NOTICE OF DECISION

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Application for Geologic Hazard Permit

Case File:	T2-2025-0034	**Applicant**:	Ryan McNeill, MWH-Kiewit
Proposal:	Request for a Geologic Hazard Permit to construct a temporary parking area and laydown areas associated with the approved water filtration facility (T3-2022-16220).		

Location:	35320 SE Carpenter Ln, Gresham	**Property ID #**	R342619 & R342603
	Map, Tax lot: 1S4E22D-00400 & 1S4E22D-00100	**Alt. Acct. #**	R994220980 & R994220820
Base Zone:	Multiple Use Agriculture – 20 (MUA-20)		
Overlays:	Significant Wildlife Habitats (SEC-h), Significant Water Resources (SEC-wr), Geologic Hazards (GH)		

Decision: **Denial**

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is March 4, 2026 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: 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 Land Use Board of Appeals until all local appeals are exhausted.
The appeal form is available at www.multco.us/landuse/application-materials-and-forms.

Issued by: *Alexandra Howard*

Alexandra Howard, Deputy Director

For: Megan Gibb, Planning Director

Date: February 18, 2026

Vicinity Map **N**

Applicable Approval Criteria: [Multnomah County Code (MCC)]:

General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.6235 Stormwater Drainage Control, MCC 39.6850 Dark Sky Lighting Standards, MCC 39.4305 Uses, MCC 39.4325 Dimensional Requirements and Development Standards, MCC 39.4340 Off-Street Parking and Loading.

Lot of Record: MCC 39.3005 Lot of Record – Generally, MCC 39.3080 Lot of Record – MUA-20 zone.

Geologic Hazard Criteria: MCC 39.5075 Permits Required, MCC 39.5085 GH Permit Application Information Required, MCC 39.5090 GH Permit Standards

Copies of the referenced Multnomah County Code sections are available by visiting https://www.multco.us/landuse/zoning-codes under the link **Chapter 39: Multnomah County Zoning Code** or by contacting our office at (503) 988-3043.

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 and Summary of Decision

Staff: The applicant requested approval to import 23,000 cubic yards of gravel fill to construct temporary vehicle parking and laydown areas associated with the construction of the Portland Water Bureau Filtration and Pipelines Project approved via T3-2022-16220. A portion of the proposed work is located within the Geological Hazards Overlay.

Because the proposal is in the Geological Hazards Overlay and because the proposed area of disturbance is outside the existing Erosion and Sediment Control Permit for the site (T1-2023-16571), a separate review is required.

MCC 39.5090 (A) states that the total cumulative deposit of fill on the site for the 20-year period preceding the date of the application for the GH permit, and including the fill in the proposed GH permit application, shall not exceed 5,000 cubic yards. The proposed fill volume, approximately 23,000 cubic yards, exceeds the allowable cumulative fill limit for the site.

The applicant argued that the fill used for the parking and laydown area should not be considered fill, because it may be reused elsewhere on the site where other temporary laydown areas need to be raised to match grade. However, MCC 39.5090(A) excludes from the cumulative calculation only fill that physically supports and/or protects a structure or access road for an essential public facility under the Oregon Structural Speciality Code. The proposed gravel pads function as temporary construction staging and parking surfaces and do not physically support or protect a structure or access road within the meaning of the code. Accordingly, the proposed fill does not qualify for exclusion and must be counted toward the cumulative limit. *For more information see Section 7 of this report.*

The cumulative fill limitation applies to the entire site, defined as a single lot of record or contiguous lots of record under the same ownership, whichever results in the largest land area. It is not limited to the portion of the site located within the mapped Geologic Hazards Overlay. As noted above, the site is also subject to Erosion and Sediment Control Permit T1-2023-16571, which authorized the import of up to 4,999 cubic yards of fill. When considered independently or cumulatively with previously authorized fill, the proposed 23,000 cubic yards substantially exceeds the 5,000 cubic yard limit established by MCC 39.5090(A).

Because the proposal exceeds the cumulative fill limitation and does not qualify for exclusion under MCC 39.5090(A), the Geologic Hazards Permit cannot be approved and must be denied.

Detailed findings for specific code sections are provided throughout the body of this report. Please read the full report for more information.

2.0 Property Description & History:

Staff: This application is for 35320 SE Carpenter Lane, located on the south side of SE Carpenter Lane in unincorporated east Multnomah County outside of Metro's Urban Growth Boundary (UGB). The subject property is zoned Multiple Use Agriculture – 20 (MUA-20) and has overlays of Significant Wildlife Habitat (SEC-h), Significant Water Resources (SEC-wr) and Geologic Hazard (GH). The site is approximately 93.5 +/- acres according to the County Assessor.

The property is an active construction site for the Portland Water Bureau Filtration and Pipelines Project. The water filtration facility was approved by T3-2022-16220. Casefile T3-2022-16220 has an extensive review and appeal history. For detailed information on T3-2022-16220, please visit the County's website: https://multco.us/info/portland-water-bureau-filtration-and-pipelines-project.

