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January 29, 2020

Multnomah County Dept of Community Services
Land Use Planning Division
Attn: Chris Liu

Re: Case #T3-2019-12724 – Addendum
Resubmittal of Land Use Application

Dear Mr. Liu:

NW Engineers is responding to your completeness letter dated December 31, 2019 which is described as follows:

1. General:

- a. **Narrative:** The narrative contains numerous references to “information submitted and approved as part of the land use case no. T3-2012-2907.” Please note that the aforementioned case expired in 2018 following an extension to the original application...please provide amendments or revise your narrative/submit supplemental information...

COMMENT:

Additional documents from the previous case listed below have been provided and this narrative has been updated accordingly.

- b. **Measure 49:** Please provide a copy of the...Final Order.

COMMENT:

The M49 Final Order #E118605 is attached as Exhibit 20.

- c. **Stormwater Certificate:** Steven M. White, P.E. provided a Water Quality Report for the subject property. Please have him complete the Storm Drainage Control Certificate..

COMMENT:

The Stormwater Certificate is attached as Exhibit 18.

- d. **Conditional Use Approval Criteria:** Staff is in the process of determining if your application will need to address the approval criteria listed in MCC 39.7015...

COMMENT:

The applicant will address additional criteria if requested.

2. Variance approval Criteria

- a. As described in MCC 39.8205, reduction of yards and setback requirements within the Geologic Hazard (GH) Overlay shall only be reviewed as a Variance...

COMMENT:

The narrative has been updated to address the Variance Approval Criteria listed in MCC 39.8215.

3. Exceptions to Secondary Fire Safety Zone

- a. Please provide an amendment to your narrative...

COMMENT:

The narrative has been updated to address the criteria listed in MCC 39.4155 (A).

4. Significant Environmental Concern Permit

- a. **Wildlife Habitat (SEC-h):** Please provide an amendment to your narrative or revise your narrative to address the Wildlife Conservation Plan criteria listed in MCC 39.5860(C)...
- b. **Streams (SEC-s)**

COMMENT:

The narrative and exhibits have been revised to address these sections. Exhibit 2 shows the extent of grading performed in 2016 on the west side of the site located a minimum 290-ft. from McCarty Creek. It also shows the proposed development site approximately 370-ft. from the creek – well outside of the 200-ft. buffer. It should be noted that the 30-ft. easement recorded on the plat does not match the centerline of the creek, which is well west of the easement. The exhibit has also been revised to include a planting/revegetation mitigation plan on the hillside where grading activities occurred in 2016. The planting plan includes Douglas fir, Vine Maple and Oregon grape as necessary. This exhibit and the updated narrative addresses the Significant Environmental Concern Permit requirements.

5. Geologic Hazards Permit

- a. **Narrative:** Please provide an amendment or revise your narrative to address the criteria listed in MCC 39.5080 and MCC 39.5090.

COMMENT:

The narrative has been revised.

b. Additional Information

- i. MCC 39.6210: Your materials must address the criteria listed in MCC 39.6210**

COMMENT:

The narrative has been revised and the original Geotechnical Report prepared by GeoPacific Engineers, Inc. dated march 17, 2010 with revision dated October 19, 2010 is attached as Exhibit 21.

ii. Previous Grading Activity

COMMENT:

The grading/fill activities completed in 2016 were performed with observation by GeoPacific Engineering, Inc. They documented the fill and compaction activities and have provided information regarding completion of the work in a report dated January 29, 2019 prepared for a proposed Parcel 2 dwelling (See Exhibit 23). The property owner has never submitted that land use application and – as of January 2020 – it is our understanding that the property is on the market for sale. As discussed in that report, and shown on Exhibit 2, the fill activities did occur on Parcel 3 with the toe of the slope varying from 50-ft. to 90-ft. from the Parcel 2 flag pole. The previous owner filled this area with the maximum fill slope recommended by GeoPacific Engineering, Inc. to provide safe access to Parcel 2 within the flag pole. The work is now complete, stable and vegetated (with grass – the proposed vegetation plan provides Douglas fir, Vine Maple and Oregon grape for permanent restoration).

iii. Landslide Repair

COMMENT:

Exhibit 22, Final Summary Report from GeoPacific Engineering, Inc. dated February 11, 2011, has been provided to document the landslide repair that was conducted adjacent to the Parcel 3 site in 2009-2010, and completed in early 2011. The landslide occurred during the heavy snows in late 2008 and the emergency repair was necessary to ensure protection of McNamee Road. The owner applied for and received all necessary permits from Multnomah County including land use Case File #T2-09-060. In summary, the report states that “the fill is considered suitable for support of the proposed private driveway (for this Parcel 3 dwelling)”.

6. Road Rule Variance

- a. The County Transportation Planning Division requires a Road Rules Variance for your proposed driveway.**

COMMENT:

The required findings for this Road Rules Variance are provided in a separate land use application. The purpose of the variance is to authorize the use of the driveway which was approved per County Right-of-Way Permit #83317 dated 9/11/19 since the driveway does not meet standard sight distance requirement. Findings for approval of the driveway were provided in the original application and the applicant’s engineer at the time certified sight distance with a speed study (See Exhibit 16

dated 11/29/10. This variance provided findings which refer back to the original speed study and sight distance certification so no additional field work is provided (only the variance findings).

All required exhibits and findings have been provided in this revised land use application packet.

Three revised applications with updated plans, exhibits and narrative have been submitted, completing the application and resubmittal for acceptance. We can provide additional copies of the completed application if requested. If you have any questions, please call me at 503-601-4401.

Sincerely,

Matt Newman
Manager