



DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND USE PLANNING DIVISION
1600 SE 190TH AVE.
PORTLAND, OREGON 97233
(503) 248-3043 FAX: (503) 248-3389

DECISION OF THE PLANNING DIRECTOR

Hillside Development Permit

Case File: HDP 10-99

Date Decision Issued: July 12, 1999

Proposal: Construction of a replacement dwelling, including access road extension.

Location: 38266 E. Knieriem Rd.
TL 71 of Section 36, T1N, R4E.
Tax Acct #R94436-0710

**Applicant/
Owner:** Reed Mueller
38266 E. Knieriem Rd.
Corbett, OR 97019

Zoning: Commercial Forest Use (CFU-4)

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

Decision: Approve, subject to the conditions below, the site work proposed for the replacement dwelling, based on the following findings and conclusions and subject to the conditions below.

Conditions of Approval

1. This approval is based on the submitted written narrative(s), and erosion control plan with required amendments. 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 to comply with these documents and the limitations of approval described herein.
2. The property owner shall maintain best erosion control practices through all phases of development. Erosion control measures are to be located as illustrated on the erosion control plan, and are to include the installation of sediment fences/barriers at the toe of disturbed areas and post construction re-establishment of ground cover. Straw mulch or 6-mil plastic sheeting

shall be used as a wet weather measure to provide erosion protection for exposed soils. Replanting of exposed areas shall be accomplished within thirty (30) days of project completion or sooner as required by this permit. **The property owner is to contact our office once erosion control measures have been installed.** Prior to beginning land disturbing activities on the site, the owner must submit photographs which show that construction limits have been marked in the field, and that sediment fences have been installed. **No land disturbing activities are to be conducted until the erosion control measures are in place.**

3. The Exhibit 1A does not clearly show the distances to the water streams in the vicinity of the development area, nor does it show the areas in the development area which are forested. Exhibit E does contain a map which indicates the two streams, but it does not indicate scale and is a fax copy which is difficult to read. Prior to zoning approval of the building permit, the applicant should submit a supplementary or revised site plan which includes these features.
4. The grades adjacent to the dwelling on the building plans dated "7 JAN 99" are not labeled as either "finish" or "existing" grades, and do not appear to be consistent with the proposed finish grades and cut areas in Exhibits 1A and 1B. Prior to zoning approval, the building plan elevations should be amended to indicate actual existing and finish grades consistent with these exhibits.
5. Prior to zoning approval of the building permit, the compaction density of a minimum 95% for the driveway and parking apron fills shall be indicated on the plans.
6. Prior to zoning approval of the building permit, the plans shall be amended to show the location of the "slope face" feature subject to the 15' minimum setback recommended by the geotechnical engineer.
7. Prior to zoning approval of the building permit, the final plans must be amended to include a plan detail or sheet, stamped by the engineer, that describes the location and design of the foundation drain disposal system.
8. Prior to zoning approval of the building permit, areas which must be disturbed by removal of vegetation should be indicated on the site plan. These areas must be flagged in the field prior to beginning site disturbing activities on the property.
9. Mulching of exposed areas on this site will be necessary for areas which have not established a thick stand of grass by November 1. Seeding and mulching shall occur by September 1 as recommended in section 3.3.6 of the "Handbook."
10. The standard measures used for erosion control are in the 1994 edition of the "*Erosion Prevention & Sediment Control Plans Technical Guidance Handbook*" (1994), and the "Standard Notes for Erosion Control Plans" shall be included on the site plan prior to zoning approval of the building permit.
11. 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.
12. The property owner is responsible for removing any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems. If any features within

adjacent public right-of-way are disturbed, the property owner shall be responsible for returning such features to their original condition or a condition of equal quality.

13. 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.
14. 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 East 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.

Note: No additional land use action and/or permit requests relating to this application shall be accepted until such time as all required fees for processing this decision have been paid in full.

The Planning Director's policy is for the case planner to provide zoning approval of the final Building Plans on an appointment basis. Please contact Chuck Beasley at 248-3043 to set a time for Building Permit sign-off.

