



DEPARTMENT OF ENVIRONMENTAL SERVICES  
TRANSPORTATION AND LAND USE PLANNING DIVISION  
2115 SE Morrison Street  
Portland, OR 97214 (503) 248-3043

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## DECISION OF THE PLANNING DIRECTOR

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### Hillside Development Permit

**Case File:** HDP 15-97

**Date Decision Issued:** Wednesday, October 28, 1998

**Proposal:** Request for Hillside Development Permit approval for 910 cubic yards of excavation and fill associated with the construction of a new single family dwelling and driveway.

**Related Cases:** Conditional Use Permit (CU) 7-98  
Significant Environmental Concern (SEC) 24-98  
Minor Variance (HV) 11-98

**Location:** 21574 NW Gilkison Road  
Tax Lot 37, Sec 26, T3N, R2W, W.M (R-98226-0370)

**Applicant/Owner:** Robert Huseby  
3385 SW 87th Avenue  
Portland, Oregon 97225

**Present Zoning:** Commercial Forest Use (CFU)  
Significant Environmental Concern (SEC)

**Approval Criteria:** Multnomah County Code (MCC): MCC 11.15.6700, Hillside Development and Erosion Control; Comprehensive Plan Policies 13, 14, 22, 37, 38, & 40

**Decision:** **Approve, subject to the conditions below, grading activities involving approximately 910 cubic yards of excavation and fill associated with the construction of a new single family dwelling and driveway. Such approval is based on the following findings and conclusions.**

## **Conditions of Approval**

1. This approval is based on the submitted written narrative(s), geotechnical studies, and site 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 applicant to comply with these documents and the limitations of approval described herein.
2. The applicant is to adhere to the recommendations included in the geotechnical reconnaissance reports prepared by James E. Pyne, Geologist and James D. Imbrie, P.E., Geotechnical Engineer, with Carlson Testing, Inc., dated October 16, 1998 and October 26, 1998.
3. If finished slopes adjacent to the fire access turn around are to be steeper than 3:1, than the applicant and/or property owner is to provide a statement prepared by a geotechnical engineer certifying that such slopes are safe and adequately controlled for erosion. This statement is to be submitted to the Multnomah County Land Use Planning Office prior to excavation occurring on the slope.
4. If a percolation test has not been performed as a basis of designing the subsurface drainage system, during construction a percolation test shall be performed to confirm any assumed percolation rates. If percolation rates are less than assumed rates, the system shall be redesigned based on the actual rates. If percolation rates are greater than assumed rates than the system is to be constructed as designed. Percolation test results and any modifications to drainage design preformed in response to the test results, shall be submitted to the Multnomah County Land Use Planning Office.
5. Before construction is completed but after the drainage system is constructed, the drainage system is to be field-tested. The test shall consist of saturating the drainage system and then testing the performance of the system with the design storm volume of water. The results of this test shall be submitted to the Multnomah County Land Use Planning Office.
6. The property owner shall maintain best erosion control practices through all phases of development. Erosion control measures are to include sediment fences/straw bales at the toe of disturbed areas (see sheet #1 of site plan), 6-mil plastic sheeting over stockpiled materials, 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.
7. All erosion control measures are to be implemented as prescribed in the multi-jurisdictional "Erosion Control Plans Technical Guidance Handbook" dated February 1994, the design specifications and standard notes from which are included on sheets #6 and #7 of the applicant's site plan.
8. The property owner is to contact our office once erosion control measures have been installed. No land disturbing activities subject to this permit are to be conducted until the erosion control measures are in place.
9. Erosion control techniques may be supplemented 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.

10. 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.
11. The applicant is responsible for removing any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems and shall be responsible for returning such features to their original condition or a condition of equal quality.
12. All land disturbing activities shall be completed within two (2) years from the date of this approval. **At such time as the project is completed, the applicant is to contact the Multnomah County Transportation and Land Use Planning Division to arrange for a final site inspection.**
13. Application for building permits may be made with the City of Portland after the close of the appeal period for this decision. When ready to have building permits signed off, the applicant shall call the Staff Planner, Derrick I. Tokos, AICP, at (503)-248-3043, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building permits to the City of Portland. Five (5) sets each of the site plan and building plan are needed for building permits signed off.
14. No additional land use action and/or permit requests shall be accepted, relating to the subject application, until such time as all required fees for said application have been paid in full.

## **Findings of Fact**

(Formatting Note: Staff as necessary to address Multnomah County ordinance requirements provides Findings referenced herein. Headings for each finding are underlined. Multnomah County Code requirements are referenced using a **bold** font. Written responses by the applicant, demonstrating compliance with code criteria, are *italicized*. Planning staff comments and analysis may follow applicant responses. Where this occurs, the notation “Staff” precedes such comments.)