Ground disturbance on the site is managed under an active Erosion and Sediment Control permit, T1-2023-16571. Multiple other permits are also in effect on the project site.

3.0 Public Comment:

3.1 **Staff**: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties pursuant to MCC 39.1105 (Exhibit C.4). Staff received the following public comments during the 14-day comment period:

- Charles Ciecko, 3630 SE Hosner Ter., email, 10.17.25, – concern regarding project site being in a Geologic Hazard Area, SEC overlay zone, and the manner of public notice.
- Carol and Mike Kost, 35321 SE Carpenter Lane, letter, 10.17.25, – a part of the Advisory Community regarding the Bull Run Water Filtration site and oppose the use of parking and laydown area due to the site being a Geological Hazard Zone.
- Pat and Doug Meyer, 34835 SE Carpenter Lane, email, 10.17.25, – oppose this project due to the site being "geologically sensitive", risk of damaging the hillside, and expressed opinion of inadequacy with the manner of public notice. Stated that there are other areas for this project to be situated.
- Mary and Ron Roberts, Kristy McKenzie, Tami Wensenk, and Roberts Family Trust, 34828 SE Carpenter Lane, email, 10.17.25, – oppose this project as it is in an SEC and geologically sensitive area, oppose the 750 ft. radius for public notice as there are other community organizations outside of this radius that did not receive notice.
- Cottrell Community Planning Organization, Pleasant Home Community Association, letter, 10.17.25, – oppose the project due to the site being situated within an SEC Geologic Hazard Area. Particularly concerned about stormwater run-off and the effects to the wildlife corridor. Concerned with this permitting process when there is currently a LUBA appeal in process.
- Suzanne Courter, 36610 SE Dodge Park Blvd., email, 10.17.25, – opposes the project due to the site being in a Geologic Hazard and SEC area.
- Cris Courter, homeowner, email, 10.17.25, – opposes the project due to a compromised wildlife habitat, damage to the hillside, and the site being an SEC area.

Key themes from the comments are summarized below:

Geologic Hazard Concerns: Several commenters noted that the proposed parking and laydown areas are located within mapped Geologic Hazard (GH) areas and adjacent to steep slopes. Concerns were raised regarding potential risks from increased impervious surfaces, soil

compaction, heavy equipment traffic, and vibrations, which would contribute to slope instability or landslides.

The requirements of the Geologic Hazard Overlay, which must be met in order to develop in areas of steep slopes, are addressed in the main body of this report. The application materials include geotechnical evaluation and design documentation to ensure compliance with applicable safety and environmental standards.

Environmental Resource Overlays: Comments highlighted the presence of Significant Water Resources (SEC-wr) and Significant Wildlife Habitat (SEC-h) overlays at the site. Commenters expressed concern that development of parking and laydown areas could exacerbate stormwater runoff, cause soil compaction, increase dust and noise, and negatively impact wildlife habitat and natural resources.

The proposed parking and laydown areas are located just outside of the SEC overlays, and landscaping and site restoration are planned upon completion of construction to minimize long-term impacts to soil and habitat. Stormwater management documentation was also included in the application.

Alternative Locations: Some commenters suggested that alternative, flatter areas of the site could be used for temporary parking and laydown areas to avoid potential geologic and environmental impacts.

The Geologic Hazards Permit review is limited to the proposal submitted by the applicant. While commenters have suggested that alternative locations on the site may be feasible, the application does not include an analysis of alternative temporary parking or laydown locations, nor does it propose those alternatives for review.

As shown on the site plan (Exhibit A.5.a), the proposed temporary parking and laydown areas are located outside mapped historic scarps and the steepest slope areas identified on the site. Staff acknowledges the concerns raised regarding the selected location; however, staff's review and findings must be based on the proposal as submitted and cannot assume or evaluate alternative configurations that are not part of the application.

Public Notice Concerns: Several commenters indicated that the public notice for the application was inadequate. They raised concerns that residents, community organizations, and agencies with interest in the PWB Filtration and Pipelines Project were not properly notified. Commenters requested extensions to the public review period and copies of the Planning Director's decision. They also emphasized the need for clear communication and transparency, citing past notifications that were missed due to technical errors in the notification system.

Staff recognizes the concerns regarding the scope of public notice. The application was processed in accordance with MCC notification requirements. Copies of the Planning Director's decision will be provided in accordance with County procedures.

Ongoing Legal Proceeding: A commenter noted the existence of a pending LUBA appeal of T3-2022-16220, which approved the use that the proposed construction activities would support, and expressed concern that the County is considering new permits while appeal is unresolved.

Staff acknowledges that a LUBA appeal was occurring simultaneously with this application. However, work in support of T3-2022-16220 was not required to stop during the most recent LUBA processes, so the County had no grounds to delay or reject the applicant's request to review this GH permit application based on the, at the time, pending LUBA decision.

