NOTICE OF DECISION

Multnomah County

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

Application for a Geologic Hazards Permit

Case File:	T2-2026-0031	**Applicant**:	Lydia Peters
Proposal:	Request for a Geologic Hazards (GH) permit to construct a replacement single-family dwelling. An accessory building is noted as "proposed" on the applicant's site plan, but was not evaluated through this permit review because it is not located within the Geologic Hazards overlay.		

Location:	21501 NW Beck Road, Portland	**Property ID #** R325811
	Map, Tax lot: 2N2W23B -00600	**Alt. Acct. #** R972230090
Base Zone:	Rural Residential (RR)	
Overlays:	Significant Wildlife Habitats (SEC-h), Geologic Hazards (GH)	

Decision: **Approved with Conditions**

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is December 7, 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: 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 Land Use Board of Appeals until all local appeals are exhausted

Issued by: 

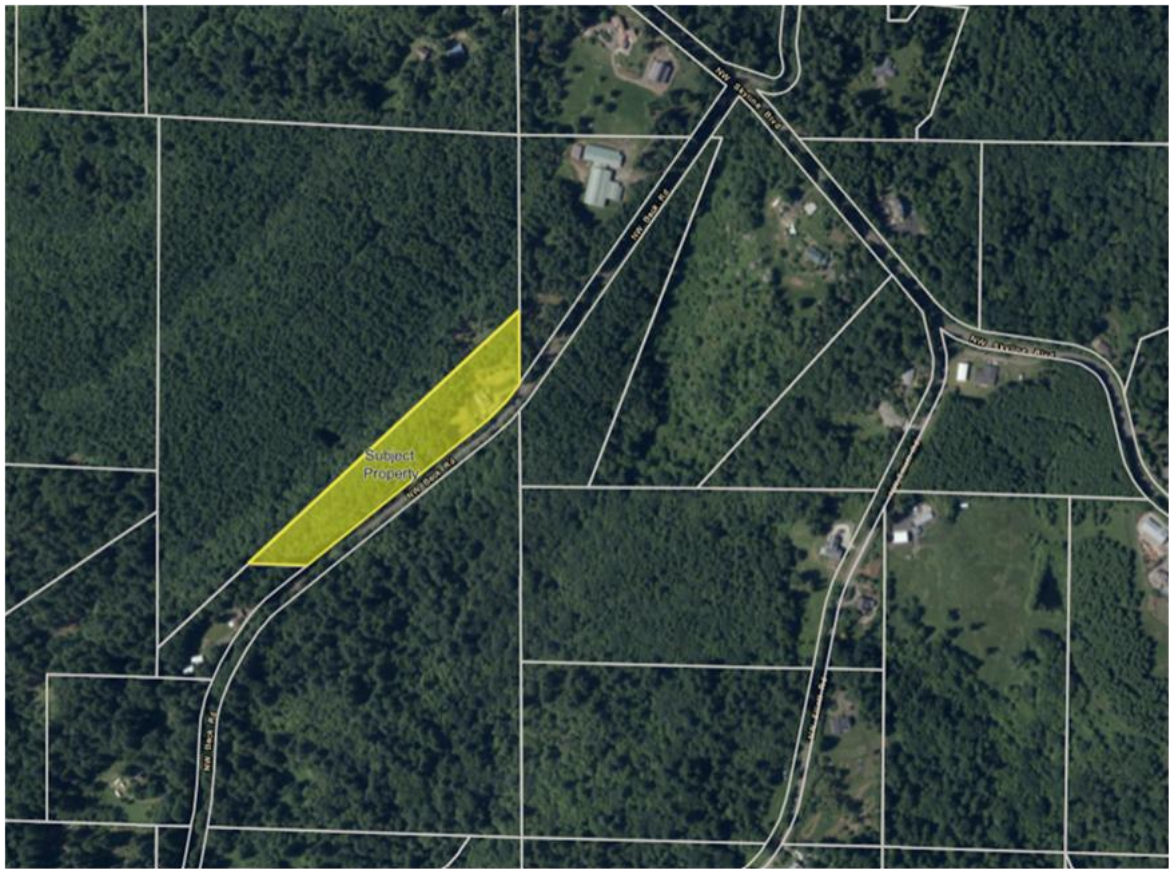
Anna Shank-Root, Planner

For: Megan Gibb,
Planning Director

Date: November 23, 2026

Instrument Number for Recording Purposes: #2001-148878

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

Lot of Record: MCC 39.3005 Lot of Record – Generally, MCC 39.3090 Lot of Record – Rural Residential (RR)

Rural Residential (RR): MCC 39.4360(A) Allowed Use, Single Family Dwelling, MCC 39.4375 Dimensional Requirements and Development Standards, (C), (F), (G), & (H)

Geologic Hazard (GH): MCC 39.5075 Permits Required, MCC 39.5085 Geologic Hazards Permit Application Information Required, and MCC 39.5090 Geologic Hazards 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.

