

NOTICE OF GEOLOGIC HAZARD AND FLOOD HAZARD DECISION



www.multco.us/landuse ▪ Email: land.use.planning@multco.us ▪ Phone: (503) 988-3043

Case File: T2-2024-0101

Applicant: Terra Lingley

Proposal: Request for a Geologic Hazard review for a multi-use path between the I-84 pedestrian tunnel (mile point 17.81) and the Sandy River Delta.

Location: Right-of-Way south of 1N3E25 -00100

Property ID # R320667

Map, Tax lot: 1N3E25 -00100

Alt. Acct. # R943252300

Base Zone: Gorge Special Public Recreation (GS-PR)

Overlays: Flood Hazard (FH), Wetlands

Key Viewing Areas: Columbia River, Crown Point, Historic Columbia River Highway, Interstate – 84, Larch Mountain Road, Portland Women’s Forum, Rooster Rock, State Route – 14, and the Sandy River.

Landscape Setting: River Bottomlands

Decision: Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Friday, August 15, 2025 at 4:00 pm.

Opportunity to Review the Record: The complete case file and all evidence associated with this application is available for review by contacting LUP-comments@multco.us. Paper copies of all documents are available at the rate of \$0.71/page.

Opportunity to Appeal: The appeal form is available at www.multco.us/landuse/application-materials-and-forms. Email the completed appeal form to LUP-submittals@multco.us. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. This decision is not appealable to the Columbia River Gorge Commission until all local appeals are exhausted.

Issued by:

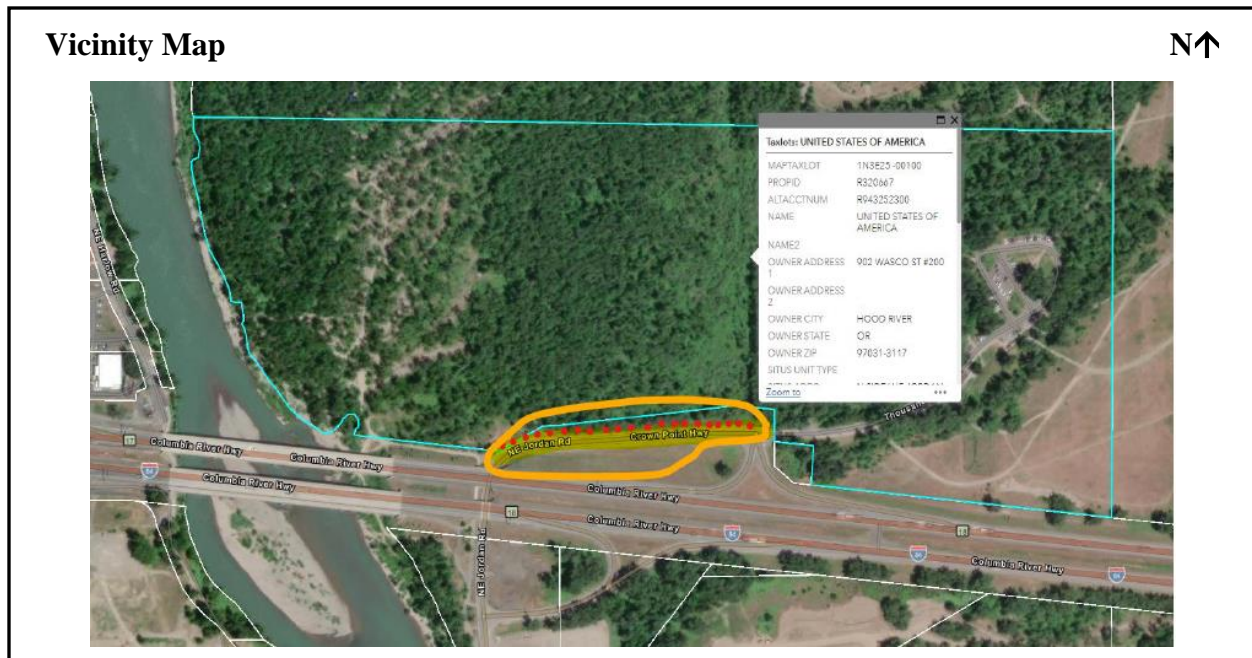
Izze Liu, Planner

For: Megan Gibb,
Planning Director

Date: August 1, 2025

Vicinity Map

N↑



Applicable Approval Criteria:

