MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
(503) 248-3043 FAX: (503) 248 -3389

DECISION OF THE PLANNING DIRECTOR

Hillside Development Permit
Case File No.: HDP 0-9
August 25, 2000

Proposal:	Application for approval of approximately 200 cubic yards of grading, associated with the installation of a new parking area and landscape island.
Location:	10600 SW Moapa Avenue TL 4500, Sec. 27, T1S, R1E, W.M. Tax Account #R709301260
Applicant/Owner:	Barbara Beale 10600 SW Moapa Avenue Portland, Oregon 97219-7814
Site Size:	2.71 acres
Zoning:	Single Family Residential (R-20) Hillside Development And Erosion Control (HDP)
Approval Criteria:	Multnomah County Code (MCC): MCC 11.15.6700, Hillside Development and Erosion Control
Decision:	**Approve approximately 200 cubic yards of grading, necessary to install a new parking area and landscape island. Such approval is based on findings and conclusions contained in the enclosed staff report.**

Conditions of Approval

1. This approval is based on the submitted written narrative(s) and plan(s). No excavation or fill shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.

2. The property owner(s) shall maintain best erosion control practices through all phases of development. Erosion control measures are to include placement of sediment fences/barriers at the toe of disturbed areas and post construction re-establishment of ground cover. Straw mulch, erosion blankets, or 6-mil plastic sheeting shall be used as a wet weather measure to provide erosion protection for exposed soils. If spoil or fill materials are to be stockpiled on the property, they are to

be located within the confines of the sediment fences/barriers and are to be covered with plastic or mulch when not in use. **The property owner(s) shall verify that all erosion control measures are properly installed and in working order prior to initiating grading activities.**

3. The property owner is to adhere to all grading and construction recommendations contained in the narrative prepared by Miriam Liberatore, P.E., with Terra Firma Geotechnical, dated June 18, 2000, along with associated site plans, and section and detail drawings for each work area. Structural specifications for the retaining walls and designs for the drainage system may be altered, when necessary to satisfy requirements for a City of Portland Building permit.

4. All disturbed areas are to be seeded or planted within thirty (30) days of the date grading activities are concluded.

5. Fill materials shall be clean and non-toxic. This permit does not authorize dumping or disposal of hazardous or toxic materials, synthetics (i.e. tires), petroleum based materials, or other solid wastes which may cause adverse leachates or other off-site water quality effects.

6. On-site disposal of construction debris is not authorized under this permit. Spoil materials removed off-site shall be taken to a location approved for the disposal of such material by applicable Federal, State and local authorities.

7. The property owner(s) are responsible for removing any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems. If any features within adjacent public rights-of-way are disturbed, the property owner(s) shall be responsible for returning such features to their original condition or a condition of equal quality.

8. The County may supplement described erosion control techniques if turbidity or other down slope erosion impacts result from on-site grading work. The Portland Building Bureau (Special Inspections Section), the West Multnomah County Soil and Water Conservation District, or the U.S. Soil Conservation Service can also advise or recommend measures to respond to unanticipated erosion effects.

9. **Once this decision becomes final, applications for building permits may be made with the City of Portland. When ready to have building permits signed off, call the Staff Planner, Derrick I. Tokos, AICP, at (503)-988-3043, for an appointment for review and approval of the conditions and to sign the building permit plans. Multnomah County must review and sign off building permit applications before they are submitted to the City of Portland. Five (5) sets each of the site plan and building plan are needed for building permit sign-off.**

10. Grading and erosion control activities described and approved under this permit shall be completed within two (2) years from the date of this approval.