Permit Expiration

This land use permit shall expire as follows:

1. Within two (2) years of the date of the final decision when construction has not commenced. [MCC 39.1185(B)]
    a. For the purposes of 1, commencement of construction shall mean actual construction of the foundation or frame of the approved structure, a single-family dwelling.
    b. For purposes of 1, notification of commencement of construction shall be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to the date of commencement. Notification shall be sent via email to LUP-submittals@multco.us with the case no. T2-2026-0031 referenced in the subject line.
2. Within four (4) years of the date of commencement of construction when the structure has not been completed. [MCC 39.1185(B)]
    a. For the purposes of 2, completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.
    b. For purposes of 2, the property owner shall provide building permit status in support of completion of exterior surfaces of the structure and demonstrate compliance with all 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. T2-2026-0031 referenced in the subject line. [MCC 39.1185]

Note: The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 39.1195, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.

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.

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 complies with this approval and is consistent with supporting documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein. [MCC 39.1170(B)]

1. **Prior to submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:
    a. Record pages 1 through 6 of this Notice of Decision with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 39.1175]
    b. Record a covenant that states they recognize and accept that farm activities including tilling, spraying, harvesting, and farm management activities during irregular times, occur on adjacent property and in the general area. [MCC 39.4375(G)]
    c. Acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to

assist you. The signed document shall be submitted and uploaded when submitting Building Plans for Zoning Review and Review of Conditions of Approval. [MCC 39.1170(A) & (B)]

2. **When submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:
    a. Provide a Letter of Acknowledgement and recorded Notice of Decision as required in Condition 1.a through 1.b. [MCC 39.1170(A) & (B)]
    b. Provide a Septic Review Certificate signed by the Multnomah County Sanitarian indicating that the existing septic system on the site is sufficient for the proposed development. [MCC 39.4375(F)]
    c. Provide a Stormwater Drainage Control Certificate prepared by a professional engineer with all required calculations and design details to demonstrate compliance with the standards of MCC 39.6235, OAR 340-041-0345(4), and the City of Portland Stormwater Management Manual. [MCC 39.4375(F), MCC 39.5090(G)]
    d. Submit a final ground disturbance plan stamped by a Geotechnical Engineer that includes the following information:
        i. The anticipated quantities of cut and fill (including structural fill to support the proposed dwelling) that will be deposited on site, or a statement that indicates that no fill, including the "imported granular fill" identified in the geotechnical report (Exhibit A.4) will be imported to the site. [MCC 39.5085, MCC 39.5090(A), (B)]
        ii. The location and height of all finished cut and fill slopes [MCC 39.5085(A), MCC 39.5090(C), (D)]
        iii. Details of permanent stabilization methods (landscaping/planting) that will be employed to stabilize disturbed areas [MCC 39.5090(L)]
        iv. An approximate project timeline indicating the anticipated ground disturbance schedule – identify any phased grading of areas on the site and timelines for temporary and permanent stabilization. [MCC 39.5090(H), (L)]
    e. Provide a dark sky lighting plan showing the locations of all proposed exterior lighting, and provide specifications or design details for each fixture. [MCC 39.4375(H), MCC 39.6850]
3. **Erosion Control Inspections:** The property owner(s) or their representatives are responsible for requesting two erosion control inspections at the following intervals:
    a. Before beginning ground disturbance when Erosion Control measures have been installed. Plan to request an inspection 7 days before the start of ground disturbance to request and complete the inspection to ensure that there is adequate scheduling availability. [MCC 39.1170(A) & (B)]
    b. Once all ground disturbance has been completed and permanent stabilization of all disturbed areas has been completed. [MCC 39.1170(A) & (B)]

    Inspections can be scheduled using this link: https://calendly.com/code-compliance-inspections
4. The property owner(s) or their representatives shall comply with the following limitations on the development and ground disturbing activities:
        i. Any excess excavated soil not used as fill within the ground disturbance area and any trapped sedimentation shall be removed from the subject property and taken to

a location approved for the disposal of such material by applicable Federal, State, and local authorities. [MCC 39.1170(A), MCC 39.5085(C), MCC 39.5090(B), MCC 39.5090(R), MCC 39.5090(S)]