### **1. Project Background and Description:**

Staff: This proposal includes grading activities attributed to the construction of a new single family dwelling, including foundation work, installation of a septic system, stormwater improvements, and utility extensions. Portions of an existing logging road are to be improved for use as a private driveway. Grading activities attributed to this project include approximately 910 cubic yards of excavation and fill.

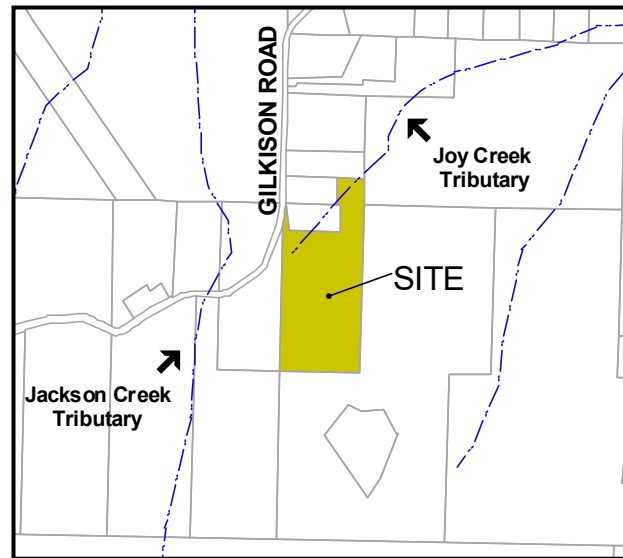
## 2. Site and Vicinity Characteristics:

Staff: The parcel upon which the improvements are proposed is approximately 17.80 acres in size. Access to the parcel is available off of Gilkison Road along an existing logging road. The logging road extends south and east from Gilkison Road, across the northeast corner of the adjoining parcel to the west, then extends south into the site. A private access easement contains the road where it crosses the adjoining parcel. The property is roughly rectangular in shape, with an extension to the northeast and a small extension to the northwest to obtain frontage on Gilkison Road. Topography generally slopes down from southwest to northeast, although the terrain is uneven and contains ridges, bowls and drainageways. The site is currently un-developed.

### VICINITY MAP

SCALE: 1" = 1500'

N ↑



A logging road currently extends from the property to the west, south into the parcel as illustrated on the applicant's site plan. The property has been logged within the last ten (10) years. The property contains a number of branching logging roads in poor condition. There appear to be several easements attached to the property, both for logging roads and water, but the exact location of these are somewhat unclear. One of the easements is to allow a water line from a spring to an adjoining property. Another nearby property obtains domestic water from the tributary of Joy Creek that runs through the northeast corner of the subject property.

Gilkison Road exists in the far northwest corner of the County. Property in the vicinity of the site consists of a number of small lots with residences adjacent to Gilkison Road, backed by larger parcels containing forest land. Dwellings currently exist on parcels immediately to the north and west of the applicant's property. All other adjoining parcels are undeveloped and forested.

## 3. Hillside Development Permit (HDP) 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.**

The subject property has been identified as being within the hazard areas as identified on the adopted "Slope Hazard Maps," a copy of which is included as part of the permanent record. The requested development is not a land use activity exempted under MCC .6715.

4. Compliance With MCC 11.15.6720, HDP 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:**

\* \* \*

- (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.**

\* \* \*

- (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.**

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 15-97).

5. Compliance With MCC 11.15.6730, HDP 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.**

*No part of the structure is to be founded on fill material. Excavating all foundations to below native ground by removing topsoil stripping. Use imported granular fill compacted to a minimum 90% AASHTO T-99 under slabs on grade.*

*Use native fill material around foundations in non-vehicular areas. Place fills in 12" lifts and use moderate compactive efforts.*

Staff: This information has been provided. Cross section drawings attached to the geotechnical reconnaissance report prepared by James E. Pyne, Geologist and James D. Imbrie, P.E., Geotechnical Engineer, with Carlson Testing, Inc., dated October 16, 1998 clearly illustrate that no portion of the proposed structure is to be constructed on fill material.

- 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.**

*Limit slopes to 3:1. Protect slopes in wet seasons with straw and re-seed with erosion control mix or landscaping as soon as possible after construction.*

Staff: A cut slope not to exceed a 2:1 ratio is proposed west of the proposed residence adjacent to the fire access turnaround, as illustrated on the attachments to the October 16, 1996 geotechnical reconnaissance prepared by Carlson Testing, Inc. The safety of this slope was not discussed in the reconnaissance report. If this slope must be cut steeper than 3:1, than a statement from a geotechnical engineer must be prepared certifying that such slope is safe and adequately controlled for erosion. This concern is addressed with a condition of approval contained herein.

