the Miscellaneous Conditions.

The applicant will meet the criterion.

- (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.**

[Renumbered 1996, Ord. 847 § II]

Staff: The applicant provided a completed HDP Form-1. Staff will not require the applicant to submit another HDP Form-1.

The criterion is not applicable.

- (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.**

[Renumbered 1996, Ord. 847 § II]

Staff: Staff has established Conditions of Approval within this decision document, HDP 0-4. The applicant shall carry out the proposed development as proposed with the submitted application materials except as modified by the Conditions of Approval. The applicant and Staff responses to MCC .6730 are contained below.

11.15.6730 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:

[Amended 1996, Ord. 847 § II]

(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: Building loads may be supported on individual and / or continuous spread footings, or strip footings ("runners") bearing in undisturbed, native, non-organic, medium to dense, silty soils or properly engineered and compacted granular fill placed on these soils.

Footings bearing in undisturbed native, non-organic, medium dense to dense, silty soils or properly compacted granular fill placed on these soils may be designed for an allowable dead plus live load bearing capacity of 1500 pounds per square foot with an increase of one-third allowed for short term wind or seismic loads.

Foundations should have a minimum width of 12 inches and be embedded no less than 12 inches below the lowest adjacent finished grade for a one story structure. Footings should be reinforced with steel in accordance with structural considerations.

Lateral loads may be resisted by passive pressures acting against footings and by frictional resistance developed between foundations and supporting soils. A passive resistance of 150 pounds per square foot of embedment depth and a lateral sliding coefficient of .30 may be assumed for design footings bearings in undisturbed native, non-organic, medium dense to dense, silty soils or properly compacted granular fill placed on these soils.

Slab-on-grade foundations should be underlain by a minimum of 6 inches of free-draining 3/4 inch minus crushed rock (containing less than 5 percent passing the No. 200 sieve). Slabs should also be underlain by a 6 mil visqueen membrane covered with a protective layer of clean sand. Reinforcing of slabs is recommended in accordance with structural design considerations.

All foundation walls which are to act as retaining walls should be designed with lateral earth pressures calculated on the basis of equivalent fluid pressures of 60 pounds per square foot per linear foot for 3 horizontal to 1 vertical (3H:1V) sloping backfill assuming well drained conditions.

Backfill for all retaining walls should be placed in 12 inch horizontal lifts and machine compacted to 92 percent of the maximum dry density as determined by ASTM-D698. Compactions within 2 feet of the wall should be accomplished with light weight hand operated compaction equipment to avoid applying lateral pressures to the wall.

Drainage of the retaining walls should consist of slotted PVC drains placed at the base of the wall on the backfilled side and backfilled with free-draining crushed rock (less than 5% passing the 200 mesh sieve) protected by non-woven filter fabric (Mirafi 140 N or equivalent) placed between the native soil and the backfill. On exterior walls one foot of native soil should be placed on top of the fabric protected free-draining crushed rock backfill and the surface should be sloped to drain to prevent surface runoff from entering the backfill.

All structural fills placed at the site should consist of non-plastic granular materials with less than 5% passing the 200 mesh sieve, placed in 8 inch lifts at or near optimum moisture content, and compacted to 95% of maximum dry density (ASTM D698). Structural fills should be free of organics, deleterious materials, and contain no particles greater than 4 inches in diameter.

The on-site silty soils are poorly to marginally suitable for use as structural fill. We recommend that the native silty soils not be used as structural fill. Native soils may be used as landscape fills. We recommend that no fills be placed northwest of the existing house, other than minor fills (1 foot thick maximum) placed along the perimeter of the northwest house foundation.

Staff: The applicant has identified the fill materials, compaction methods and density specifications. No additional information is requested by Staff for this criterion.

The application meets the criterion.

- (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;**

Applicant: Temporary unsupported cut or fill slopes in excess of three feet in height should be constructed no steeper than 1.5 horizontal to 1 vertical. Permanent unsupported cut and fill slopes should be constructed no steeper than 2 horizontal to 1 vertical (2H:1V). Slopes greater than 17% which are to receive fills will need to be benched prior to fill construction.

Earthwork at the site will include excavation for a slab-on-grade foundation and for a 4 foot high foundation retaining wall along a garage to be constructed southeast of the existing house. Cuts will be limited to the garage area and immediately adjacent areas. Excavated fills will be placed along the perimeter of the house to depths of 1 to 2 feet. Excavated materials will consist of slightly clayey silt.