5. **With regard to fill,** the property owner(s) or their representatives shall ensure that:

    a. Any material brought to the site to support grading or site preparation meets the Multnomah County Code definitions of fill and earth materials provided here:

        Fill is defined as "The deposit (noun or verb) of any earth materials by motorized means for any purpose, including, but not limited to, stockpiling, storage, dumping, raising elevation or topography, and tracking materials such as mud onto a road surface with vehicle tires. Work conducted by hand without the use of motorized equipment is not filling…"

        Earth Materials is defined as "Any rock, natural soil or any combination thereof. Earth materials do not include non-earth or processed materials including, but not limited to, construction debris (e.g., concrete, asphalt, wood), organic waste (e.g., cull fruit, food waste) and industrial byproducts (e.g., slag, wood waste)." [MCC 39.2000, MCC 39.5085(A)(3) and MCC 39.5090(B)]

    b. The locations and quantities of any fill imported to the site is shown on the final development plans submitted at the time of Zoning Plan review.

        i. The amount of fill imported to the site may not exceed 5,000 cubic yards. [MCC 39.5085(B), MCC 39.5090(A)]

        ii. Any fill that is deposited within the Geologic Hazard overlay must be consistent with the fill uses and site preparation recommendations described in the Geotechnical Report (Exhibit A.4). Alterations or modification to the site preparation and foundation portions of the recommendations shall be reviewed and stamped by an Oregon certified geotechnical engineer stamp to certify compliance with the recommendations of the Geotechnical Report. [MCC 39.5085(B), MCC 39.5090(A)]

    c. Fill trucks are covered or otherwise managed to prevent any material from being tracked or discharged in any manner onto any public right-of-way. [MCC 39.5090(X)]

    d. No compensation, monetary or otherwise, is received by the property owner for the receipt or placement of fill. [MCC 39.5090(Y)]

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

    a. Maintain the erosion control measures consistent with the final approved Ground Disturbance Plan through all phases of development. Erosion control measures are to include the installation of sediment fences/barriers at the toe of all disturbed areas and re-establishment of ground cover after construction. Straw mulch, erosion blankets, or 6-mil plastic sheeting shall be used as a wet weather measure to provide erosion protection for exposed soils. All erosion control measures are to be implemented as prescribed in the current edition of the City of Portland's Erosion Control Manual. [MCC 39.5085(A), MCC 39.5090(G), (H), (K), (L)-(O), and (R)]

    b. Ensure all disturbance occurs in a way that minimizes soil erosion, stabilizes the soil as quickly as practicable, and exposes the smallest practical area at any one-time during construction. [MCC 39.5090(H)]

c. Protect exposed critical areas during development by using temporary vegetation and/or mulching. [MCC 39.5090(J)]

d. Install, as soon as practical, permanent plantings and any required structural erosion control and drainage measures at the conclusion of ground disturbing activities. [MCC 39.5090(L)]

e. Prevent non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities. On-site disposal of non-erosion pollution including construction debris, hazardous or toxic materials, synthetics (i.e. tires), petroleum-based materials, or other solid wastes that may cause adverse leachates or other off-site water quality effects is prohibited. Any non-erosion pollution or spoil materials shall be removed from the site and disposed at an off-site location approved for the disposal of such material by applicable Federal, State, and local authorities. [MCC 39.5090(T)]

7. **At the conclusion of ground disturbing activities**, the property owner(s) or their representative shall gravel, seed with native grasses, or install permanent vegetation for all disturbed with exposed ground areas within five (5) days of the date the conclusion construction. [MCC 39.5085(C) and MCC 39.5090(H), (J), (L)-(O), and (R)]

Note: Land Use Planning must sign off on the building plans before you can go to the Building Department. When ready to submit Building Plans for Zoning Review, complete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, "Prior to submitting Building Plans for Zoning Review…" Be ready to demonstrate compliance with the conditions.
2. Contact the City of Portland, Bureau of Permitting & Development, On-site Sanitation at 503-823-6892 or e-mail septic@portlandoregon.gov for information on completing the Septic Permit or Evaluation process for the proposed development. All existing and/or proposed septic system components (including septic tank and drainfield) must be accurately shown on the site plan.
3. Visit https://www.multco.us/landuse/submitting-building-plan for instructions regarding the submission of your building plans for zoning review and review of conditions of approval. Please ensure that any items required under, "When submitting Building Plans for Zoning Review…" are ready for review. Land Use Planning collects additional fees at the time of zoning review.

