



Department of Environmental Services
Land Use Planning Division
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<http://www.multnomah.lib.or.us/lup/home/welcome.html>

DECISION OF THE PLANNING DIRECTOR

Hillside Development Permit

Case File No.: HDP 0-7

August 14, 2000

Proposal: Grading, fill, removal and replacement of existing driveway and boulder wall to construct a new driveway and entry court for the existing single family dwelling.

Location: 5530 NW Woods Ct.
1S1E07BD -00900.
Tax Acct. R#381100730

Applicant/Owner:	Applicant: Craig Kiest Huntington & Kiest Architects 2892 Northwest Upshur St. Portland, OR 97210	Owner: James Bruce 5330 SW Woods Ct. Portland, OR 97221
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Site Size: .48 acres

Zoning: R-20 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 driveway and rock walls.

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 cuts and fills and disturbed areas 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. A building permit through the City of Portland is required as a condition of approval for this project.
2. Applicant shall submit a revised site plan which:
 - a. On Section B-B, shows the elevation of the road and the horizontal distance from the top of the rockery wall to the edge of the road.
 - b. Indicate the location and extent of sediment fencing needed to control erosion during construction.
3. No land disturbing activities are to be conducted until the erosion control measures are in place.
4. Prior to final building permit approval, the applicant will need to provide evidence that construction of the wall on the easement is allowed under the terms of the easement.
5. Prior to final building permit approval, the applicant will need to obtain any necessary permits from the County right-of-way permitting section prior to construction. The information requested from the County Engineering Design Administrator in his 8/7/00 comments shall be included within the final plans.

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.
3. Consistent with the recommendations in Exhibits A3 and A5, all work must be observed by GeoStandards engineering staff, or by other engineering staff approved by the Director prior to construction. The applicant shall submit a report prepared by the project engineer after completion of the project, which certifies that the engineer has observed construction activities that in his judgement needed observation, and that all observed work was performed as required by him.

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 replace the existing driveway with a new driveway, to remove and replace a rock wall adjacent to the new driveway, and to construct a new rock wall and path to the street. The result will be a nearly perpendicular approach to the garage, a new turn-around area, and entry court.

2. Site and Vicinity Characteristics:

The subject property is on a south sloping hillside above Patton Road, a short distance west of the city limits of Portland. Woods Ct. is a short dead-end street that runs across the slope, and the subject property is below the road. The dwelling-entry area is approximately 10’ below the level of the road.

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 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.

Drawing #L2 identifies existing property lines, roads, driveways, existing structures, trees with 8” or greater caliper, trees proposed to be removed, and areas of development.

Staff: The applicant has submitted a two sheet plan set revised 6/28/00, identified as “L1” and “L2,” that together include the location of proposed development to re-align the driveway. This two sheet plan set is designated as Exhibit A1.

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

Drawing #L2 indicated depths of proposed cuts and fills.

Staff: The cut and fill information is included in the cross-sections on sheet L2 (Exhibit A1). The amount of fill is not quantified in terms of cubic yards of material, however the locations and depths are depicted on the plans.

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

N/A

Staff: The project does not propose drywells, and the property is served by sanitary 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.

See section 11/15/6730(A) and 11/15/6720 (E) below.

6/29/00 Submittal:

The enclosed letter from Geo Standards verifies that their report-“Slope Stability Evaluation” dated May, 2000, #P00-0177, is specific to the development shown and specified on our drawing L-1 and L-2 dated 1/28/00 and 3/24/00, respectively. This is also referred to in our letter dated 5/31/00 in the paragraph Policy 14.

Regarding HDF Form 1, the proposed work is to begin the week of 5 July, 2000 and erosion control measures such as installation of temporary vegetation and/or mulching shall follow within 5 days following any excavation or soil disturbance. Immediately following completion of construction, and within not more than five days, permanent plantings and any other required erosion control or drainage measures will be implemented.