STAFF REPORT FORMAT

This staff report addresses one requested action, approval of a Hillside Development (HDP) permit. The Applicant's response to an approval criterion is indicated by the notation "Applicant." Planning staff comments and analysis follow the applicant's responses to the criterion. Additional planning staff comments are added where supplemental information is needed or where staff may not concur with the applicant's statements. If no staff remarks are indicated, staff concurs with the applicant. Findings are included by staff as necessary to address ordinance requirements.

Findings of Fact

1. Project Background and Description:

The applicant is proposing to replace the existing manufactured dwelling with a site built home at a location approximately 50' northeast of the existing dwelling site. The new dwelling will be set into the southeast facing hillside, with the garage and parking apron at the lower ground level at the southeast side of the dwelling. With the exception of the parking apron and access road extension, existing grades are to remain. The parking apron and road require 100 cubic yards of fill according to the applicant.

The applicant has retained an engineer for geotechnical services, and has provided a narrative description of how the proposed development meets the Hillside Development and Grading standards of the ordinance. Additional information submitted by the applicant includes site plans, building plans, and the other exhibits listed at the end of this decision. The last supplement received is the letter from LaVielle Geotechnical on June 17, 1999.

2. Site and Vicinity Characteristics:

The subject property is over 50 acres in size, and is on a hillside that slopes to the southeast at grades up to 30%. The parcel is forested and is bisected by a significant stream (Knieriem Creek) and a tributary thereof. The property is developed with an access road, manufactured dwelling, and barn. The barn and portions of the access road are within the 300' Stream Conservation Area associated with Knieriem Creek, and the existing and proposed dwellings and road improvement areas are outside the Conservation Area. A tributary of Knieriem Creek flows to the south approximately 200' from the proposed development area according to the applicant. The average slope of the property in the development area is 25% according to the applicant.

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 development area of subject property is not identified as being within a hazard area on the "Slope Hazard Maps," however the average slope of 25% as indicated by the Geotechnical Engineer in Exhibit 1E., coupled with the proposed fill volume of 100 cubic yards, makes the proposed development subject to the HDP permit requirements.

4. Compliance With MCC 11.15.6720, (Hillside Development Permit) 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.**

Applicant: Exhibit A provides this information.

Staff: Exhibit 1A does not clearly show the distances to the water streams in the vicinity of the development area, nor does it show the areas in the development area which are forested. Exhibit E does contain a map which indicates the two streams, but it does not indicate scale and is a fax copy which is difficult to read. The applicant should submit a supplementary or revised site plan which includes these features.

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

Applicant: Exhibits A, B, and E are applicable here. Exhibit A provides a topographical overview of cut and fill areas (via dashed 'new' contour lines) while Exhibit B provides a cross-cut view of the plot plan with appropriate cut (max depth 8') and fill areas noted. Furthermore, Exhibit E is consistent with Exhibit in that it indicates that cuts are to be 8' in depth.

Staff: The grades adjacent to the dwelling on the building plans dated “7 JAN 99” are not labeled as either “finish” or “existing” grades, and do not appear to be consistent with the proposed finish grades and cut areas in Exhibits 1A and 1B.

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

Applicant: Drainfield and drywell locations are included on Exhibit A.

(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.

Applicant: This is reported below in MCC .6730(A).

(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.

* * *

Applicant: HDP Form-1 was completed by our geotechnical engineer and is included as Exhibit E upon the recommendation of Land Use Division Staff. Mr. LaVielle did not recommend further geotechnical studies on our site (Exhibit E, Question 9)

(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.

Applicant: This is addressed below in the appropriate code. We understand that conditions of approval may be imposed to assure the design meets these standards.

Staff: The HDP Form 1, the 4/29/99 Stormwater Disposal System report and 6/17/99 supplement provide the information required for this application. The site plan does not contain the grading and erosion control measures described to meet the requirements of MCC .6730(A) through (D).