Multnomah County Code (MCC): General Provisions: MCC 38.0015 Definitions, MCC 38.0110 Tribal Treaty Rights and Consultation

Administration and Procedures: MCC 38.0560 Code Compliance and Applications

GS-PR Zone: MCC 38.2830 Conditional Uses, (C)(1) Public natural resource-based recreational facilities...

Geologic Hazard: CC 38.5505 Permits Required, MCC 38.5515 Geologic Hazards Permit Application Information Required, MCC 38.5520 Geologic Hazards Permit Standards

Flood Hazard: MCC 39.5015 Permits, MCC 39.5025 Application Information Required, MCC 39.5030 Development Standards

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link **Chapter 38: Columbia River Gorge National Scenic Area**

Conditions of Approval:

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. **Permit Expiration** – This land use permit shall expire as follows:
 - a. For a use or development that does not include a structure shall expire **two (2) years** after the date of the final decision, unless the use or development was established according to all specifications and conditions of approval in the land use approval. [MCC 38.0690(A)]
 - i. For the purposes of 1.a, expiration of an approval means that a new application is required for uses that are not established during the approval period.
 - ii. For purposes of 1.a, the property owner shall provide notification of the establishment of the use or development and demonstrate compliance with all specifications and conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to LUP-

submittals@multco.us with the case no. T2-2024-0101 referenced in the subject line. [MCC 38.0660(A)]

Note: Expiration of the permit is automatic. Failure to give notice of expiration shall not affect the expiration of this approval. The property owner may request one (1) 12-month extension to the timeframe within which this permit is valid, as provided under MCC 38.0700, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period. [MCC 38.0700]

2. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work 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. [MCC 38.0660(B)]
3. Prior to beginning ground disturbing activities, the property owner(s) or their representatives shall:
 - a. Install erosion control measures consistent with the approved erosion control plan (Exhibit A.2). Flag, fence, or otherwise mark the project area as described in the Exhibit A.2. These measures shall remain in place and in good working order to reduce potential erosion and damage to wildlife habitat outside of the work area. The work area shall remain marked through all phases of development until construction is complete. [MCC 38.5515(A); MCC 38.5520(F), (H), (I), (J) through (M), and (P)]
 - b. Schedule an Erosion and Sediment Control (ESC) inspection. A link to self-schedule an ESC inspection will be sent to you via email. The County's inspector will visit the project site to verify that Best Management Practices are occurring. [MCC 38.5520(F), (H), (I), (J) through (M), and (P)]
 - c. Post the Erosion Control Permit Notice Card. The permit notice card shall be posted in a clearly visible location and remain posted until the ground disturbing activity is complete. If the notice card is lost, destroyed, or otherwise removed prior to completion of the grading work, the applicant shall immediately contact LUP-submittals@multco.us to obtain a replacement immediately. [MCC 38.5520(F), (H), (I), (J) through (M), and (P)]
4. The property owner(s) or their representatives shall comply with the following limitations on the development and ground disturbing activities:
 - a. A maximum of 45,000 square feet of total ground disturbance area is to be disturbed as described in Exhibits A.2 and A.6. [MCC 38.5515(B) and MCC 38.5515(C)]
 - b. A maximum 1,800 cubic yards of earth material will be disturbed, excavated, stored, or used as fill as described in Exhibit A.2 and shown in Exhibit A.6. [MCC 38.5515(B) and MCC 38.5515(C)]
 - i. All structural fill and any other fill used in this project will be composed of earth materials as defined in MCC 38.5503. [MCC 38.5520(B)]
 - ii. The total daily number of fill haul truck trips will be limited to 30 total trips. [MCC 38.5520(T)]
 - iii. Fill trucks shall be constructed, loaded, covered, or otherwise managed to prevent any of their load from dropping, sifting, leaking, or otherwise escaping from the vehicle. No fill shall be tracked or discharged in any manner onto any public right-of-way. [MCC 38.5520(U)]
 - iv. No compensation, monetary or otherwise, shall be received by the property owner(s) or their representative(s) for the receipt or placement of fill. [MCC 38.5520(V)]