Staff: The applicant has submitted several documents and reports in support of the application. The applicant has submitted a narrative dated 6/31/00 with the original application that addresses the grading and erosion control standards of MCC .6730(A), and Framework Plan policies. This information is included as Exhibit A2. The original application includes in addition to A2, reports from the geotechnical engineer, GeoStandards, including an HDP Form-1 dated 5/23/00, a Drainage Certificate, a report on the Ultrablock retaining wall dated August 1999, and a Slope Stability Evaluation dated May, 2000. These documents are included as Exhibit A3 of this decision. There is also a letter supplement dated 6/29/00, with attached clarification of the plans reviewed from the geotechnical engineer, included as Exhibit A4. In response to a clarification question from staff, the applicant has submitted a report on Rockery Wall Design dated August 2, 2000. This 8/2/00 report is included in the decision as Exhibit A5. Other information and correspondence submitted by the applicant is included as Exhibit A6, and contains a response to questions raised by staff about encroachment onto the sewer easement, location of trees on the site plan (L1), and a proposal to consider the rockery/boulder wall.

Staff notes that the north end of the Ultrablock retaining wall is located on a sewer easement that runs along the east property line. The applicant will need to provide evidence that construction of the wall on the easement is allowed under the terms of the easement. In

addition, the proposed new alignment entails a new access point to the S. W. Woods Ct. right-of-way, and construction of a rockery/boulder wall at the edge of and within the right-of-way. The applicant will need to obtain any necessary permits from the County right-of-way permitting section prior to construction. The review by County Engineering Design Administrator dated 8/7/00 lists additional information that is needed for permitting by right-of-way. In addition, the walls are subject to engineering requirements for obtaining a building permit through the City of Portland.

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 references the proposed site work and wall design report and slope stability report (Exhibit A3). In response to the 7/31/00 incomplete letter from staff, the applicant submitted a letter dated June 29, 2000, which confirms that the evaluation includes development shown on sheets “L-1 and L-2 dated 1/28/00 and 3/24/00 respectively” (Exhibit A4). As noted above, a supplemental report dated August 2, 2000 (Exhibit A5), has been submitted for the rockery/boulder wall shown on cross-sections B-B and C-C. The HDP Form-1 indicates that the site is suitable for the proposed development in the locations shown on the plans as long as the work is done in accordance with the recommendations in the supplementary wall design and slope stability reports (P99-0220 and P00-0177). However, the rockery/boulder wall was apparently not included in the earlier reports, and so no statement of suitability of the site for the proposed wall is included. The applicant will need to obtain a written statement to that effect from the project engineer prior to final approval in order to comply with this section.

(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.**

- (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: The reports in Exhibits A3 and A5 were performed by an engineering firm that performs geotechnical investigations. The decision about what specific investigations are needed for this project is in the purview of the engineer's judgement, as are any recommendations for performance of the work to ensure reasonable safety from earth movement hazards. Consistent with the recommendations in Exhibits A3 and A5, all work must be observed by GeoStandards engineering staff, or by other engineering staff approved by the Planning Director prior to construction. The project engineer will be required to submit a report at completion of the project, that certifies that he has observed construction activities that in his judgement needed observation, and that all observed work was performed as required by him.

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.

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.

Fill materials shall consist of soils excavated or graded on site. No imported soils are proposed. No structures are proposed or planned which require soil support. Compaction of excavated and repositioned soils to meet densities existing prior to excavation or re-grading and/or to specified densities. (See Geo-tech design/construction recommendations.)

Staff: The requirements for installation of fill are found in the reports of the Ultrablock wall (Exhibit A3) and for the rockery wall (Exhibit A5). The General Construction Recommendations for the Ultrablock wall contain subgrade preparation requirements, compaction, and fill material specifications. The specified fill is crushed rock (1.5 inch to $\frac{3}{4}$ - inch minus) rather than on-site soils. 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.

Cut &/or fill slopes greater than 3:1 are certified safe as shown in enclosed submittals. Erosion control measures shall be installed pursuant to current edition of the “Erosion Prevention & Sediment Control Plan Technical Guidance Handbook (1994)” and “The City of Portland Storm water Quality Facilities, A design Guidance Manual (1995)”.