4.0 Code Compliance and Applications Criteria:

4.1 § 39.1250 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 Zoning 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:

* * *

Staff: For purposes of the current application, there are no known open compliance cases associated with the subject property. There were recent code compliance cases related to the siting of temporary construction trailers. However, those code compliance cases were addressed by T2-2025-0046 and T2-2025-0048, which approved the placement of temporary construction trailers. Although both T2-2025-0046 and T2-2025-0048 have been appealed, the decisions approving the construction trailers remain approved and in effect unless overturned by the Hearings Officer. Public hearings to consider the appeals on these projects are scheduled for March 6, 2025. The decision of the Hearings Officer may overturn the County's approval, but until and unless those decisions are overturned, the construction trailers are lawful existing uses.

The subject property is governed by prior approvals, including the Community Service Conditional Use approval of the Portland Water Bureau Filtration and Pipelines Project (T3-2022-16220) and Erosion and Sediment Control Permit (T1-2023-16571).

This criterion is met.

5.0 Lot of Record Criteria:

5.1 § 39.3005 - LOT OF RECORD – GENERALLY.

(A) An area of land is a "Lot of Record" if it meets the standards in Subsection (B) of this Section and meets the standards set forth in this Part for the Zoning District in which the area of land is located.

(B) A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, either satisfied all applicable zoning laws and satisfied all applicable land division laws, or complies with the criteria for the creation of new lots or parcels described in MCC 39.9700. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(1) "Satisfied all applicable zoning laws" shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(2) "Satisfied all applicable land division laws" shall mean the parcel or lot was created:

* * *

§ 39.3080 - LOT OF RECORD – MULTIPLE USE AGRICULTURE-20 (MUA-20).

(A) In addition to the standards in MCC 39.3005, for the purposes of the MUA-20 district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

* * *

Staff: Land Use Planning previously determined in Decision T3-2022-16220 that both legal units of land comprising the subject site are Lots of Record under MCC 39.3005 and MCC 39.3080. A subsequent land use decision, T1-2023-16600, approved consolidation of the two units of land into a single parcel. Regardless of whether the consolidation has been recorded, the underlying units have already been verified as Lots of Record. The applicable Lot of Record requirements are therefore satisfied. *This criterion is met.*

6.0 Multiple Use Agriculture – 20 (MUA-20) Criteria:

6.1 § 39.4305 USES.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this base zone except for the uses listed in MCC 39.4310 through 39.4320 when found to comply with MCC 39.4325 through 39.4345 provided such uses occur on a Lot of Record.

Staff: In August 2024, Multnomah County issued an interpretation clarifying the County's approach to MCC 39.8750 Temporary Permits; the interpretation is titled, "Memorandum Regarding Temporary Permit Requirements Multnomah County Code Section 39.8750." The interpretation clarifies when Temporary Permits are, and are not, required for construction-related activities necessary and common to construct approved uses.

The interpretation states that on-site activities such as temporary on-site storage of construction materials and parking of passenger vehicles, among other activities that are common and necessary to construct and authorized use do not require a Temporary Permit. However, the interpretation also states that when a common construction activity is proposed within a regulated overlay or area, such as a flood hazard area, or a Geologic Hazard Overlay, that various land use authorizations could be required, even if the use itself does not require a Temporary Permit.

In this case, because the temporary parking and laydown activities are typical construction activities that are reasonably necessary to construct the water filtration facility approved via T3-2022-16220 a Temporary Use permit is not required, but because the parking and laydown areas are located in a Geologic Hazard area, other land use authorizations are required.

This criterion is met.

6.2 § 39.4325 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

All development proposed in this base zone shall comply with the applicable provisions of this section.

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear

30	**10**	**30**	**30**

Maximum Structure Height – 35 feet

Staff: The proposed temporary parking and laydown areas consist of gravel placement and do not include construction of buildings or structures subject to the maximum structure height standard. The temporary gravel surfaces are shown on the site plan to be located outside the required front, side, street side, and rear yard setbacks for the MUA-20 zone.

(G) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

Staff: The proposed temporary parking and laydown areas are intended to support construction activity on the site. No on-site sewage disposal system is proposed or required for this temporary use, as the site is served by public water and wastewater facilities.

Stormwater and drainage control systems for the site have been designed to ensure that runoff from the proposed temporary gravel areas does not exceed pre-development conditions for the 10-year, 24-hour storm event, as demonstrated on the drainage plan (Exhibit A.3.a). The temporary use areas would utilize gravel surfacing and grading consistent with the site's existing drainage patterns. The proposal does not eliminate required yard areas or parking associated with permanent development on the site. *This criterion is met.*

(J) All exterior lighting shall comply with MCC 39.6850.

Staff: No new permanent lighting installations are proposed as part of this temporary use. All lighting will be temporary light plants and locations will be variable. Any temporary lighting utilized during construction activities will be contained within the boundaries of the Lots of Record and will be fully and permanently shielded to avoid emitting light above the horizontal plane, consistent with 39.6850. *This criterion is met.*

6.3 § 39.4340 OFF-STREET PARKING AND LOADING.

Off-Street parking and loading shall be provided as required by MCC 39.6500 through 39.6600.