5. During construction, the property owner(s) or their representatives shall:

- a. Follow all recommendations contained within the Geotechnical Report as discussed in Exhibits A.2 & A.6, unless altered or modified by Michael Bunn, P.E., or someone of similar educational, vocational training, and professional certification. [MCC 38.5515(B) and MCC 38.5515(C)]
- b. Maintain the erosion control measures consistent with the approved Erosion Control Plan as shown in Exhibits A.2 & A.6 through all phases of development. [MCC 38.5520(F), (H), (I), (J) through (M), and (P)]
- c. Temporarily stabilize any significant portion of a construction site with straw, compost, or other covering that will prevent soil or wind erosion should construction activities cease for fifteen (15) days or more. The stabilization shall remain in good working order until work resumes on that portion of the site. [MCC 38.5520(F), (H), (I), (J) through (M), and (P)]
- d. Temporarily stabilize the entire site using vegetation or a heavy mulch layer, temporary seeding, or other appropriate BMPs should all construction activities cease for thirty (30) days or more. The stabilization shall remain in good working order until work resumes on that portion of the site. [MCC 38.5520(F), (H), (I), (J) through (M), and (P)]
- e. Temporarily or permanently stabilize the soil for all denuded sites between October 1 and April 30 as soon as practicable, but in no case more than 2 days after ground-disturbing activity occurs. During wet weather periods temporary stabilization of the site must occur at the end of each work day, if rainfall is forecast in the next 24 hours. [MCC 38.5520(F), (H), (I), (J) through (M), and (P)]
- f. Temporarily or permanently stabilize the soil for all denuded sites between May 1 and September 30 as soon as practicable, but in no case more than 7 days after ground-disturbing activity occurs. [MCC 38.5520(F), (H), (I), (J) through (M), and (P)]

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.0 Project Description:

Staff: The applicant requests a Geologic Hazard and Floodplain Development permit for the ground disturbance associated with the construction of a multi-use path parallel to Jordan Road between I-84 pedestrian tunnel and the Sandy River Delta. Construction impacts will be less than 1 acre, but ODOT expanded the study area to include all potential construction staging and laydown areas nearby. ODOT proposes staging at areas within and adjacent to the on and off ramps of I-84 and Jordan Road and at a gravel pullout located at the intersection of NE Marine Drive and NW Frontage Road outside of the National Scenic Area.

2.0 Property Description & History:

Staff: The proposed project will occur within the Oregon Department of Transportation right-of-way, north of Jordan Road. The proposed ground disturbance will also occur on the property identified as 1N3E25 -00100 which is within the Gorge Special Public Recreation (GS-PR) zone.

3.0 Public Comment:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties pursuant to MCC 38.0530 (Exhibit C.4). Staff did receive comments during the comment period.

- 3.1** U.S. Forest Service (Exhibit D.1) Chris Donnermeyer, MA, RPA, Heritage Program Manager, submitted the following comment on July 9, 2025:

I have reviewed the proposed undertaking and area of potential effect as stated on the development review application, against the National Scenic Area records and inventories. These inventories include the cultural resource site inventory maintained by the State Historic Preservation Office. Based upon the information provided in these inventories and the requirements of the Gorge Commission's Land Use Ordinances, it is recommended that:

A Cultural Resource Reconnaissance Survey is: Not Required

A Historic Survey is: Not Required

4.0 Code Compliance and Applications Criteria:

4.1 MCC 38.0560 Code Compliance and Applications

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit or zoning review approval of development or any other approvals authorized by this code for any property that is not in full compliance with all applicable provisions of the Multnomah County Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

* * *

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair

or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

This standard codified in the Columbia River Gorge National Scenic Area Code chapter related to land use application procedures and, by its terms, expressly applies to the application review process. Importantly, a finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance.