Staff: Exhibits A3 and A5 contain the necessary certifications.

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

No cuts or fills within the proposed development 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;

The existing drainage system is of adequate capacity to bypass through the development the existing upstream flow of 10 year design frequency. No increase in drainage quantity or velocity is proposed.

Staff: The applicant has submitted a Drainage Certificate in Exhibit A3 to address this standard. Additional drainage recommendations are included in Exhibit A5 under 2.0 Rockery Wall Design and Construction.

(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.

No fills proposed shall encroach on any natural water courses or constructed channels.

Staff: The project area is between the road and dwelling, and does not contain any natural or constructed watercourses.

(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.

Plans for the proposed development satisfy the erosion and storm water control requirements of OAR 340. The development site is not adjacent to or within 100 feet of the tip of the bank of a stream; the high water mark of a body of water; or of a wetland. No mitigation plans are required.

Staff: The subject property is within the Tualatin Basin. The Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994) (Handbook) contains measures recommended to meet the water quality requirements for the Basin.

(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.

(b), (c), (d)

Any and all soil disturbance or plant material removal shall be done in such manner as to minimize, to the extent possible and practicable, soil erosion and to stabilize the soil as quickly as practicable; expose the smallest practical area at any one time during construction activities by minimizing cut and fill operations ensuring conformity with existing topography; and by utilizing temporary vegetation or mulch to protect exposed areas during development.

6/29/00 Supplement:

Regarding HDF Form 1, the proposed work is to begin the week of 5 July, 2000 and erosion control measures such as installation of temporary vegetation and/or mulching shall follow within 5 days following any excavation or soil disturbance. Immediately following completion of construction, and within not more than five days, permanent plantings and any other required erosion control or drainage measures will be implemented.

Staff: Based on the current status of the application, the proposed work cannot begin at the time anticipated above. The proposed 5 day lag time between excavation/soil disturbance and temporary erosion control measures of vegetation or mulching is reasonable given dry weather. If the project is under construction during wet weather, protection of disturbed areas should occur without delay.

(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.

Any and all soil disturbance or plant material removal shall be done in such manner as to minimize, to the extent possible and practicable, soil erosion and to stabilize the soil as quickly as practicable; expose the smallest practical area at any one time during construction activities by minimizing cut and fill operations ensuring conformity with existing topography; and by utilizing temporary vegetation or mulch to protect exposed areas during development.

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

Any and all soil disturbance or plant material removal shall be done in such manner as to minimize, to the extent possible and practicable, soil erosion and to stabilize the soil as quickly as practicable; expose the smallest practical area at any one time during construction activities by minimizing cut and fill operations ensuring conformity with existing topography; and by utilizing temporary vegetation or mulch to protect exposed areas during development.

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

To the extent possible, all existing vegetation shall be retained, protected and supplemented.

(i) A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland;

See (2) (a) above.

(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;

See (2) (a) above.

Staff: The project site contains domestic vegetation, and 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.

Permanent plantings and/or adequate structural erosion control devices shall be installed at the earliest possible date.

6/29/00 Submittal:

All land disturbing activities will be complete by October 1, 2000, all permanent vegetation or winter cover crop shall be seeded prior to October 1, 2000, and all soil not covered shall be completely vegetated by December 1, 2000.

(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.

Adequate provisions for reducing runoff and retarding flow velocity of runoff shall be installed as construction, grading, cutting or filling occurs.

6/29/00 Submittal:

Silt fences or other structural methods of retarding runoff, required due to construction activity, will be in place prior to such activities. No runoff will be permitted. All surface drainage will be channeled to existing drains until the disturbed areas are stabilized.