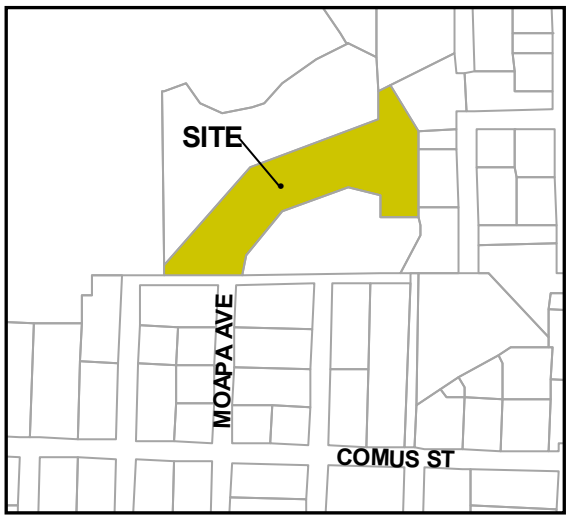
Findings of Fact

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

1. Project Description:

(Italicized text from June 18, 2000 letter prepared by Miriam G. Liberatore, P.E., with Terra Firma Geotechnical)

VICINITY MAP
SCALE: 1" = 500'
N↑



The site topography and property boundaries are shown on Plate 1 (Exhibit 1). *The proposed modifications are shown on Plate 2* (Exhibit 2). *A new parking area would be created on the east side of the driveway by cutting into the slope. The cut will be retained with a low retaining wall constructed of Keystone® -type blocks. The walls will be founded on a crushed rock base. The slope behind the cut slope wall will be the native slope. The existing slope angle is generally 2H:1V or flatter except at the north end of the wall, where it is locally between 2H:1V and 1-1/2H:1V. The maximum wall height will be 4.7 feet where the ground surface behind the wall is sloped 2H:1V or flatter. The maximum height with a level surface is eight feet. Two low walls will be used where the cut height would exceed 4.7 feet. Figures 2 and 3* (Exhibits 3 and 4) *and Plate 2 show the proposed cut slope wall installations.*

In addition to the cut on the east side of the driveway, fill will be placed in the center of the existing driveway loop to create a level island. The maximum fill depth will be four feet. The fill will be supported using Keystone® walls or equivalent. The fill will be clean, native excavation spoils of a moisture content deemed by the geotechnical engineer of record to be suitable for placement and compaction, or it will be imported granular fill. All the details of the walls, fill, drainage systems, and grading were designed by others and reviewed for this application by Terra Firma Geotechnical.

The volume of disturbed earth from the cut and fill areas for this project exceeds 50 cubic yards. The new parking area will increase the impermeable surface area on the site by about 1,000 square feet.

2. Site and Vicinity Characteristics:

Staff: The subject property is approximately 2.71 acres in size, and is located southeast of Lewis and Clark College at the north end of SW Moapa Avenue. The lot is irregular in shape, curving southwest to northeast. Topography is moderate to steep, with the elevation droping to the north to a drainageway that discharges east, toward the Willamette River. Existing development includes a residence in the northeast portion of the lot, and a narrow, paved private driveway. Outside of the developed areas, the property is heavily forested.

The property is on the east face of a ridge running parallel to and west of the Willamette River. It lies within a pocket of unincorporated land that exists inside the Urban Growth Boundary. Multnomah County zoning is Single Family Residential (R-20), a designation that provides for residential development at urban densities. Most properties in close proximity to the subject site, with the exception of the college, are residentially developed, forested and landscaped. The vicinity map above illustrates the location of the applicant's parcel.

3. Hillside Development Permit Required

Per MCC 11.15.6710(A) Hillside Development Permit: All persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit as prescribed by this subdistrict, unless specifically exempted by MCC .6715.

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

4. Compliance With MCC 11.15.6720, Application Information Required:

Per MCC 11.15.6720, An application for development subject to the requirements of this subdistrict shall include the following:

(A) A map showing the property line locations, roads and driveways, existing structures, trees with 8-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal.

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

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

(D) Narrative, map or plan information necessary to demonstrate compliance with MCC .6730(A). The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.

(E) A Hillside Development permit may be approved by the Director only after the applicant provides:

* * *

(3) An HDP Form–1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with his/her stamp and signature affixed indicating that the site is suitable for the proposed development.