For purposes of the current application, there are no known open compliance cases associated with the subject property, and there is no evidence in the record of any specific instances of noncompliance on the subject property. *This criterion is met.*

5.0 GS-PR Zone Criteria:

5.1 MCC 38.2830 Conditional Uses

* * *

(C) The following conditional uses may be allowed on lands designated GS-PR, pursuant to the provisions of MCC 38.0045 and 38.7085:

(1) Public natural resource-based recreational facilities, consistent with 38.7085.

Staff: The US Forest Service issued a determination of consistency with the Management Plan for the Columbia River Gorge National Scenic Area for the Jordan Road to Sandy River Delta Multi Use Path project (Exhibit D.1).

6.0 Geologic Hazard Criteria:

6.1 MCC 38.5520 Geologic Hazards Permit Standards

(A) A Geologic Hazards (GH) permit shall not be issued unless the application for such permit establishes compliance with MCC 39.6210 and satisfaction of the following standards:

Staff: The applicant is proposing ground disturbing activity associated with the construction of a multi-use path parallel to Jordan Road between I-84 pedestrian tunnel and the Sandy River Delta. The applicant provided a Geotechnical report written and prepared by Michael Bunn, P.E. to address these standards (Exhibit A.6).

(B) Fill shall be composed of earth materials only.

Staff: Fill material will be composed only of earth materials (Exhibit A.2). *As conditioned this criterion is met.*

(C) Cut and fill slopes shall not exceed 33 percent grade (3 Horizontal: 1 Vertical), unless a Certified Engineering Geologist or Geotechnical Engineer certifies in writing that a grade in excess of 33 percent is safe (including, but not limited to, not endangering or disturbing adjoining property) and suitable for the proposed development.

Staff: The applicant provided a Geotechnical report prepared by a licensed engineer (Exhibit A.2). The average slopes proposed within the project area is 4H:1V. The maximum slope on the property is 1.5H:1V which is located north of Jordan Road (Exhibits A.2 & A.6). *This criterion is met*

- (D) Unsupported finished cuts and fills greater than 1 foot in height and less than or equal to 4 feet in height at any point shall meet a setback from any property boundary of a distance at least twice the height of the cut or fill, unless a Certified Engineering Geologist or Geotechnical Engineer certifies in writing that the cuts or fills will not endanger or disturb adjoining property. All unsupported finished cuts and fills greater than 4 feet in height at any point shall require a Certified Engineering Geologist or Geotechnical Engineer to certify in writing that the cuts or fills will not endanger or disturb adjoining property.**

Staff: The applicant is not proposing unsupported finished cuts. Cuts and fills will be supported by either a gabion or mechanically stabilized earth wall (Exhibit A.2). *This criterion is met.*

- (E) Fills shall not encroach on any water body unless an Oregon licensed Professional Engineer certifies that the altered portion of the water body will continue to provide equal or greater flood carrying capacity for a storm of 10-year design frequency.**

Staff: There are no water bodies within the project vicinity. *This criterion is not applicable.*

- (F) Stripping of vegetation, ground disturbing activities, 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.**

Staff: The applicant provided an erosion control plan which follows the DEQ 1200-CA permit and ODOT Sediment and Erosion Manual (ESCP) (Exhibit A.2). The plans follow staged construction and limits ground disturbance to phased work. The ESCP will follow the staging phases with temporary and permanent best management practices that include seeding and revegetation to mitigate for tree removal. The temporary best management practices will include hydro mulch to cover bare soils, compost socks for perimeter control along the toe of slope adjacent to the wetland area, aggregate or compost sock check dams, and biodegradable jute/coir matting will be used in the drainage ditches. The primary permanent best management practice is the use of a compost blanket which is a 2-inch thick layer of compost with a guar tackifier that will protect bare soils and help build healthy soils for seeding. ODOT will apply a native seed mix to the compost blanket and include a combination of native grasses and forbs to provide soil stability and provide pollinator habitat. *This criterion is met.*