Staff: The Handbook requires sediment fencing to be installed at the toe of disturbed areas for single family home sites with slopes greater than 10%. Drainage on this site is to the

southeast corner of the dwelling, where the slopes toward the south are 20% and greater. A sediment fence should be located on the final plans, and must be installed and maintained according to section 3.3.2 of the Handbook. Drainage on SW Woods Ct. is to the east, and the applicant is required to protect any downstream street stormwater inlet according to 3.3.12 of the Handbook.

(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.

Debris basins or silt traps shall be installed as necessary until disturbed areas are stabilized.

Staff: Sediment fences should be adequate for summer construction period. Additional measures will likely be necessary at the onset of wet weather unless landscaping is installed and the site is stable by that time. Stormwater drain inlet protection as described in 3.3.12 of the Handbook may be required if the project continues into wet weather.

(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.

Stabilization of all cut or fill surfaces shall be accomplished in such manner as to minimize damage by installation of temporary drainage above or across such areas or by mulching or seeding.

6/29/00 Submittal:

The cut face of excavation shall be protected from drainage, which might result from surface water, immediately following such activity.

Staff: If the site work is not completed during dry weather, the cut face of excavations will need to be protected from erosion caused by rainfall or runoff 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.

Drainage of the development area shall be installed to adequately carry existing and potential surface runoff to existing drains or drainways.

The engineer indicates in Exhibit A3 that proposed construction does not increase impervious surface, and that the existing drain will be used if confirmed adequate during construction. Exhibit A5 contains specific recommendations for drainage behind the rockery wall.

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

Drain swales – where necessary – will be vegetated or otherwise adequately protected to minimize erosion potential.

Staff: The plans indicate a drainage swale along the south property line. This area will receive runoff from the majority of the work area during construction, and from immediate uphill slopes after construction. As an initial erosion control measure, the applicant is required to install sediment fencing as indicated in the Handbook section 3.3.2.

(l) Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:

Polluting discharges shall be prevented by the use of;

- (i) Energy absorbing devices*
- (ii) Sediment or debris basins*
- (iii) Dispersal over large undisturbed areas*

- 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.**

Staff: The applicant will need to respond to changes in site and weather conditions with adequate measures to control sediment and erosion.

(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.

Necessary sediment reduction measures shall be taken to protect disposed or stockpiled topsoil.

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.

Prevention of non-erosion associated pollution from leaving construction site shall be required.

(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.

N/A

(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.

It shall be the responsibility of the person, corporation or other entity causing sedimentation to remove it from adjoining surfaces or drain ways prior to issuance of final approval or issuance of occupancy.

(C) Implementation

- (1) The above named owner requests that this development be determined to be of such short duration and the scale of potential problems are as minor as to negate the need for a contractor's performance bond.*
- (2) Upon satisfactory completion of applicable requirements of the Hillside Development Permit the owner shall receive a Certificate of Occupancy or other final approval.*

Comprehensive Framework Plan Policies: 14, and 37.

(2) Policy 14, Developmental Limitations. THE COUNTY'S POLICY IS TO DIRECT DEVELOPMENT AND LAND FORM ALTERATIONS AWAY FROM AREAS WITH DEVELOPMENT LIMITATIONS EXCEPT UPON A SHOWING THAT DESIGN AND CONSTRUCTION TECHNIQUES CAN MITIGATE ANY PUBLIC HARM OR ASSOCIATED PUBLIC COST, AND MITIGATE ANY ADVERSE EFFECTS TO SURROUNDING PERSONS OR PROPERTIES. DEVELOPMENT LIMITATIONS AREAS ARE THOSE WHICH HAVE ANY OF THE FOLLOWING CHARACTERISTICS:

- A. Slopes exceeding 20%;
- B. Severe soil erosion potential;
- C. Land within the 100 year flood plain;
- D. A high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year;
- E. A fragipan less than 30 inches from the surface;
- F. Land subject to slumping, earth slides or movement.

The development site has been inspected by a registered – certified geologist and that report – certifying that this property is suitable for the proposed construction and development is attached with the HD permit application. While the proposed development includes cuts, fills, and retaining walls, boulder placement and planned landscaping will prevent any soil erosion. The envisioned development will not create a greater run-off than presently exists. Where erosion control measures are necessary, the recommendations of the City of Portland Erosion Control Technical Guidance Handbook will be followed per section 3.3, recommended design criteria, thereof.