* * *

(G) Development plans shall be subject to and consistent with the Design Standards For Grading and Erosion Control in MCC .6730(A) through (D). Conditions of approval may be imposed to assure the design meets those standards.

Staff: The applicant has provided all information required pursuant to MCC 11.15.6720. Therefore, the Planning Director may take action on the request. Copies of all submitted materials are available as part of the permanent case file (HDP 0-9).

5. Compliance With MCC 11.15.6730, Grading and Erosion Control Standards:
(Italicized text from June 18, 2000 letter prepared by Miriam G. Liberatore, P.E., with Terra Firma Geotechnical)

A. **MCC .6730(A)(1)(a), Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The Director or delegate may require additional studies or information or work regarding fill materials and compaction.**

Structural fill is proposed for this project in the center of the existing driveway loop. The fill will be used to create a level landscaped area in the center of the driveway loop. Other filling activities will be limited to backfilling immediately behind a wall retaining a cut on the east side of the driveway loop. The cut is discussed separately in a following section.

Fill volume and extent. The total volume of the structural fill is estimated between 50 and 100 cubic yards. The fill will be placed over an area totaling about 1,000 square feet. The entire fill area is within the boundaries of the existing driveway.

Fill construction methods and materials. The fill will be constructed of clean fine-grained or imported material at a moisture content deemed appropriate by the geotechnical engineer of record. The fill will be placed in horizontal layers up to eight inches thick. Each layer will be compacted to a firm, unyielding state using a roller or vibratory plate tamper, or comparable, suitable equipment.

The excavation spoils from the cut on the east side of the driveway might be suitable for use in the new fill if the moisture content is appropriate. The geotechnical engineer of record can assess the suitability of the fine-grained soil at the owner's or the contractor's option when the cut has been exposed. If granular fill is used, the uppermost 12 to 24 inches of fill can consist of topsoil for planting purposes. In this case, a geotextile fabric suitable for drainage and filtration purposes will be included to separate the topsoil from the granular fill.

Fill density and control. The limited size and purpose of the fill lends it well to methods-and-materials density control rather than specifying the target density as a percentage of the laboratory maximum. In the methods-and-materials system of density control, the initial compaction activities are observed by a geotechnical professional and a protocol for the type of compaction equipment and number of passes is established that produces an appropriate level of compaction.

B. **MCC .6730(A)(1)(b), Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified.**

Unsupported cut or fill slopes are not proposed. The gradient of the existing slope on the east side of the driveway varies from flatter than 2H: 1V to about 1-1/2H: 1V. Engineering analyses are provided with this document demonstrating the stability of the existing slope angles.

Excavation spoils not used in the center island fill will require hauling from the site. The owner and contractor should anticipate, as a worst-case scenario, removing the native excavation spoils from the site and importing granular fill, and allow for such activities in the project schedule and budget. The anticipated in-situ volume of the excavation spoils is estimated between 50 and 75 cubic yards.

Staff: This criterion has been addressed. Geotechnical analysis submitted by Terra Firma Geotechnical, indicates that existing slopes are safe at a 2H:1V angle at a heights up to 8 feet (Exhibit 5). Slopes steeper than 3:1 will be created where retaining walls are to be

constructed. Such walls are to be built upslope and adjacent to the new parking area and along the downhill side of the landscape island. The geotechnical reconnaissance conducted by Miriam Liberatore, P.E., with Terra Firma Geotechnical, dated June 18, 2000, indicates that slopes supported by the retaining walls will be safe (Exhibit 6). Terra Firma's analysis considers a Keystone® design for walls in the parking area (Exhibit 7). As illustrated on the enclosed section drawings, individual walls using the Keystone® design, are not to exceed 4'-7" in height (Exhibit 2). Where the walls are terraced, they are not to exceed 5' in height (Exhibit 3). Terra Firma also included a design for the wall that is to be constructed for the landscaped island (Exhibit 8). Such wall should not exceed 3'-6" in height.