- (G) 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.**

Staff: The report states that the cuts and fills are the minimum needed to create an ADA-compliant trail along Jordan Road. *This criterion is met.*

- (H) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;**

Staff: The applicant is proposing to use best management practices which will include a silt fence below the work area, black work zone fencing, hydro mulch, compost socks with biodegradable sock along the toe of the slope, aggregate or compost sock check dams, and biodegradable jute/coir matting will be used in the drainage ditches to protect exposed critical areas during development. *This criterion is met.*

- (I) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;**

- (1) 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;**

- (2) The buffer required in (I)(1) may only be disturbed upon the approval of a mitigation plan which utilizes erosion, sediment and stormwater control measures designed to perform as effectively as those prescribed in the most recent edition of the City of Portland Erosion and Sediment Control Manual and the City of Portland Stormwater Management Manual and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340-041-0345(4).**

Staff: The applicant provided a landscape restoration plan as the proposed project is within 100 feet of a wetland (Exhibit A.2). Approximately 50 to 85 trees are expected to be removed within the ODOT right-of-way, ranging in size from 8 to 26-inches in diameter. On the USFS property, approximately 12 trees will be removed to accommodate the proposed project ditch. At the east end of the project, the trail encroaches on USFS right-of-way for approximately 100 lineal feet. Approximately 15 trees ranging in size from 8 to 32 inches in diameter will be removed to build the eastern section of the trail. The remaining vegetation, which includes perimeter trees, will be protected during staging and construction in this area. The proposed mitigation plan includes the removal of non-native trees and noxious weeds. In addition, the landform will be rebuilt to include pollinator/oak habitat by de-compacting existing soils and amending with soil conditioner to build healthy soils that will support new vegetation. Native seeding and trees will be replanted in this location and perimeter trees will remain protected. *These criteria are met.*

- (J) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical.**

Staff: The permanent best management practices include seeding and revegetation to mitigate for tree removal. The primary permanent best management practices include a 2-inch-thick layer of compost with a guar tackifier within the disturbance area. A native seed mix will be added to the compost blanket and include a combination of native grasses and forbs to provide soil stability and provide pollinator habitat. *As conditioned this criterion is met.*

- (K) 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.**

Staff: The applicant provided a Stormwater Drainage Control Certificate that confirms that the proposed development will not change the drainage pattern and the stormwater will infiltrate into the project area in both pre- and post- construction conditions (Exhibit A.5). *This criterion is met.*

- (L) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized.**

Staff: The applicant is proposing to use runoff sedimentation control best management practices which includes straw wattles, biobags, and silt fences (Exhibit A.2). *This criterion is met.*

- (M) 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.**

Staff: The applicant is proposing to use best management practices for temporary drainage which includes the placement of wattles, sandbags, plastic sheeting, and permanent stormwater management as outlined in the Stormwater Drainage Control Certificate (Exhibit A.2). *This criterion is met.*

- (N) All drainage measures shall be designed to avoid erosion and adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural water bodies, drainage swales, or an approved drywell system.**

Staff: The proposed project will alter the drainage pattern of the existing Jordan Road embankment but the sheet flow of stormwater across land will be preserved with the ability to infiltrate the 10-year/24-hour

storm event post-construction. The soils within the project area have a moderate infiltration rate and the results of the pre- and post-construction conditions assessment confirms that there will be no change in the drainage pattern (Exhibit A.5). *This criterion is met.*

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

Staff: Drainage swales for surface waters are not proposed (Exhibit A.2). *This criterion is not applicable.*

- (P) Erosion and sediment control measures must be utilized such that no visible or measurable erosion shall occur on-site and no visible or measurable sediment shall exit the site, enter the public right-of-way or be deposited into any water body or storm drainage system. Control measures which may be required include, but are not limited to:**