Conclusion: The applicant has provided enough of the information required pursuant to MCC 11.15.6720 to allow a conditional approval of the permit because the plan revisions needed should only result in clarifications of the work. The final plans do need to be revised to include the elements listed in A and B, and in G. above prior to zoning approval of the building permit.

5. Compliance With MCC 11.15.6730, Grading and Erosion Control Standards:

- 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.

Applicant: Fill material will be fine sandy silt as indicated on HDP Form-1 (Exhibit E, Question 4). Fill areas intended to support structures are identified on Exhibits A and B.

Staff: Exhibit 1B. contains compaction methods in addition to the information indicated by the applicant. Compaction density is not indicated. The standard compaction requirement the County uses for fills (other than foundation backfill) is a minimum of 95%. This standard needs to be indicated on the site or building plans.

- 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.**

Applicant: The geotechnical engineer reported on HDP Form-1 (Exhibit E, Questions 5 and 6) that cut and fill slopes in excess of 3:1 would be safe. He indicated the need for a retaining wall only at the threshold of 2:1. Additionally noted is the requirement on HDP Form 1, Question 8 that the “house should be set back from slope face by a minimum of 15’ horizontal.”

Staff: Areas of 2:1 slopes are not shown on the plans. The “slope face” feature to which the 15’ minimum setback recommended by the engineer is also not shown on the plans and should be.

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

Applicant: Form HDP Form-1 (Exhibit E, Question 5 and 6) indicated that any such possibility is remote (it does seem logical that any development, at any location, would have a ‘possibility’). We will agree to abide by his compaction standards (as specified in this question and on Exhibit B).

- 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;**

Applicant: The geotechnical engineering storm water disposal system report (Exhibit C) indicated that the proposed downspouts (see Exhibit A: Plot Plan) should suffice to successfully manage stormwater runoff from a storm of 10-year design frequency. This was found after consultation the engineer with Mr. Greg Kirby of Multnomah County Transportation.

We also plan to include a footing/foundation drainage system that the geotechnical engineer was aware of. At the terminus of the system we will have a 4’ x 4’ x 4’ drywell as specified on Exhibit A.

Staff: The proposed drywell system is not addressed in any of the information submitted by the engineer, except that it is included in Figure 2 of Exhibit 1C.

However, the stormwater report recommendations do state that infiltration of stormwater could cause significant undesirable disturbance to the slope. It is not clear if the engineer believes that infiltration of roof and driveway runoff is not desirable while foundation drain runoff is. This should be clarified in the final plans by including a plan detail or sheet, stamped by the engineer, that describes the location and design of the foundation drain disposal system. incorporated into the building plans to facilitate construction of the 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.**

Applicant: The home site, which rests on a lot of 52.35 acres, will be on a southeast sloping hillside of approximately 4H:1V mean grade. The site is located at a distance of approximately 400' from an SEC stream on the property (Knieriem Creek) and at a distance of approximately 200' from an existing intermittent tributary stream. An existing roadway is present at the site as indicated on the Exhibit A. This roadway resulted from logging activities that occurred on the property. Our roadway drainage, which now drains as a sheet and infiltrates into surrounding vegetation (not into drainage ways or ditches) will remain unchanged. This appears to be appropriate, as there is approximately 400' of heavily vegetated ground between the driveway and Knieriem Creek with the final 150' being level ground between the bottom of the hill and the near bank of Knieriem Creek). No constructed channels are located on the property in question.

- 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.**

Applicant: This property is not located within the Tualatin River Drainage Basin and thus this criteria does apply to this application.

- 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.**

Applicant: Temporary sediment fences or straw bale sediment barriers will be placed immediately down slope of all areas to receive fill and below cut areas. The specifications for these materials will meet specifications as defined in the “Erosion Control Plans and Technical Guidance Handbook.” Permanent vegetative groundcover and structural erosion control and drainage measures will be established as soon as possible after grading and/or construction has been completed. Temporary grasses may be used until permanent landscape vegetation

can be established. If necessary, straw mulch will be used for temporary erosion control.