Erosion control measures are specified in the narrative contained herein. Required measures are listed as a condition of approval.

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

The cut on the east side of the driveway loop will be retained with a Keystone® -type retaining wall.

Terra Firma reviewed the proposed wall designs and performed the engineering analyses for the existing slopes. The safety factor for the slopes exceeds 1.5. The safety factors provided by Keystone® exceed recommended values between 1.5 and 2.0. Based on these findings, the proposed cuts and fills are not expected to have an adverse impact on the adjoining properties.

Staff: The geotechnical reconnaissance conducted by Miriam Liberatore, P.E., with Terra Firma Geotechnical, dated June 18, 2000, indicates that proposed earthwork and structural improvements (e.g. the retaining walls), will not create potential stability problems for the subject and/or adjacent properties (ref: Items 5 and 6 of the reconnaissance report).

D. **MCC .6730(A)(1)(d), The proposed drainage system shall have adequate capacity to bypass through the development the existing upstream flow from a storm of 10-year design frequency;**

No waterways, streams, natural drainage channels, or culverts are present on the site within the boundaries of the subject property. A natural drainage exists at the base of the slope on the adjacent property to the west. The potential effect of increased storm runoff is discussed below.

Estimated increase in runoff. The volume of storm drainage from the driveway can be expected to increase because constructing the new parking area will convert approximately 1,000 square feet of vegetated surface to paved surface. Terra Firma evaluated the anticipated change in runoff as part of this permit preparation. The increase in the total runoff from the driveway and parking area is expected to be 5 percent above the runoff from the same area in its present condition. The attached graph shows the existing and future runoff rates from the parking area and the total driveway and parking areas, over the design storm period.

Storm drainage disposal. Storm drainage from the house is managed by dissipating the drainage onto the well-vegetated slope on the west side of the driveway. The increase in storm drainage on this portion of the slope due to recent remodeling of the residence was

significantly higher than the proposed 5 percent increase for the driveway. Observations over the past two winters show no evidence of adverse effects on the slope, and no increase in erosion in the stream channel characteristics compared with the channel upstream of the property. The existing driveway runoff is currently discharged directly onto the slope in a concentrated stream through a gap in the outer curb. The new driveway will collect runoff and discharge it through a dissipater, similar to that used for the residence, onto the west slope south of the existing discharge device. The two systems will not discharge onto the same segment of the slope.

It is anticipated that the new system for the driveway will perform at least as well as the current method of discharging the driveway runoff, and probably better because the runoff will be discharged in a diffused manner rather than concentrated as it currently is. The performance of the discharge system for the house over the past two winters supports this expectation.

Staff: Run-off attributed to the project is to be collected in a stormwater diffusion system, to be constructed downslope of the driveway as illustrated on the project plan (Exhibit 2). Specifications for the installation of the system have been prepared by Terra Firma Geotechnical (Exhibit 9). Provided the system is constructed in accordance with their specifications, Terra Firma has certified that the system is adequate to bypass through the development, run-off for a storm of 10 year design frequency (Exhibit 10). Such certification and supporting materials are sufficient to establish compliance with this criterion.

Since the diffusion system is to be constructed on moderate to steeply sloped ground, Ms. Liberatore examined whether or not discharge from the system would adversely impact slope stability. Her analysis, summarized in a letter dated August 9, 2000 (Exhibit 11), indicates that slope stability will not be compromised by the diffusion system.

E. **MCC .6730(A)(1)(e), Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced streamflow for a storm of 10-year design frequency.**

No watercourses or constructed channels are on the site, therefore this item does not apply.