- (1) Energy absorbing devices to reduce runoff water velocity;**
- (2) Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;**
- (3) Dispersal of water runoff from developed areas over large undisturbed areas.**

Staff: The applicant provided an erosion control plan which follows the DEQ 1200-CA permit and ODOT Sediment and Erosion Manual (ESCP) (Exhibit A.2). The temporary best management practices will include hydro mulch to cover bare soils, compost socks, and biodegradable jute/coir matting will be used in the drainage ditches. In addition, prefabricated construction entrance mats will be used in locations where vehicles enter and exit Jordan Road. The mats agitate vehicle tires to remove trapped rocks and debris prior to entering the road. No ground disturbance is proposed within a water body. *This criterion is met.*

- (Q) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into water bodies by applying mulch or other protective covering; or by location at a sufficient distance from water bodies; or by other sediment reduction measures.**

Staff: The applicant is not proposing to dispose or stockpile topsoil near water bodies, and will use protective covering to reduce erosion (Exhibit A.2). *This criterion is met.*

- (R) 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.**

Staff: The applicant is proposing to use construction best management practices to handle and dispose of non-erosion pollution. *As conditioned, this criterion is met.*

- (S) Ground disturbing activities within a water body shall use instream best management practices designed to perform as prescribed in the City of Portland Erosion and Sediment Control Manual. To the extent that there is a conflict between the Manual and the requirements of the National Scenic Area (NSA) Permit, the requirements in the NSA will apply; and**

Staff: No ground disturbance is proposed within water body. *This criterion is not applicable.*

- (T) The total daily number of fill haul truck trips shall not cause a transportation impact (as defined in the Multnomah County Road Rules) to the transportation system or fill haul truck travel routes, unless mitigated as approved by the County Transportation Division.**

Staff: The applicant is expecting the total daily number of fill haul truck trips to be between 0 and 30, with trips only during permitted construction hours. Per ODOT, the number of daily fill haul truck trips is

not anticipated to cause a transportation impact due to the low number per day (Exhibit A.2). *This criterion is met.*

- (U) Fill trucks shall be constructed, loaded, covered, or otherwise managed to prevent any of their load from dropping, sifting, leaking, or otherwise escaping from the vehicle. No fill shall be tracked or discharged in any manner onto any public right-of way.**

Staff: The applicant is proposing to use prefabricated construction entrance mats in locations where vehicles enter and exit Jordan Road. The mats agitate vehicle tires to remove trapped rocks and debris prior to entering the road. Although work is not expected during the wet season, if vehicles become muddy, the contractor will be required to manually remove any debris using hand tools before entering Jordan Road. Effectiveness of these methods will be evaluated throughout construction and other best management practices may be implemented as needed to limit load or fill tracked onto the public-of-way. In the event of rock or dust exists on roadway surfaces and shoulders, ODOT will direct the contractor to provide temporary traffic control to allow safe vehicle passage until the debris can be removed using power brooms or other applicable equipment (Exhibit A.2). *This criterion is met.*

- (V) No compensation, monetary or otherwise, shall be received by the property owner for the receipt or placement of fill.**

Staff: *As conditioned this criterion is met.*

7.0 Flood Hazard Criteria:

7.1 MCC 39.5030 Development Standards

The following development standards shall apply within all portions of unincorporated Multnomah County to all new construction, substantial improvement or other development in areas of special flood hazard, as defined in MCC 39.5005:

- (A) This section applies to all development within areas of special flood hazard in unincorporated Multnomah County as defined in MCC 39.5005.**

- (1) Development, excavation and fill shall be performed in a manner that maintains or increases flood storage and conveyance capacity and does not increase the design flood elevation.**

Staff: The proposed excavation exceeds fill within the floodplain so the flood storage capacity will be preserved. The project is located in an effective flow area of the floodplain and will have no impact on the conveyance capacity (Exhibit A.8). *This criterion is met.*

- (2) All fill placed at or below the design flood elevation in areas of special flood hazard shall be balanced with at least an equal amount of soil material removal.**