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

*All grading and the maximum extent of grading are illustrated on the applicants site plan.*

Staff: This criterion has been met. The geotechnical reconnaissance reports prepared by Carlson Testing, Inc., dated October 16, 1998 and October 26, 1998 indicate that natural slopes in the area proposed for development exhibit no evidence of instability. Furthermore, the reconnaissance reports indicate that proposed site grading, septic system, stormwater infiltration trench (french drain) will not significantly impact site stability, provided the recommendations listed in the reports are followed. This concern is addressed with a condition of approval contained herein.

- 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;**

*The driveway will be a two and a half percent shed road with no proposed culverts or ditches. All water runoff today is dispersed on the site and will continue to be dispersed on site in the future.*

Staff: This criterion has been addressed. Evidence has been provided by Donald Henry, P.E., demonstrating that proposed drainage improvements should be

adequate to mitigate, on-site, increased stormwater runoff attributed to the proposed development (see case file). Such evidence includes analysis for storms of a 10 and 25 year design frequency. Planned improvements include a french drain infiltration system to be located east of the proposed dwelling. To confirm that proposed improvements are adequate, the assumptions used in drainage system design must be field-tested during construction. This concern has been addressed with conditions of approval attached herein.

- 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 fill is proposed to encroach on a natural watercourse or constructed channel. Sub-surface drainage may be encountered this will be handled by footing drains and directed down slope away from the proposed structure.*

Staff: We concur. Sheet #1 of the applicant's site plan illustrates that grading activities attributed to this development do not encroach on natural watercourses or constructed channels.

- 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.**

Staff: The subject property is not within the Tualatin River Drainage Basin, therefore this criterion is not applicable.

- 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.**

*Site stripping will be limited to the South of the silt fence located as shown on the plan. We will try and minimize surface disturbance per erosion information shown on the plan and encourage the re-growth of natural vegetation. Silt fence will be installed to help minimize erosion. Straw and seed will also be used to stabilize the soil. These are shown on the site plan and the vegetation notes tell other methods that will be used to help stabilize the soil.*

Staff: The proposed erosion control measures should be effective at minimizing soil erosion. Areas subject to grading are limited to those areas immediately adjacent to the proposed dwelling and along the access road. To ensure that soils are stabilized as quickly as practicable, a condition of approval has been attached

requiring that replanting of exposed areas be accomplished within thirty (30) days of project completion.

- 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 plans minimize erosion potential by limiting the disturbance area to the immediate vicinity of the new home. The area of disturbance is relatively small in comparison with the surrounding area. The building sections indicate how we are going to minimize cut and fill operations acknowledging the natural contour of the ground. Today no runoff from the applicant's property makes its way to Gilkinson road. When the logging road is upgraded to driveway standards, no water will make its way to Gilkinson road. The drainage calculations submitted also support this.*

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

*As per the Vegetation Notes on the applicant's site plan straw mulch and reseeding of exposed areas will be done.*

Staff: This criterion has been satisfied. The vegetation notes referenced are contained on sheet #5 of the applicant's site plan.

- 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;**

*No buffer is required but over 500' of undisturbed area downhill of the homesite will be undisturbed by the requirements of this construction.*

Staff: As evidenced on the applicant's site plan, the required 100-foot buffer of natural vegetation shall be maintained between the proposed development and the adjoining tributary of Joy Creek.



- 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 planting will be part of the home owners future plans. The natural vegetation will be encouraged to grow back around the homesite, taking into consideration the requirements of the primary and secondary fire breaks. Erosion will be controlled on the site per the plans submitted.*

Staff: This criterion is addressed with conditions 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.**

*Storm water analysis for the applicant's site has been completed by a licensed engineer. There will be no impact to Gilkinson road. A drainage plan submitted supports this.*

Staff: This criterion has been satisfied. Provisions have been made to effectively accommodate increased runoff, both during and after development, through the use of erosion control measures and storm drainage improvements as illustrated on the site plan and described in the applicant's supporting documentation (see case file).

- 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.**

*All proposed erosion control methods are shown on the applicants Grading and Erosion Control plan. The Vegetation Notes explain the applicants proposed plan for revegetation.*

Staff: Sediment from storm run-off is to be trapped with sediment fences/barriers that are to be located at the toe of disturbed areas as illustrated on the applicant's site plans.