Staff: The proposal includes temporary gravel areas intended for construction vehicle parking and equipment staging. The proposed activity does not constitute a use that generates off-street parking or loading requirements under MCC 39.6500 through 39.6600, as the areas are not intended for public access, customer parking, or permanent employee parking. No additional off-street parking or loading facilities are required under the cited standards. *This criterion is met.*

6.4 § 39.6570 IMPROVEMENTS

(A) Surfacing

(3) Notwithstanding paragraph (A)(1) of this section, parking fields for intermittent uses such as special events associated with public parks, sporting events, and the like may be surfaced with gravel, grass or both and spaces may be unmarked if the parking of vehicles is supervised. Grass fields used for parking shall be maintained so that grass is kept short and watered to minimize fire risk and reduce dust.

Staff: The proposal includes temporary gravel surfacing for parking and equipment staging areas. MCC 39.6570(A)(3) allows parking fields for intermittent uses to be surfaced with gravel or similar unpaved materials, provided the parking area is supervised. The proposed surfacing does not involve construction of paved parking facilities and is consistent with the surfacing types contemplated under MCC 39.6570(A)(3). *This criterion is met.*

7.0 Geologic Hazard Criteria:

7.1 § 39.5075 PERMIT REQUIRED.

Unless exempt under this code or authorized pursuant to a Large Fill permit, no development, or ground disturbing activity shall occur: (1) on land located in hazard areas as identified on the Geologic Hazards Overlay map, or (2) where the disturbed area or the land on which the development will occur has average slopes of 25 percent or more, except pursuant to a Geological Hazards permit (GH).

Staff: The proposed ground disturbing activity in the Geological Hazards overlay does not meet the exemption criteria in MCC 39.5080, and the proposed activity was not authorized via a Large Fill permit, therefore, a Geologic Hazards permit is required pursuant to MCC 39.5705.

7.2 § 39.5085 GEOLOGIC HAZARDS PERMIT APPLICATION INFORMATION REQUIRED.

An application for a Geologic Hazards Permit shall include two copies of each of the following:

(A) A scaled site plan showing the following both existing and proposed [...]

Staff: MCC.5085(A) itemizes all elements that must be shown on site plans for the proposed project. The applicant provided site plans that include the twelve required site plan components. *This criterion is met.*

(B) Calculations of the total area of proposed ground disturbance (square feet), volume of proposed cut (cubic yards) and fill (cubic yards), total volume of fill that has been deposited on the site over the 20-year period preceding the date of application, and existing and proposed slopes in areas to be disturbed (percent slope). Such calculations are not required for fill physically supporting and/or protecting a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code. For purposes of this subsection, the term "site" shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area.

Staff: MCC.39.5085(B) requires the applicant to provide calculations documenting the total area of proposed ground disturbance, the volume of proposed cut and fill, and documentation of the total volume of fill that has been deposited to the site over the past 20 years.

In Exhibits A.3.a. Technical Memo Drainage Plan and A.3.b. Existing Stormwater Basin Map, the applicant stated and showed a ground disturbance area of 86,364.15 square feet, or 1.98-acres, and total imported volume of fill needed to support the parking and laydown area: 23,000 cubic yards. The application also included detailed information on existing and proposed slopes in areas to be disturbed.

The applicant did not provide calculations of the total volume of fill deposited on the site over the 20-year period preceding the date of the application.

The requirements of MCC 39.5085(B) were not met because the applicant did not document fill that occurred on the site over the past 20 years.

(C) Written findings, together with any supplemental plans, maps, reports or other information necessary to demonstrate compliance of the proposal with all applicable provisions of the Geologic Hazards standards in MCC 39.5090. Necessary reports, certifications, or plans may pertain to: engineering, soil characteristics, stormwater drainage control, stream protection, erosion and sediment control, and replanting. The written findings and supplemental information shall include:

(1) With respect to fill:

(a) Description of fill materials, compaction methods, and density specifications (with calculations). The planning director may require additional studies or information or work regarding fill materials and compaction.

(b) Statement of the total daily number of fill haul truck trips, travel timing, loaded haul truck weight, and haul truck travel route(s) to be used from any fill source(s) to the fill deposit site.

Staff: The applicant thoroughly described the fill materials and methods that will be used to construct the parking and laydown area.

However, the applicant did not provide information on the total daily number of fill haul truck trips, travel timing, loaded haul truck weight, and haul truck travel routes to and from the fill deposit site.

The requirements of MCC 39.5085(C)(1)(b) were not met because the applicant did not include a statement detailing the daily number of fill haul trips, travel timing, loaded haul truck weight, and haul truck routes in their application.

The requirements of MCC 39.5085(C)(2) and (3) are met.

7.3 § 39.5090 GEOLOGIC HAZARDS PERMIT STANDARDS.

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:

(A) The total cumulative deposit of fill on the site for the 20-year period preceding the date of the application for the GH permit, and including the fill proposed in the GH permit application, shall not exceed 5,000 cubic yards. Fill physically supporting and/or protecting a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code is not included in this 5,000 cubic yard calculation. For purposes of this provision, the term "site" shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area.