F. **MCC .6730(A)(2)(a), On sites within the Tualatin River Drainage Basin, erosion and stormwater control plans shall satisfy the requirements of OAR 340. Erosion and stormwater control plans shall be designed to perform as prescribed by the "*Erosion Control Plans Technical Guidance Handbook*" and the "*Surface Water Quality Facilities Technical Guidance Handbook*". Land-disturbing activities within the Tualatin Basin shall provide a 100-foot undisturbed buffer from the top of the bank of a stream, or the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland; unless a mitigation plan consistent with OAR 340 is approved for alterations within the buffer area.**

This site is not within the Tualatin River Drainage Basin, therefore, this article does not apply to this project.

G. **MCC .6730(A)(2)(b), Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as**

practicable, and expose the smallest practical area at any one time during construction.

The proposed project will remove the existing vegetation from the center island in the driveway loop and replace it with new landscaping. The affected area is estimated at about 1,000 square feet. Otherwise, the project will not strip presently vegetated areas.

The area to be stripped is completely contained within the existing paved driveway loop. Minimal erosion control, e. g., a silt fence on the downslope side of a work area, will be sufficient to control potential sedimentation from the work area toward the drainage channel on the west. There is no opportunity for sediment to be transported from this property onto public rights of way.

Staff: Both the new parking area and landscape island are clearly identified on the applicant's site plans. Very little vegetation exists within the work areas (ref: photographs in case file). Soil erosion should be minimal, provided erosion control measures are installed before grading begins and are maintained in working condition until work is finished. Re-seeding of graded areas once work is complete will help to quickly stabilize disturbed soils.

H. **MCC .6730(A)(2)(c), Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff.**

The proposed earthwork is minor. Changes to the topography are mild. The cut and fill heights will be less than five feet and will be structurally supported. Vegetation is expected to establish easily in the center island. No other areas of exposed soil will be produced.

Staff: Site plans, section drawings, and drainage analysis prepared by Terra Firma Geotechnical, as discussed herein, establish that surface run-off attributed to the project will be adequately handled on-site, and that grading necessary to complete the project will not pose a significant erosion risk.

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

Short term erosion control. The construction plans call for a crushed rock base beneath the retaining walls. Placed promptly after excavation, that base course will serve to protect the subgrades from erosion as well. Long term erosion control. The center island will be the only location of exposed soil where long term erosion control could be an issue. Plans call for landscaping the center island. It is anticipated that mulching and planting will promptly cover all exposed soil in the island. If temporary erosion control is required due to delays in the landscape plantings, the exposed soil can be protected with a thick layer of shredded bark, wood fibers, straw, or almost any similar mulch.

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

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

(i) A 100-foot undisturbed buffer of natural vegetation shall be retained from the

top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland;

(ii) The buffer required in (i) may only be disturbed upon the approval of a mitigation plan which utilizes erosion and stormwater control features designed to perform as effectively as those prescribed in the "*Erosion Control Plans Technical Guidance Handbook*" and the "*Surface Water Quality Facilities Technical Guidance Handbook*" and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340;

The proposed project is expected to remove existing vegetation only in the approximately 700 square feet of the center island. This area is scheduled to be promptly revegetated with permanent plantings. No streams, wetlands, or other water bodies exist on the site, therefore the regulations addressing buffers do not apply.

Staff: As evidenced on the topographic map (Exhibit 1), the boundaries of the work area do not encroach within 100 feet of a stream tributary or wetland. Photographs included in the case file illustrate that very little vegetation exists within areas that are to be graded.

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

Permanent plantings are proposed in the new center island. No permanent structural erosion control measures are required on this site. The permanent drainage measures include the gutters, subdrains, and dissipation device that will be constructed simultaneously and immediately in the course of the project.

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

L. **MCC .6730(A)(2)(g), Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary.**

Developing the new parking area is expected to increase the runoff from the driveway and parking area in a 25-year, 24-hour storm event by about 5 percent. Runoff was previously addressed in Item A. 1. (d).