(3) Policy 37, Utilities: THE COUNTY'S POLICY IS TO REQUIRE A FINDING PRIOR TO APPROVAL OF A LEGISLATIVE OR QUASI-JUDICIAL ACTION THAT:

Water and Disposal System

- A. THE PROPOSED USE CAN BE CONNECTED TO A PUBLIC SEWER AND WATER SYSTEM, BOTH OF WHICH HAVE ADEQUATE CAPACITY; OR
- B. THE PROPOSED USE CAN BE CONNECTED TO A PUBLIC WATER SYSTEM, AND THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) WILL APPROVE A SUBSURFACE SEWAGE DISPOSAL SYSTEM ON THE SITE; OR
- C. THERE IS AN ADEQUATE PRIVATE WATER SYSTEM, AND THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) WILL APPROVE A SUBSURFACE SEWAGE DISPOSAL SYSTEM; OR
- D. THERE IS AN ADEQUATE PRIVATE WATER SYSTEM, AND A PUBLIC SEWER WITH ADEQUATE CAPACITY.

No changes to existing utilities are required for the proposed development. The existing water and sewage systems are adequate to support this development.

Drainage

- E. THERE IS ADEQUATE CAPACITY IN THE STORM WATER SYSTEM TO HANDLE THE RUN-OFF; OR
- F. THE WATER RUN-OFF CAN BE HANDLED ON THE SITE OR ADEQUATE PROVISIONS CAN BE MADE; AND
- G. THE RUN-OFF FROM THE SITE WILL NOT ADVERSELY AFFECT THE WATER QUALITY IN ADJACENT STREAMS, PONDS, LAKES OR ALTER THE DRAINAGE ON ADJOINING LANDS.

The existing storm water system is adequate to handle run-off as the proposed development will not increase either the quantity or velocity of the run-off and therefore downstream water quality will not be adversely impacted.

Energy and Communications

- H. THERE IS AN ADEQUATE ENERGY SUPPLY TO HANDLE THE NEEDS OF THE PROPOSAL AND THE DEVELOPMENT LEVEL PROJECTED BY THE PLAN; AND
- I. COMMUNICATIONS FACILITIES ARE AVAILABLE.

FURTHERMORE, THE COUNTY'S POLICY IS TO CONTINUE COOPERATION WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY, FOR THE DEVELOPMENT AND IMPLEMENTATION OF A GROUNDWATER QUALITY PLAN TO MEET THE NEEDS OF THE COUNTY.

The existing energy supply is adequate and sufficient to handle the needs of the proposed development.

Any construction not foreseen or that might occur during project development which may impact ground water quality will be immediately reviewed with the county in order that

the ground water quality plan for the county meets the policy of cooperation with the DEQ in this regard.

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.

Exhibits:

- A1. Two sheet plan set revised 6/28/00, identified as “L1” and “L2.”
- A2. Narrative dated 6/31/00 that addresses the grading and erosion control standards of MCC .6730(A), and Framework Plan policies.
- A3. Reports from the geotechnical engineer, GeoStandards, including an HDP Form-1 dated 5/23/00, a Drainage Certificate, a report on the Ultrablock retaining wall dated August 1999, and a Slope Stability Evaluation dated May, 2000. These documents are included as Exhibit A3 of this decision.
- A4. Letter supplement dated 6/29/00, with attached clarification of the plans reviewed from the geotechnical engineer, included as Exhibit A4.
- A5. Report on Rockery Wall Design dated August 2, 2000. This 8/2/00 report is included in the decision as Exhibit A5.

By: _____
Chuck Beasley, Planner
For Kathy Busse, Planning Director
Multnomah County Department of Environmental Services
Land Use Planning Division

Date _____

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 starts the day after this 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 Division 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 Friday, August 25, 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.