Staff: MCC 39.5090(A) limits the cumulative deposit of fill on a site to 5,000 cubic yards over the 20-year period preceding the application, inclusive of the fill proposed under the permit.

The applicant proposes placement of up to approximately 23,000 cubic yards of gravel to construct temporary parking and laydown pads to accommodate construction vehicles, equipment, and staging activities.The code excludes from this calculation to only fill that *physically supports and/or protects a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code*. As described in the application materials (Exhibit A.2), this gravel would function as a temporary engineered working surface and would either be removed following construction or potentially reused elsewhere on the site. For purposes of MCC 39.5090(A), the cumulative fill limitation applies to the entire site, defined as a single lot of record or contiguous lots of record under the same ownership, whichever results in the largest land area. The standard does not limit fill accounting to only those portions of the site located within the mapped Geologic Hazards Overlay. Accordingly, all fill proposed as part of this application (including fill placed outside the mapped Geologic Hazards Overlay but within the same site) must be included in the cumulative fill calculation unless it qualifies for exclusion under MCC 39.5090(A).

While the Oregon Structural Specialty Code classifies water treatment facilities as essential facilities, the temporary gravel pads proposed under this application do not physically support or protect a structure or access road subject to OSSC seismic or tsunami design requirements. The gravel placement is not proposed beneath, within, or as part of the foundation system of any building or structure, nor does it function as an access road providing structural support or protection to an essential facility. Instead, the gravel serves as a temporary surface for construction vehicle parking, equipment staging, and material handling during construction activities.

The exclusion in MCC 39.5090(A) applies narrowly to fill that directly performs a structural or protective function for an essential or public facility or its access road as regulated under the OSSC. Temporary construction staging surfaces, parking areas, or laydown pads—while related to construction of an essential facility—do not constitute fill that physically supports or protects such a facility for purposes of this standard.

Because the proposed gravel placement does not qualify for exclusion from the cumulative fill calculation under MCC 39.5090(A), the full volume of proposed fill must be counted toward the 5,000-cubic-yard limit. The proposed fill volume of approximately 23,000 cubic yards exceeds the allowable cumulative fill limit by approximately 18,000 cubic yards. Taken independently of other

decisions that apply to the project site, the applicant's proposal does not comply with MCC 39.5090(A).

The record further indicates that an existing Erosion and Sediment Control (ESC) Permit (T1-2023-16571) to permit ground disturbing activities associated with the construction of the Water Filtration Facility approved via T3-2022-16220 authorized the import of up to 4,999 cubic yards of earth materials and non-structural fill onto the site. MCC 39.5090(A) requires the applicant to consider cumulative fill deposited on the site during the preceding 20-year period, inclusive of the fill proposed under this application, not exceed 5,000 cubic yards unless qualifying for exclusion. Because the proposed gravel placement does not qualify for exclusion from the cumulative fill calculation under MCC 39.5090(A), the full volume of proposed fill must be counted toward the 5,000 cubic yard limit. The proposed fill volume of approximately 23,000 cubic yards, when considered alone or cumulatively with previously authorized fill, substantially exceeds the maximum allowable limit established by MCC 39.5090(A).

This criterion is not met.

Because the proposal does not comply with MCC 39.5090(A), the Geologic Hazards Permit cannot be approved. Satisfaction of other applicable standards does not remedy this deficiency.

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

Staff: The proposal indicates that the temporary fill would consist of granular earthen gravel, as shown in the application materials and site plans (Exhibits A.2 and A.11). No debris, manufactured materials, or dredged material are proposed.

Based on the materials described in the application, staff finds that the proposed fill would be composed of earth materials only and therefore complies with MCC 39.5090(B).

(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 proposal does not include cut slopes, and the temporary gravel pads would be placed over existing grades without creating finished fill slopes exceeding 3H:1V (33 percent), as shown in the submitted site plans and geotechnical materials (Exhibits A.5 and A.16). No slopes exceeding this threshold are proposed.

Because no slopes in excess of 33 percent are proposed, certification for steeper slopes is not required. *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 line 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 proposal does not include any cut slopes, and the temporary gravel placement does not create unsupported finished fill slopes exceeding one foot in height at any point. All fill is placed over existing ground in relatively level areas, and no new fill slopes are constructed near property boundaries.

Site plans (Exhibit A.11) and the Slope Stability Evaluation (Exhibits A.5 and A.16) indicate that all proposed work is located well outside property lines and geotechnically established setback areas. Because no unsupported cuts or fills meeting the thresholds in MCC 39.5090(D) are proposed, engineered certification under this subsection is not required.

This criterion is met.

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

Staff: The proposed temporary gravel placement is located entirely within upland portions of the site and does not encroach into any streams, wetlands, drainage channels, or other water bodies. Site plans (Exhibit A.11) show that all proposed work occurs outside mapped Significant Water Resource (SEC-wr) areas and associated buffers.

Because no encroachment into a water body is proposed, engineering certification under this subsection is not required.

This criterion is met.