Staff: The subject property is identified on the Slope Hazard Map of Multnomah County. The HDP Form-1, completed by a State of Oregon Certified Engineering Geologist, states that the maximum slope of the parcel is 100% while the average slope is 36 to 46%. The Soil Survey of Multnomah County, Oregon identifies the soil types on the subject parcel as the following types: Haploxerolls, steep (19E) and Urban land-Quatama complex, 8 to 15% percent slopes (54C). Staff visited the site on July 11, 2000 and observed the small relatively flat area where the existing house is located and where the garage is proposed to be located. The applicant indicates that cut and fill slopes will not exceed 2:1 and provides a geotechnical report, dated February 7, 2000, to detail the proposal.

With the geotechnical report, the application meets the criterion.

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

Applicant: The applicant's geotechnical report includes the following comments regarding erosion control.

Vegetation should be removed only as necessary and exposed areas should be replanted following construction. Ground surfaces exposed during the wet season (November 1 through April 30) should be temporarily planted with grasses, or protected with erosion control blankets or hydromulch.

A temporary sediment fence should be installed down slope of any disturbed areas of the site until permanent vegetation cover can be established. See Figure 6 for design criteria for the construction of a sediment fence.

If wet weather grading is unavoidable due to construction schedules, stabilization of the subgrade soils may become necessary. Should wet weather grading be conducted, the use of clean, well graded granular fill is recommended. Thickness of applied granular fill should be sufficient to stabilize the subgrade soils.

Staff: The applicant site plan shows the location of the sediment fence that will be installed on the subject property prior to work on the site beginning. The proposed cut and fill activity is minimal, as described in the geotechnical report. The total amount of cut, fill, and stockpile of materials to be used for the foundation work, the retaining wall, and placement of the garage is approximately 30 cubic yards. The geotechnical report includes the comment that approximately 120 cubic yards of material was graded when the manufactured home was placed on the property under SEC 2-96. As there is no permit on file for that site work, the current application, HDP 0-4, includes retroactive approval for the placement of the 120 cubic yards on the property.

Cuts and fills will not endanger or disturb the adjoining properties. The application meets the criterion.

(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;

Applicant: It is our understanding that storm water collected from roof areas, and water collected from the foundation retaining wall drain will need to be disposed of on site.

It is our understanding that once the garage has been constructed there will be approximately 1,670 ft² of roof area which will collect storm water and will need to be disposed of on site. Additionally, approximately 136 ft² of foundation retaining wall area will need to be drained utilizing a slotted PVC drain pipe placed at the base of the retaining wall footing. The 25 year design storm for the area north of the Tualatin Mountains has been determined to be .79 inches/hr. (City of Portland Environmental Services, 1991.)

Based on this information, we recommend that water collected from roof drains and from the foundation retaining wall be disposed of utilizing soakage trenches, as detailed on Figure 7. Based on recommendations from the City of Portland Sewer Design Manual (1991), if one soakage trench is utilized we recommend a minimum length of 45 feet. All roof drains and wall drains should remain separate, and not be interconnected. To avoid slope hazards associated with discharging water near a slope, we recommend that all soakage trenches be constructed in the area, as shown on Figure 2.

Staff: The applicant site plan illustrates the location of the soakage trench on the property. The applicant site plan also illustrates the location of the water well and the septic tank and drainfield on the subject parcel. The applicant's geologist states that the measures described above will establish a drainage system that will have adequate capacity to bypass through the development the existing upstream flow from a storm of 10-year design frequency.

The application meets the criterion.

- (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: See above.

Staff: See Staff response to (A)(1)(d) above. The applicant states that sediment control will be accomplished through the installation of an erosion control fence.

The application meets the criterion.

(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 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)”. 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.** *[Amended 1991, Ord. 677 § 2; Amended 1991, Ord. 705 § 2; Amended 1999, Ord. 932 § VIII]*

Applicant: Please refer to the site plan drawing to review the proposed erosion control plan. The proposed erosion control mechanisms are designed in compliance with the Tualatin River Drainage Basin standards. There are no proposed disturbance areas for this project within 100 feet of a regulated stream or wetland.