Staff: The proposed project will involve more excavation than fill below the flood elevation, ensuring no impact on the Special Flood Hazard zone (Exhibit A.8). *This criterion is met.*

- (3) Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.**

Staff: The project location does not currently have standing water and the planned excavation will not intrude into the water table. The excavated areas are not expected to be filled with water in non-storm conditions (Exhibit A.8). *This criterion is met.*

- (4) Temporary fills permitted during construction shall be removed and not be allowed in the floodway during the wet weather season.**

Staff: Temporary fill will be placed at two identified staging areas (Exhibit A.4). The applicant is not proposing to place temporary fill in the floodway during the wet weather season. *This criterion is met.*

(5) Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality shall be prohibited in areas of special flood hazard.

Staff: The proposed project does not include hazardous materials. *This criterion is not applicable.*

(B) This section applies to all structures within areas of special flood hazard in unincorporated Multnomah County as defined in MCC 39.5005.

(1) All new construction and substantial improvement shall:

- (a) Comply with Oregon State Building Codes.**
- (b) Have the electrical, heating, ventilation, duct systems, plumbing, and air conditioning equipment and other service facilities located a minimum of one foot above the base flood elevation to prevent water from entering or accumulating within the components during conditions of flooding.**

Staff: The proposed project is not a building and will not include any of these systems (Exhibit A.8). *These criteria are not applicable.*

- (c) Use materials and utility equipment resistant to flood damage.**
- (d) Use methods and practices that minimize flood damage.**

Staff: The gabion basket earth walls and asphalt surface of the trail are resistant to flood damage. The walls are constructed using wire and rocks and water is able to flow through without damaging the structure (Exhibit A.8). *These criteria are met.*

- (e) For areas that are fully enclosed below the lowest floor and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. (This requirement is not applicable for floodproofed nonresidential structures).**

* * *

Staff: The applicant is not proposing a building. *This criterion is not applicable.*

- (2) Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures. Positive drainage away from a structure's foundation shall also be provided to avoid ponding of water adjacent to the foundation after floodwaters recede.**

Staff: The base of the gabion basket wall will slope away from the structure to guide floodwaters around and away from the wall (Exhibit A.8). *This criterion is met.*

8.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Geologic Hazard and Flood Hazard permits for the ground disturbance associated with the multi-use path project. This approval is subject to the conditions of approval established in this report.

10.0 Exhibits

- 'A' Applicant's Exhibits
- 'B' Staff Exhibits
- 'C' Procedural Exhibits
- 'D' Comments Received

Exhibits with an '*' have been reduced in size and included with the mailed decision. All exhibits are available for digital review by sending a request to LUP-comments@multco.us.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application	11.15.2024
A.2	1	Letter of Authorization	11.15.2024
A.3	2	Pre-Filing Waiver	11.15.2024
A.4	6	Code Narrative	11.15.2024
A.5	6	Area Maps and Site Plan	11.15.2024
A.6	8	Erosion Control Plan	11.15.2024
A.7	1	Dwelling Floor Plan	11.15.2024
A.8	1	Accessory Building Floor Plan	11.15.2024
A.9	2	Exterior Lighting Plan	11.15.2024
A.10	3	Accessory Building Elevation Drawings	11.15.2024
A.11	1	Water Service Certification	11.15.2024
A.12	11	Easement	01.06.2025
A.13	2	Revised Floor Plan Accessory Building	01.15.2025
A.14	2	Transportation Correspondence	01.15.2025
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1N3E25 -00100 (R943252300 / R320667)	11.15.2024
B.2	1	Current Tax Map for <State ID>	11.15.2024
‘C’	#	Administration & Procedures	Date
C.1	3	Incomplete Letter	12.20.2024
C.2	3	Applicant Incomplete Response	01.06.2025
C.3	1	Complete Letter	02.12.2025
C.4	5	Opportunity to Comment	04.15.2025
C.5	12	Decision	08.01.2025
‘D’	#	Comments	Date
D.1	25	Notice of Decision CD-25-02-S	02.26.2025
D.2	2	USFS Comments	07.09.2025