(F) Fill generated by dredging may be deposited on Sauvie Island only to assist in flood control or to improve a farm's soils or productivity, except that it may not be deposited in any SEC overlay, WRG overlay, or designated wetland.

Staff: The proposal does not involve dredged materials, and no portion of the subject site is located on Sauvie Island. The proposed temporary gravel fill consists of imported aggregate and is not derived from dredging activities. *This criterion is not applicable.*

(G) On sites within the Tualatin River drainage basin, erosion, sediment and stormwater drainage control measures shall satisfy the requirements of OAR 340-041-0345(4) and shall be designed to perform as prescribed in the most recent edition of the City of Portland Erosion and Sediment Control Manual and the City of Portland Stormwater Management Manual. Ground-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 340-041-0345(4) is approved for alterations within the buffer area.

Staff: The project site is located in eastern Multnomah County and is not within the Tualatin River drainage basin. Therefore, the erosion, stormwater, and buffer requirements specific to the Tualatin Basin do not apply to this proposal. *This criterion is not applicable.*

(H) 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 subject site is located in eastern Multnomah County and is not within the Tualatin River drainage basin. Accordingly, the erosion, sediment, stormwater, and buffer requirements specific to the Tualatin Basin do not apply to this proposal. *This criterion is not applicable.*

(I) 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 submitted grading plans indicate that the proposed temporary gravel placement generally follows existing contours and does not introduce cut slopes or substantial regrading of the site. Based on the information provided, the proposal limits grading to the extent necessary to create a temporary working surface and relies on existing drainage patterns. *This criterion is met.*

(J) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

Staff: The proposal does not include stripping or exposure of native soils requiring temporary vegetation or mulching. Existing vegetation would remain in place beneath a geotextile separator, and disturbed areas would be covered with compacted gravel, providing continuous protection of underlying soils during construction activities.

Based on the information provided, staff finds that the proposal includes measures sufficient to protect exposed areas during development and therefore complies with MCC 39.5090(J). *This criterion is met.*

(K) 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 subsection (K)(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 proposed temporary gravel placement and associated ground disturbance are located in upland portions of the site outside mapped streams, wetlands, and Significant Water Resource (SEC-wr) areas. Site plans (Exhibit A.11) show that no ground disturbance is proposed within 100 feet of any water body. As a result, the required buffer is fully maintained, and no mitigation plan is required under this subsection. Natural vegetation outside the limits of the proposed temporary work areas would be retained. *This criterion is met.*

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

Staff: The proposal does not include removal of protected vegetation, does not create permanent exposed soils, and does not propose permanent structural erosion control or drainage facilities as

part of the temporary gravel placement. Temporary erosion and sediment control measures would be installed and maintained during construction activities.

Because no permanent plantings or permanent structural erosion or drainage measures are proposed or required under the application, the requirements of MCC 39.5090(L) are not triggered by the proposal. *This criterion is met.*

(M) 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 submitted a stormwater analysis (Exhibit A.3.a) incorporating the proposed temporary laydown area into the construction-phase drainage model. The analysis shows that peak discharge rates during construction remain at or below allowable release rates for applicable design storms. Runoff from the temporary gravel areas is routed to the existing basin-and-pump system, which provides flow attenuation consistent with County standards. The corresponding Stormwater Certificate has been reviewed and approved by the County (Exhibit A.37).

Based on the submitted analysis, staff finds that provisions have been made to accommodate increased runoff during the proposed activity and that MCC 39.5090(M) is satisfied. *This criterion is met.*

(N) 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 submitted Erosion and Sediment Control Plan (Exhibit A.11) includes perimeter silt fencing, wattles, and other sediment control measures designed to intercept and retain sediment-laden runoff from the temporary work areas. These measures are shown to remain in place through installation of the temporary gravel surface and stabilization of disturbed areas and appear consistent with County erosion control standards.

Staff notes that the erosion and sediment control plan focuses on construction-phase conditions and does not include detailed documentation of sediment control during demobilization and site restoration. Staff does not rely on this issue as a separate basis for denial. Based on the information provided, staff finds that the proposal includes sediment control measures sufficient to comply with MCC 39.5090(N). *This criterion is met.*

(O) 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: No excavation cuts are proposed as part of the temporary gravel placement. The temporary fill areas would be covered with compacted gravel over a geotextile separator, creating a stable surface resistant to erosion. The Erosion and Sediment Control Plan (Exhibit A.11) includes perimeter controls and temporary drainage measures intended to prevent runoff from concentrating against fill edges or causing erosion during construction activities.

Based on the information provided, staff finds that appropriate stabilization and drainage measures are proposed to protect fill surfaces from surface water damage. *This criterion is met.*

(P) All drainage measures shall be designed to prevent 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 applicant's stormwater analysis (Exhibit A.3.a) demonstrates that runoff from the temporary laydown areas will drain to the site's existing construction-phase stormwater basins, which route flows to the North Overflow Pond through controlled pump systems. The Under Construction Stormwater Basin Map (Exhibit A.3.c) confirms that the temporary work areas connect to established drainage infrastructure and do not create new points of concentrated discharge. These facilities are designed to convey runoff without causing erosion and have been reviewed and approved through the County's Stormwater Certificate process.