Staff: The subject property is not within the Tualatin River Drainage Basin, based on the Sectional Zoning Maps on file at Multnomah County. The applicant must comply with Best Management Practices and will install sediment fences on the site. Details of the sediment fence and the soakage trench are shown on the "Design Criteria for a Sediment Fence" attached as Exhibit #5 and the "Soakage Trench Design" attached as Exhibit #4.

The criterion is not applicable to the application.

- (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;**

Staff: The applicant states and the site plan shows that no vegetation will be removed to accommodate the applicant's proposal to establish a new foundation on the existing house, construct a garage, and to construct a four-foot high retaining wall. The applicant will install a sediment fence (details in Exhibit #5 and location in Exhibits #1 and #2) on the property. The applicant stated in the narrative for SEC 0-10, the related case, that the project will be done within 120 days of issuance of the permit for the proposed work. Soil disturbing activities within a Stream Conservation Area are limited to the period between June 15 and September 15 of any given calendar year in accordance with MCC 11.15.6428 (D)(6).

The application meets the criterion.

(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: The home site is located on a generally flat cut bench near the center of the site. A 50 foot high slope is located northwest of the home which slopes down to the northwest from 15 to 30 degrees. Slopes 45 to 50 feet southwest of the home slope down to the west-southwest at approximately 15 to 45 degrees. A 4-foot high cut is located 20 to 25 feet southeast of the home with slopes above the cut that slope down to the northwest at approximately 10 to 25 degrees.

Staff: The photos from the Staff site visit on July 11, 2000 are in the case file for HDP 0-4. These photos identify the existing house and the area adjacent to the house where the garage will be located. The development plans show a minimal amount of cut, fill and stockpiling of materials (approximately 30 cubic yards) to accommodate the proposed alterations of the site. The site is relatively steep in the area away from the existing house and proposed garage. The applicant will install a sediment fence for erosion control purposes.

The applicant has taken appropriate steps to comply with the criterion to create the least erosion potential, and to accommodate the volume and velocity of surface run-off.

The application meets the criterion.

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

Applicant: See MCC 11.15.6730(A)(1)(c).

Staff: The applicant states that no vegetation will be removed from the site. A sediment fence will be installed and plantings/mulching will be used as necessary to protect exposed soil during construction.

The application meets the criterion.

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

Staff: The area proposed for the location of the garage is immediately adjacent to the existing house. Currently that portion of the subject property is exposed dirt/ sparsely grass plantings. The applicant does not propose to remove vegetation to accommodate construction of the garage, the retaining wall, or to construct the new foundation for the existing house. The applicant stated in the narrative for SEC 0-10, that arborvitae will

be planted on the property for purposes of screening the existing residence and proposed garage.

The applicant does not propose to remove any existing vegetation. The natural vegetation will be retained, protected, and supplemented. The application meets the criterion.

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

Applicant: See comments under MCC 11.15.6730(A)(1)(c).

Staff: The applicant describes in the narrative and illustrates on the site plan, attached as Exhibit #1, the location and type of the erosion control measures to be installed on the site. Hydromulching and erosion control blankets will be used as necessary. The applicant has stated repeatedly that no trees or other vegetation on the site will be removed. Condition of Approval #1 under Miscellaneous Conditions requires the applicant to reseed and revegetate the subject property within one month of completion of the project.

The application meets the criterion.

- (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;**

Applicant: See MCC 11.15.6730(A)(1)(d).

Staff: The applicant has described the storm water disposal mechanisms for the site under MCC 11.15.6730(A)(1)(d). Soakage trench design details are attached as Exhibit #4 and the location is illustrated on the attached site plans identified as Exhibit #1 and Exhibit #2.

The application meets the criterion

- (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;**

Applicant: See MCC 11.15.6730(A)(1)(d).

Staff: See Staff comments under MCC 11.15.6730(A)(1)(d).

The application meets the criterion.

- (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: The applicant did not specifically address this criterion. As described in MCC 11.15.6730(A)(1)(b) and (c), the applicant will minimize cut areas, install temporary mulching, and revegetate to avoid damaging the cut face of excavations or the surface of fill areas. In addition, arborvitae plantings will be established on the site as described by the applicant throughout the narrative.

The application meets the criterion.

- (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;**

Applicant: See MCC 11.15.6730(A)(1)(d).

Staff: The applicant's geotechnical report states (see the report dated February 7, 2000) that roof and surface drainage will be directed away from the structures and fill areas to the soakage trench. The applicant site plans attached as Exhibit #1 and Exhibit #2 illustrate the location of the soakage trench on the site. Exhibit #4 illustrates the soakage trench design details.