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

M. **MCC .6730(A)(2)(h), Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized.**

Sediment in runoff water during construction will be controlled during construction by the use of approved temporary erosion control measures. It is anticipated that a silt fence on the west side of the driveway will provide adequate protection since the work is entirely within the boundaries of the existing driveway, the work areas are limited in size, and the duration of work is expected to be short. Additional filtering techniques would be included if observations during construction indicate that additional measures are warranted. The finished project will not leave areas of soil exposed to the elements. Permanent erosion control, other than finish landscaping as addressed in Items (d) and (f) above, is not expected to be necessary.

Staff: Installation of a sediment fence/barrier, where proposed, should adequately collect sediment from storm run-off, provided it is installed before work is commenced and is properly maintained.

N. **MCC .6730(A)(2)(i), Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding.**

No exposed cut or fill surfaces are proposed, therefore, this item does not apply.

Staff: Temporary cut slopes and finished grades above parking area retaining walls will be steep, therefore, the use of protective cover to prevent surface run-off from damaging exposed surfaces appears to be warranted. Appropriate protective cover includes straw mulch, erosion blankets, or other materials designed to prevent erosion until newly graded slopes are stabilized with permanent vegetation.

O. **MCC .6730(A)(2)(j), All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system.**

The drainage provisions include subdrains for the new retaining walls and gutters for collecting surface runoff on the driveway surface. The drains will be routed to a common collector and discharged onto the vegetated slope below the driveway using a dissipation structure similar in construction to that used for the residence. A typical sketch of the dissipation structure is attached to this application (Figure 6).

Staff: As previously discussed, information provided by Terra Firma Geotechnical establishes that proposed drainage improvements should adequately handle anticipated storm run-off.

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

Drainage swales are not proposed in this project.

Q. **MCC .6730(A)(2)(l), Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:**

(i) Energy absorbing devices to reduce runoff water velocity;

(ii) Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;

(iii) Dispersal of water runoff from developed areas over large undisturbed areas.

Erosion and sediment control devices will be used as previously described on an as-needed basis to prevent polluting discharges from occurring. The devices that will most likely be used at this site include silt fencing, crushed rock over soil subgrades, and

dispersal of water runoff from work areas and slope faces during construction activities. The contractor's regular visual monitoring of the effectiveness of erosion and sediment control devices will be an integral part of the erosion and sediment control activities. Corrections, adjustments, and maintenance are a normal part of any erosion control program and will be performed on this job as needed according to the observed performance of the devices.

Staff: Installation of sediment fences at the toe of disturbed areas, by itself, should be sufficient to contain soil erosion. However, implementation of additional measures such as the use of straw mulch or plastic to protect exposed soils in wet weather, and post construction re-establishment of ground cover will help to ensure that pollution discharges do not occur.

R. **MCC .6730(A)(2)(m), Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures.**

Because of the limited space on this site it is anticipated that stockpiles of any materials will not be used. Excavation spoils will be hauled from the site or placed in the new fill as they are excavated.

Staff: If temporary stockpiles are needed, such stockpiles must be covered with mulch or plastic and need to located upslope of sediment fences/barriers, to ensure compliance with this criterion.

S. **MCC .6730(A)(2)(n), Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.**

The use of pesticides is not a part of this project. Fertilizers may be used in accordance with their label directions during the landscaping phase of the project. Paving materials will be applied in the new parking area. Excess pavement material, if any, will be hauled from the site. Refueling gas or diesel powered equipment from approved containers could occur. Bulk fuel is not stored on the site. Solid wastes are expected to be limited to inert materials such as extra block, scrap pipe, and other materials typical of wall construction and will be removed from the site on completion of the project. Construction chemicals are not generally associated with constructing the proposed type of retaining walls.

T. **MCC .6730(A)(2)(o), On sites within the Balch Creek Drainage Basin, erosion and stormwater control features shall be designed to perform as effectively as those prescribed in the *Erosion Control Plans Technical Guidance Handbook* (January, 1991). All land disturbing activities within the basin shall be confined to the period between May first and October first of any year. All permanent vegetation or a winter cover crop shall be seeded or planted by October first the same year the development was begun; all soil not covered by buildings or other impervious surfaces must be completely vegetated by December first the same year the development was begun.**

This site is not within the Balch Creek Drainage Basin, therefore, this article does not apply to this project.