Based on the submitted information, staff finds that the proposed drainage measures are adequate to convey runoff and prevent erosion consistent with MCC 39.5090(P). *This criterion is met.*

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

Staff: The proposal does not include construction or modification of drainage swales. Runoff from the temporary laydown areas is routed to existing stormwater basins and pump-controlled conveyance systems, as shown in Exhibits A.3.a and A.3.c. Vegetated areas outside the limits of disturbance will remain in place and will continue to provide natural ground cover where sheet flow occurs.

Because no drainage swales are proposed or used as part of the project, the requirements of MCC 39.5090(Q) are satisfied. *This criterion is met.*

(R) Erosion and sediment control measures must be utilized such that no visible or measurable erosion or 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 submitted Erosion and Sediment Control Plan (Exhibit A.11) includes perimeter silt fencing, wattles, stabilized construction entrances, and other control measures designed to prevent sediment from leaving the site. Runoff from the temporary laydown areas is routed to existing construction-phase stormwater basins and pump-controlled conveyance systems (Exhibits A.3.a and A.3.c), which provide velocity reduction and sediment settlement prior to internal discharge. No runoff is proposed to enter the public right-of-way or natural water bodies.

Based on the information provided, staff finds that the proposed erosion and sediment control measures are sufficient to comply with MCC 39.5090(R). *This criterion is met.*

(S) 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 project does not include disposal of spoil material or stockpiling of topsoil within or near any water body. As shown on Exhibit A.11, all temporary work areas are located in upland portions of the site, well outside mapped streams, wetlands, and drainage features. Any limited

material handling associated with installation of the gravel pads will occur within the controlled construction area and will be protected by the erosion and sediment control measures included in the ESC plan. *This criterion is met.*

(T) 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 Erosion and Sediment Control Plan (Exhibit A.11) and construction practices described in the applicant's narrative (Exhibit A.2) include standard BMPs for the proper storage, handling, and disposal of construction-related materials such as fuels, petrochemicals, and solid waste. These measures, along with routine site monitoring required under the County's erosion control program, will prevent non-sediment pollutants from leaving the construction site. *This criterion is met.*

(U) On sites within the Balch Creek drainage basin, erosion, sediment, and stormwater control measures shall be 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. All ground disturbing activity 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.

Staff: The project site is located in eastern Multnomah County and is not within the Balch Creek drainage basin. Therefore, the seasonal restrictions and additional erosion and stormwater control requirements that apply within that basin do not apply to this proposal. *This criterion is not applicable.*

(V) 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 and the City of Portland Stormwater Management Manual.

Staff: No portion of the project involves ground-disturbing activities within a water body, and no in-stream work is proposed. Therefore, the instream best management practices referenced in this standard are not applicable. *This criterion is not applicable.*

(W) 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 submitted a Transportation Planning Review form (Exhibit A.7) evaluating anticipated construction traffic associated with the temporary gravel fill and laydown areas. The County's Transportation Planning Specialist reviewed the proposal and confirmed that the expected number of daily haul truck trips does not create a transportation impact as defined in the Multnomah County Road Rules and does not require a Transportation Impact Study or mitigation. Based on this determination, the proposed haul activity complies with MCC 39.5090(W). *This criterion is met.*

(X) 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's narrative (Exhibit A.2) states that gravel haul trucks will be loaded, covered, and managed to prevent material from spilling, sifting, or leaking during transport. The Erosion and Sediment Control Plan (Exhibit A.11) also includes a stabilized construction entrance and other track-out prevention measures to ensure that no gravel or sediment is discharged onto public rights-of-way. These measures satisfy MCC 39.5090(X). *This criterion is met.*

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

Staff: The applicant states that no compensation, monetary or otherwise, will be received by the property owner for the placement of temporary gravel fill associated with construction of the Bull Run Filtration Facility. The fill is solely for project-related construction needs and not part of any commercial fill operation. The proposal therefore complies with MCC 39.5090(Y). *This standard is met.*

8.0 Significant Environmental Concern (SEC) Overlays

8.1 § 39.5540 SIGNIFICANT WILDLIFE HABITAT (SEC-h).

Staff: Mapped Significant Wildlife Habitat (SEC-h) overlays are present on portions of the subject property. However, as shown on the site plans (Exhibit A.11), the proposed temporary parking and laydown areas are located outside the mapped SEC-h boundaries. No ground disturbance, fill placement, or development is proposed within the SEC-h overlay.

Because the proposal does not involve development within the SEC-h overlay, the standards of MCC 39.5540 do not apply and a SEC-h permit is not required.

8.2 § 39.5590 SIGNIFICANT WATER RESOURCES (SEC-wr).

Staff: Mapped Significant Water Resources (SEC-wr) overlays are present on portions of the subject property. As shown on Exhibit A.11, the proposed temporary parking and laydown areas are located outside the SEC-wr boundaries and outside associated buffers. No disturbance of streams, wetlands, riparian corridors, or water resource buffers is proposed.