The application meets the criterion.

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

Staff: The applicant does not state that a drainage swale is proposed for the site.

Therefore, the criterion is not applicable to the proposed 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:**

- (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.**

Applicant: Erosion control fences will be installed to prevent erosion damage and to eliminate any polluting discharges. Additionally there is a considerable length of undisturbed property included with this site, through which any run-off will pass prior to entering a public system through overland flow. Sediment will be removed via the surface infiltration of any storm water drainage across the face of the property.

Staff: The applicant is required to install erosion control devices and the site plan, attached to this decision as Exhibit #1, illustrates the location of the sediment fence. Exhibit #5 illustrates the sediment fence details. The applicant does not propose to install debris basins.

The applicant will satisfy the criterion with the proposed system.

- (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;**

Applicant: There will be no stockpiled material because of all the strippings and excavated material will be redistributed on the site to complete the necessary grading.

Staff: The applicant stated in MCC 11.15.6730(A)(2)(i) that 20 to 25 cubic yards of excavated material were located in a stockpile approximately 40 feet north-northeast of the house. Condition of Approval #1 under On-Going Conditions requires the applicant to cover and protect the stockpile in accordance with Best Management Practices. The applicant states that additional excavation will result in 2 to 3 more cubic yards of material. This stockpiled material and the to be excavated material will be placed around the house to elevate the perimeter of the house around the foundation.

The application meets the criterion.

- (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: Based on the applicant's submitted report from H.G. Schlicker and Associates, Inc., no non-erosion pollution will occur on the site. The applicant's geotechnical report states that "several inches of buried roof shingles were encountered at shallow depths (1 to 4 inches) immediately northwest of the existing house."

Staff notes that the applicant shall comply with this criterion and ensure that any 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. Thus, the criterion will be satisfied.

- (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 currently adopted edition of the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)". 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.**

[Added 1991, Ord. 691 § 2]

Staff: The subject property, according to the Sectional Zoning Maps on file at Multnomah County, is not within the Balch Creek Drainage Basin.

The application is not required to meet the criterion and it is hence 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;**
- (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: The applicant has not submitted a narrative response to this criterion.

The applicant is required to comply with the criterion.

(C) Implementation

- (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.

[Amended 1996, Ord. 847 § II]

Staff: The applicant is required to comply with the application materials as submitted under HDP 0-4 unless otherwise modified by the Conditions of Approval established herein this decision document for HDP 0-4.

(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 were included and found to be in compliance for the related case file, SEC 0-10; Staff incorporates those findings by reference here.

Conclusion:

Based on the findings and other information provided above, the applicant has carried the burden necessary for the proposed Hillside Development Permit, **HDP 0-4**. The applicant's request for construction of a garage (20' x 30'), a new foundation for the existing house, and a retaining wall is approved subject to the Conditions of Approval established in this report. In addition, this decision includes retroactive approval for the placement of the 120 cubic yards of graded material used to accommodate the placement of the now existing single-family residence subsequent to the approval for the house under SEC 2-96. The application demonstrates compliance with the applicable Multnomah County Code provisions and the Comprehensive Plan Policies.

NOTICE:

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

The Decision of the Planning Director detailed above will not become final until the 12-day appeal period for filing an appeal has expired. The 12-day appeal period that starts the day after the notice is mailed. If the 12th day falls on a Saturday, Sunday, or a legal holiday, the appeal period extends through the next full business day. Any person who is adversely affected or aggrieved by the decision, or who is entitled to written notice as described above, may appeal this decision. To file an appeal, complete an Appeal of Administrative Decision form and submit it to the Multnomah County Land Use Planning office, together with a \$100.00 fee and supplemental written materials (as needed) stating the specific grounds, approval criteria, or standards on which the appeal is based. If an appeal is filed, a public hearing will be scheduled before a County Hearings Officer pursuant to Multnomah County Code section 11.15.8290 and in compliance with ORS 197.763. To review the application file(s), obtain appeal forms, or other instructions, call Multnomah County Land Use Planning office at (503) 988-3043, or visit our offices at 1600 SE 190th Avenue, Portland, Oregon, 97233 [hours: 8:00 a.m.-4:30 p.m.; M-F].

The appeal period ends Monday, August 28, 2000, at 4:30 PM.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.