U. **MCC .6730(B)(1), Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project.**

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

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

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

6. Compliance With Applicable Comprehensive Plan Policies:

A. **Policy 13: Air, Water And Noise Quality**

It is the county's policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to air quality, water quality, and noise levels.

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

B. **Policy 14: Developmental Limitations**

The County's policy is to direct development and land form alterations away from areas with development limitations except upon a showing that design and construction techniques can mitigate any public harm or associated public cost, and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics:

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

Staff: Hillside Development Permit approval criteria are designed to address on-site development limitations. As described in the staff findings the applicant has demonstrated compliance with the applicable standards of this Policy.

C. **Policy 37: Utilities**

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

- **The proposed use can be connected to a public sewer and water system, both of which have adequate capacity; or**
- **The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or**
- **There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or**
- **There is an adequate private water system, and a public sewer with adequate capacity.**
- **There is adequate capacity in the storm water system to handle the run-off; or**
- **The water run-off can be handled on the site or adequate provisions can be made; and**
- **The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.**
- **There is an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and**
- **Communications facilities are available.**

Furthermore, the County's policy is to continue cooperation with DEQ, for the development and implementation of a groundwater quality plan to meet the needs of the county.

Staff: This project is not a development requiring water, sewer, or communication services. Stormwater and water quality issues relative to this application have been addressed under Finding #5.

D. **Policy 38: Facilities**

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

- **The appropriate school district has had an opportunity to review and comment on the proposal.**
- **There is adequate water pressure and flow for fire fighting purposes; and**
- **The appropriate fire district has had an opportunity to review and comment on the proposal.**

- **The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.**

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

Conclusion

Considering the findings and other information provided herein, this application for approximately 200 cubic yards of grading, necessary to install a new parking area and landscape island, as conditioned, satisfies applicable Comprehensive Framework Plan policies and Multnomah County Zoning Ordinance requirements.

Exhibits

All materials submitted by the applicant, prepared by county staff, or provided by public agencies or members of the general public relating to this request are hereby adopted as exhibits hereto and may be found as part of the permanent record for this application. Exhibits referenced herein are enclosed, and brief description of each is listed below:

Label	Pages	Description
1	1	Topographic Map Showing Identifying The Boundary Work Area (Partial Copy)
2	1	Project Plan For Both Work Areas (Partial Copy)
3	1	Detail Drawing For Single Section Keystone® Retaining Wall
4	1	Detail Drawing For Tiered Keystone® Retaining Walls
5	1	Slope Computations Prepared By Miriam Libertore, P.E., Terra Firma Geotechnical
6	4	Geotechnical Reconnaissance (HDP Form 1), Completed By Miriam Libertore, P.E., Terra Firma Geotechnical, Dated June 18, 2000
7	5	Keystone® Retaining Wall Specifications
8	1	Detail Drawing Of The Retaining Wall Adjacent To The Landscape Island
9	2	Run-Off Chart And Specification For A Stormwater Diffusion System
10	1	Drainage Certificate Completed By Miriam Libertore, P.E., Terra Firma Geotechnical, Dated May 11, 2000
11	1	August 9, 2000 Letter From Miriam Libertore, P.E., Discussing Slope Stability Where The Stormwater Diffusion System Is To Discharge (See Case File For Supporting Documentation)

In the matter of: HDP 0-9

Multnomah County Department of Environmental Services
Transportation and Land Use Planning Division

By: _____
Derrick I. Tokos, AICP – Planner

For: Kathy Busse – Planning Director

This decision filed with the Director of the Department of Environmental Services on Friday, August 25, 2000

Appeal 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 Wednesday, September 6, 2000 at 4:30 p.m.

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.