Because no development is proposed within the SEC-wr overlay, the standards of MCC 39.5590 do not apply and a SEC-wr permit is not required.

9.0 Conclusion

Based on the findings above, the applicant has not met the approval criteria for a Geologic Hazards Permit. As discussed in detail under MCC 39.5090(A), the proposal includes placement of approximately 23,000 cubic yards of fill on the site. Because the proposed temporary parking and laydown areas do not physically support or protect a structure or access road for an essential or public facility subject to the Oregon Structural Specialty Code, the proposed fill does not qualify for exclusion from the cumulative fill calculation. When counted toward the site-wide cumulative fill limit, the proposed fill exceeds the maximum allowable 5,000 cubic yards under MCC 39.5090(A).

Compliance with MCC 39.5090(A) is mandatory. Because the proposal exceeds the cumulative fill limitation and does not qualify for exclusion under that subsection, the Geologic Hazards Permit cannot be approved.

While staff reviewed the proposal for consistency with the remaining applicable Geologic Hazards standards, satisfaction of other criteria does not remedy the failure to comply with MCC 39.5090(A).

For these reasons, the Geologic Hazards Permit is denied.

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		Application Form	7/09/2025
A.2	7	Narrative dated 4/1/2025	7/09/2025
A.3	128	Stormwater Drainage Control Certificate (1 pg) a. Technical Memorandum Drainage Plan (2 pgs) b. Attachment 1 – Existing Stormwater Drainage Basin Map (2 pgs) c. Attachment 2 – Aerial Basin Map Construction in Progress (2 pgs) d. Attachment 3 – HydroCAD Model w/GH Areas (121 pgs)	7/09/2025
A.4	4	Geologic Hazards Permit Form-1	7/09/2025
A.5	49	GeoEngineers Slope Stability Evaluation (6 pgs) a. Appendices – Appendix A Site Plan (5 pgs) b. Cross-Sections (7 pgs) c. Appendix B – Global Stability Analysis (17 pgs) d. Appendix C – Reference Items (1 pg) i. Geotechnical Engineering Report Site Plan – Fig. 5 Dated Nov. 2021 (1 pg) ii. Geologic Profile Sections (4 pgs) iii. Appendix D – Resumes (8 pgs)	7/09/2025
A.6	8	Deeds	7/09/2025
A.7	2	Transportation Planning	7/09/2025
A.8	6	Fire Service Provider Review	7/09/2025

A.9	11	Septic Review Certification	7/09/2025
A.10	6	Narrative dated 8/7/2025	9/02/2025
A.11	7	Appendices – Appendix A (2 pgs) a. Site Plan – Existing Conditions - SH-1.0 (1 pg) b. Site Plan – Finish Site Conditions – SH-2.0 (1 pg) c. Erosion and Sediment Control Plan – SH-2.1 (1 pg) d. Typical Surface Water and Erosion Control Section – SH-3.0 (1 pg) e. Site Plan – Proposed Grade & Slope Stability Sections – SH-4.0 (1 pg)	
A.12	17	Appendix B Global Stability Analysis	
A.13	2	Appendix C Reference Items (1 pg) a. Geotechnical Engineering Report Site Plan – Fig. 5 dated Nov 2021 (1 pg)	
A.14	8	Appendix D - Resumes	
A.15	5	Cross-Sections	
A.16	6	Laydown Proximity to Geohazard Area – Slope Stability Evaluation dated 7/01/2025	
A.17	4	Geologic Profile Sections dated 3/2022	
'B'	**#**	**Staff Exhibits**	**Date**
B.1	2	Assessment and Taxation Property Information for 1S4E22D-00100 (Alt Acct# R994220820 / Property ID#R342603)	
B.2	2	Assessment and Taxation Property Information for 1S4E22D-00400 (Alt Acct# R994220980 / Property ID#R342619)	
B.3	1	Current Tax Map for 1S4E22D	
'C'	**#**	**Administration & Procedures**	**Date**
C.1	3	Incomplete letter	8/7/2025
C.2	1	Applicant's acceptance of 180-day clock	9/02/2025
C.3	1	Complete letter (day 1)	9/29/2025
C.4	3	Opportunity to Comment	10/3/2025
C.5		Decision	2/18/2026
'D'	**#**	**Comments**	**Date**
D.1	1	Ciecko 1st Comment	10/17/2025
D.2	3	Ciecko 2nd Comment	10/17/2025
D.3	1	Kost Comment	10/17/2025

D.4	1	Meyer 1st Comment	10/17/2025
D.5	1	Roberts Family Trust (Roberts, McKenzie, Wensenk) comment	10/17/2025
D.6	1	Cottrell Community Planning Organization / Pleasant Home Community Association Comment	10/17/2025
D.7	1	Meyer 2nd Comment	10/17/2025
D.8	1	Courter, Suzanne Comment	10/17/2025
D.9	1	Courter, Cris Comment	10/17/2025