- 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.**

*Cut slopes will be stabilized with straw and re-seeded as soon as practical after construction.*

- 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.**

*Storm water analysis for the applicant's site has been completed by a licensed engineer. There will be no impact to Wilkinson road. A drainage plan submitted supports this.*

Staff: Evidence has been provided by Donald Henry, P.E., demonstrating that proposed drainage improvements should be adequate to mitigate, on-site, increased stormwater runoff attributed to the proposed development. Planned improvements include a french drain infiltration system to be located east of the proposed dwelling. To confirm that proposed improvements are adequate, the assumptions used in drainage system design must be field-tested during construction. This concern has been addressed with conditions of approval attached herein.

- 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.**

Staff: Not applicable. Drainage swales are not proposed with 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.**

*All proposed erosion control methods are shown on the applicants Grading and Erosion Control plan. The Vegetation Notes explain the applicants proposed plan for revegetation.*

Staff: Erosion control measures proposed appear adequate to prevent polluting discharges from occurring.

- 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.**

*... any left over spoils will be stockpiled and erosion protected on the homesite area, (50'x100'). This spoil pile will be left for foundation backfilling.*

Staff: The stockpile location is illustrated on the site plans. Erosion controls for the stockpile area include both protective covering and sediment fences. Such

controls appear adequate to prevent stockpiled topsoil from eroding into any neighboring streams or drainageways.

- 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.**

*Site handling of non-erosion pollutants will be in accordance with all DEQ and manufacture's requirements.*

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

- 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.**

*The site is not in the Balch Creek Drainage Area.*

- 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.**

*The applicant will comply with all post erosion control measures in order to have occupancy or final approval.*

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.**

*All construction activity will be limited to the homesite and existing access roads. Whenever necessary in the construction of the home, that vegetation is disturbed, all correct erosion control measures will be taken and all construction in the natural swale will be re-seeded and returned to equal surrounding conditions.*

Staff: This requirement is not applicable in that none of the above features exist on-site.

- 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.

## 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.**

*The applicant will comply with Policy #13 entirely. The applicant's property will comply with all noise levels compatible with surrounding land uses. The applicant is not proposing any adverse activities other than construction activities necessary of single family home development.*

Staff: Water quality issues have been addressed through stormwater runoff mitigation as discussed herein. Air quality and noise level impacts related to single family dwellings 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:

A. **Slopes exceeding 20%;**

*The applicant's homesite is not located within a 20% or greater slope area. Therefore, this criterion is met.*

B. **Severe soil erosion potential;**

*The applicant's homesite is not located within a severe soil erosion area. The applicant does however plan to provide erosion control measures during single family homesite development and after completion of the homesite development. In addition, the submitted site plan shows all proposed erosion control measures necessary. Therefore, this criterion is met.*

C. **Land within the 100 year flood plain;**

*The applicants parcel is not located within the 100 year floodplain.*

D. **A high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year;**

*The applicants proposed homesite is not located within an area which has a water table within 0-24 inches of the surface. Therefore, this criterion is met.*

E. **A fragipan less than 30 inches from the surface;**

*There is no fragipan less than 30inches from the surface located within the homesite area.*

F. **Land subject to slumping, earth slides or movement.**

*The applicants homesite is not located within an area subject to slumping, earth slides or movement. The maximum slope on the proposed homesite is 12%. Furthermore, the submitted HDP-1 Permit and site plan has additional information supporting this.*

Staff: A Hillside Development Permit application addresses on-site development limitations. Concerns relative to the severity and stability of slopes in the vicinity of the proposed home site are addressed in the geotechnical reconnaissance reports prepared by Carlson Testing, Inc., dated October 16, 1998 and October 26, 1998. Soil erosion attributed to development of the parcel will be adequately controlled through the implementation of the erosion control measures described herein. None of the other listed development limitations appear to exist within that portion of the property subject to development.

C. **Policy 22: Energy Conservation**

**The County's policy is to promote the conservation of energy and to use energy resources in a more efficient manner. In addition, it is the policy of Multnomah County to reduce dependency on non-renewable energy resources and to support greater utilization of renewable energy resources. The county shall require a finding prior to the approval of legislative or quasi-judicial action that the following factors have been considered:**

**A. The development of energy-efficient land uses and practices;**

*The proposed new home for the homesite will be well insulated and energy efficient. It will have an electric heat pump.*

**B. Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreational centers;**

*The homesite is in an area that is rural, therefore this criteria doesn't apply.*

**C. An energy-efficient transportation system linked with increased mass transit, pedestrian and bicycle facilities;**

*The homesite is in an area that is rural, therefore this criteria doesn't apply.*

**D. Street layouts, lotting patterns and designs that utilize natural environmental and climactic conditions to advantage.**

*Applicant is using an existing roadway for a driveway this is the best way to help minimize adverse conditions to the land.*

**E. Finally, the county will allow greater flexibility in the development and use of renewable energy resources.**

*Applicant will do whatever energy conservation measures that are feasible and make sense.*

Staff: The factors listed under this policy have been considered in the review of this application. These factors are tailored to address energy resource issues related to urban development and, therefore, are not applicable to this request.