Staff: This standard is intended to ensure that the project is managed in a way that limits soil disturbance as an erosion prevention measure, and to ensure disturbed areas are protected as soon as possible. Given the relationship of the access to the development area, phasing of site work may not be possible. However, the overall area disturbed can be minimized by limiting the size of stockpiles to only the minimum necessary, and stockpile storage areas to locations immediately adjacent to disturbed areas. Areas which must be disturbed by removal of vegetation should be indicated on the site plan and flagged in the field prior to beginning site disturbing activities on the property. In addition, the owner should consider septic system installation and completing backfill and final grading immediately after first floor joists and sheathing is installed.

- 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.**

Applicant: We have designed our home (with basement garage) and the aspect of the footprint on the property to minimize our cut and fill operations and to create the least erosion potential. Please review Exhibits A and B.

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

Applicant: Permanent vegetative groundcover and structural erosion control and drainage measures will be established as soon as possible after grading and/or construction has been completed. Temporary grasses may be used until permanent landscape vegetation can be established. If necessary, straw mulch will be used for temporary erosion control.

Staff: Mulching of exposed areas on this site will be necessary for areas which have not established a thick stand of grass by November 1. This is because undisturbed slopes greater than 10% are not effective sediment filtration/buffer areas. Seeding and mulching should occur by September 1 as recommended in section 3.3.6 of the Handbook.

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

Applicant: We will minimize land disturbing activities to the greatest extent possible to maintain natural vegetation.

- (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;

Applicant: The site is located at a distance of approximately 400' from an SEC stream on the property (Knieriem Creek) and at a distance of approximately 200' from an existing intermittent tributary stream. **THUS A BUFFER OF GREATER THAN 100' EXISTS AND WILL REMAIN UNDISTURBED.** For more information, please review our comments under MCC .6730(H)(1)(e).

(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;

Applicant: We plan no work related to this development within this buffer.

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

Applicant: Our plan is to have permanent plantings and any required structural erosion control and drainage measures installed as soon as is practical.

Staff: The erosion control measures must be installed prior to the onset of land disturbing activities. Any supplementary measures must be installed as soon as the need arises.

- 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.**

Applicant: We have completed a stormwater disposal evaluation on our property and it is included as Exhibit C.

Staff: The stormwater system consists of adding downspouts to roof gutters in order to return the roof runoff to overland "sheet" flow. The downspout and outlet locations should be clearly shown on the building plans or site plan. However, downspouts will not be installed until after structure framing is complete, and temporary runoff controls may be necessary.

- 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.**

Applicant: In order to protect our topsoil, appropriate measures (as defined by the "Erosion Control Plans Technical Guidance Handbook" and/or the "Surface

Water Quality Facilities Technical Guidance Handbook") to trap sediment will be included in down slope areas of the development site.

- 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.**

Applicant: We plan to prevent surface water from damaging cut face of excavations or sloping surface of fills by use of stabilization measures such as mulching or seeding; or, if required by the Land Use Division, other suitable measures as prescribed.

Staff: The owner carries the burden of ensuring that surface erosion does not occur. In order to do this, he must utilize any measures such as those described in the Handbook, in order to accomplish this. Given that the dwelling roof, gutters, and downspouts are installed before the onset of the rainy season in October, the most vulnerable areas of erosion will be the downspout outlets and foundation backfill areas.

- 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.**

Applicant: We have conducted appropriate surface water runoff studies (Exhibit C) and plan to implement his recommendations to manage surface runoff. Runoff will infiltrate naturally into the area surrounding the site. Our roadway drainage, which now drains as a sheet and infiltrates into surrounding vegetation (not into drainage ways or ditches) will remain unchanged. This appears to be appropriate, as there is approximately 400' of heavily vegetated ground between the driveway and Knieriem Creek with the final 150' being level ground between the bottom of the hill and the near bank of Knieriem Creek). No constructed channels are located on the property in question.

Staff: The foundation drywell system will be as approved by the geotechnical engineer.

- 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.**

Applicant: Drainage swales will not be used to divert surface waters.

- 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.**

Applicant: Water runoff from developed areas will be dispersed over the ample undisturbed acreage we have at the site. If required, we will implement additional Land Use Staff recommendations.

Staff: The standard measures used for erosion control are in the 1994 edition of the *“Erosion Prevention & Sediment Control Plans Technical Guidance Handbook”* (1994). The standard notes for erosion control plans describe the objectives and procedures for managing erosion control on construction sites, and should be included on the site plan.

- 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.**

Applicant: The aforementioned stockpiled soil and spoil material will be prevented from eroding into streams or drainageways by storing the materials within an area protected by sediment fencing or straw bale barriers down slope from stockpiles. Additionally, these stockpiles are located at a distance much greater than 100' from any stream or tributary.

Staff: The stockpiles will need to be covered if they remain on site at the onset of rainy weather.

- 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.**

Applicant: Non-erosion pollution associated with construction will be managed through continuous monitoring and proper clean-up activities.

- 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.**

Applicant: This property is not located within the Balch Creek Drainage Basin and thus this criteria does apply to this application.

- 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 is not applicable because the development area does not include any of the above features.

- W. **MCC .6730(C)(1), Performance Bond – A performance bond may be required to assure the full cost of any required erosion and sediment control measures. The bond may be used to provide for the installation of the measures if not completed by the contractor. The bond shall be released upon determination the control measures have or can be expected to perform satisfactorily. The bond may be waived if the Director determines the scale and duration of the project and the potential problems arising therefrom will be minor.**

Staff: The scale and duration of the project and the potential problems arising therefrom are minor and therefore do not require a Performance Bond.

- X. **MCC .6730(C)(2), Inspection and Enforcement. The requirements of this subdistrict shall be enforced by the Planning Director. If inspection by County staff reveals erosive conditions which exceed those prescribed by the Hillside Development, work may be stopped until appropriate correction measures are completed.**

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

- Y. **MCC .6730(D), 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.**

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

Conclusion

Considering the findings and other information provided herein, this application for approval of grading activities associated with the construction of the proposed dwelling, as conditioned, satisfies the applicable Multnomah County Hillside Development 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.

1. Applicant's submittals.
 - A. Plot plan.
 - B. Cross section of building area and compaction method.
 - C. 4/29/99 Stormwater System Recommendations, LaVielle Geotechnical.
 - D. Fire District #14 road approval.
 - E. HDP Form 1, signed 5/4/99.
 - F. Supplemental geotechnical report/clarification, dated 6/17/99.
2. Exhibits Attached by staff, from the "*Erosion Prevention & Sediment Control Plans Technical Guidance Handbook*" (1994).
 - A. Section 3.3.6 Temporary Grasses and Permanent Vegetative Cover.
 - B. Table 3-1, Erosion Control Matrix.
 - C. "Standard Notes for Erosion Control Plans"

In the matter of: HDP 10-99

Multnomah County Department of Environmental Services
Land Use Planning Division

By: _____
Chuck Beasley, Planner

For: Kathy Busse – Planning Director

This decision filed with the Director of the Department of
Environmental Services on July 12, 1999.

NOTICE:

State law in ORS 197.195 requires a public notice (by mail) to the property owner and to any persons who received and submitted comment in response to the Opportunity to Comment which was mailed prior to this decision. The notice must describe the method to challenge the staff decision; and, if appealed, the County must hold a public hearing to consider the merits of the application. ORS 197.763, ORS 215.416(11)

The Administrative Decision(s) detailed above will become final unless an appeal is filed within the 10-day appeal period which starts the day after the notice is mailed. If the 10th day falls on Saturday, Sunday, or a legal holiday, the appeal period extends through the next full business-day. 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 file, complete an Appeal of Administrative Decision form, and submit to the County 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. To review the application file(s), obtain appeal forms, or other instruction, call the Multnomah County Planning Division at (503) 248-3043, or visit our offices at 1600 SE 190th Ave., Portland, Oregon, [hours: 8:30 a.m. – 4:30 p.m.; M—F].
The appeal period ends July 22, 1999 at 4:30 p.m.