D. **Policy 37: Utilities**

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

**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.**
- 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.**
- 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 DEQ, for the development and implementation of a groundwater quality plan to meet the needs of the county.**

*The applicant plans to use a well for it's water source. The DEQ will approve the subsurface sewage disposal system. Already the City of Portland Sanitarian (Jason Abraham) has approved a septic system for a five bedroom home. The water runoff will be handled on the site and will not adversely affect the water quality in adjacent streams, ponds, lakes, or alter the drainage on adjoining lands. The runoff water from the proposed homesite will be minimal. The water runoff will be handled on the site and will not adversely affect the water quality in adjacent streams, ponds, lakes, or alter the drainage on adjoining lands. The runoff water from the proposed homesite will be minimal. Power and telephone lines both come up Gilkison road and will adequately support the homesite.*

Staff: Conditions of approval sufficient to ensure compliance with this plan policy are incorporated in the Hearings Officer October 19, 1998 decision approving the applicant's "Template Dwelling" Conditional Use Permit application (CU #7-98). These conditions require that the applicant provide both a copy of a well report and evidence of an approved septic permit from the City of Portland Sanitarian. Such evidence demonstrates that the proposed dwelling has an adequate private water system and that the Oregon Department of Environmental Quality (DEQ) has approved a subsurface sewage disposal system on the site. The City of Portland Sanitarian is the DEQ licensed approval authority for on-site sewage disposal.

Evidence has been provided by Donald Henry, P.E., demonstrating that proposed drainage improvements should be adequate to mitigate, on-site, increased stormwater runoff attributed to the proposed development (see case file). To confirm that proposed improvements are adequate, the assumptions used in drainage system design must be field-tested during construction. This concern has been addressed with conditions of approval attached herein.

E. **Policy 38: Facilities**

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

- A. The appropriate school district has had an opportunity to review and comment on the proposal.**

*A single family dwelling will not have any major affect on the local school district.*

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

*The applicant has provided a site plan that the Scappoose Rural Fire District has reviewed and approved.*

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

*The proposed homesite will receive police protection from the Multnomah County Sheriffs Department the same as all adjoining properties.*

Staff: Conditions of approval sufficient to ensure compliance with this plan policy are incorporated in the Hearings Officer October 19, 1998 decision approving the applicant's "Template Dwelling" Conditional Use Permit application (CU #7-98).

F. **Policy 40: Development Requirements**

**The county's policy is to encourage a connected park and recreation system and to provide for small private recreation areas by requiring a finding prior to approval of legislative or quasi-judicial action that:**

- A. Pedestrian and bicycle path connections to parks, recreation areas and community facilities will be dedicated where appropriate and where designated in the bicycle corridor capital improvements program and map.**

*The proposed dwelling site lies in a rural area that doesn't need bike paths as people can safely ride there bikes on the roadway which is a dead end road. These criteria's don't apply to the subject property.*

- B. Landscaped areas with benches will be provided in commercial, industrial and multiple family developments, where appropriate.**



*The proposed dwelling site lies in a rural area that doesn't need bike paths as people can safely ride there bikes on the roadway which is a dead end road. These criteria's don't apply to the subject property*

**C. Areas for bicycle parking facilities will be required in development proposals, where appropriate.**

*The proposed dwelling site lies in a rural area that doesn't need bike paths as people can safely ride there bikes on the roadway which is a dead end road. These criteria's don't apply to the subject property*

Staff: This proposal does not impact any existing or planned park and recreation areas or bicycle facilities.

## **Conclusion**

Considering the findings and other information provided herein, this application for approval of grading activities involving approximately 910 cubic yards of excavation and fill associated with the construction of a new single family dwelling and driveway, 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.

In the matter of: HDP 15-97

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 Wednesday, October 28, 1998

## **NOTICE:**

This decision may be appealed within 10 days of the above date, pursuant to the provisions of MCC 11.15.8290. An appeal requires a \$100.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 2115 SE Morrison Street (Phone: 248-3043).

**The appeal period ends Monday, November 9, 1998 at 4:30 p.m.**