Once you have obtained an approved zoning review, application for building permits may be made with the City of Portland.

Notice to Mortgagee, Lien Holder, Vendor, or Seller:
ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

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: Request for a Geologic Hazards (GH) permit to construct a replacement single-family dwelling. An accessory building is also requested, but not part of this permit due to being located outside of the GH overlay.

2.0 Property Description & History:

Staff: This application is for 21501 NW Beck Road, Portland. The subject property is located on the west side of NW Beck Road in unincorporated west Multnomah County outside of Metro's Urban Growth Boundary (UGB). The subject property is zoned Rural Residential (RR) and is located completely within the Significant Wildlife Habitat (SEC-h) overlay, and partially within the Geologic Hazards (GH) overlay.

According to aerial images and applicant materials, the previously existing single-family dwelling and attached garage that were built in 2002, were destroyed by fire between February 28, 2025 and August 21, 2025, which is not yet reflected by data from the County Assessor's office.



Image 1: February 28, 2025 Aerial Image of the subject property showing previously existing dwelling



Image 2: August 21, 2025 Aerial Image of the subject property showing fire damage to previously existing dwelling

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 39.1105 (Exhibit C.4). Staff received one public comment from a neighboring property owner during the 14-day comment period.

3.1 Kristen Brown and Fergus Morrissey, property owners at 21300 NW Beck Road provided written comments via email on October 8 and October 9, 2026 (Exhibit D.1)

Staff: The commenters expressed concerns about the proximity of the proposed detached garage to the east shared side property line, and the accuracy of the information shown on the site plan relative to a recent survey that was completed for the property, and markers that were placed on the property line. In response, staff reached out to the applicant and requested a copy of that survey. The applicant provided a copy of the survey (Exhibit A.8) and indicated that it was the basis for all provided site drawings. Staff reviewed the applicant's site plan (Exhibit A.2) and the 2025 survey (Exhibit A.8), and confirmed that benchmarks from the 2025 are accurately reflected on the applicant's site plan. Finally, since the proposed detached garage is not subject to Type II Geologic Hazards review, which is the scope of this decision, setbacks for the detached garage were not evaluated in this report, and will be verified by Land Use Planning staff during Zoning Plan Review.

4.0 Code Compliance and Applications Criteria:

4.1 MCC 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: 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.

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 Lot of Record Criteria:

5.1 MCC 39.3005 - LOT OF RECORD – GENERALLY.

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5.2 MCC 39.3090 - LOT OF RECORD – Rural Residential (RR).

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Staff: The subject property was verified as a Lot of Record in land use case T2-2026-0011. *Criterion met.*

6.0 Rural Residential (RR) Criteria:

6.1 MCC 39.4360 ALLOWED USES

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

(A) Residential use consisting of a single-family dwelling on a Lot of Record.

Staff: The existing dwelling was destroyed by fire; therefore, there will be only one single-family dwelling on the Lot of Record. *Criterion met.*

6.2 MCC 39.4375 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

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Staff: The site plan shows the dwelling meets the minimum yard standards. The dwelling is more than 30 feet from all property lines (Exhibit A.2). The applicant did not provide a plan showing the elevation of the dwelling. A condition will be required that final designs be reviewed by planning staff at the time of zoning Plan Review. *As conditioned, criteria met.*

(F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, 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 previously existing dwelling was connected to on-site sewage disposal, stormwater drainage control, and water systems. Conditions of approval require that a Septic Review Certification and Stormwater Drainage Control Certificate be submitted for review by Land Use Planning staff at the time of Zoning Plan Review. *As conditioned, this criterion is met.*

(G) New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land (contiguous or across the street) by:

(1) Recording a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 where the farm use is on land in the EFU base zone; or

(2) Where the farm use does not occur on land in the EFU base zone, the owner shall record a covenant that states they recognize and accept that farm activities including tilling, spraying, harvesting, and farm management activities during irregular times, occur on adjacent property and in the general area

Staff: A condition of has been established requiring the property owners to record a covenant in compliance with (G)(2). *As conditioned, this criterion is met.*

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

Staff: As a condition of approval, the applicant must provide a dark sky lighting plan showing the locations of all proposed exterior lighting and provide specifications or design details for each fixture. *As conditioned, this criterion is met.*

7.0 Geologic Hazards (GH) Land Use Permit Criteria:

7.1 MCC 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 applicant is proposing a replacement single-family dwelling (SFD) that is partially located within the GH overlay. For the portions of the proposed development in the GH overlay, the applicant is required to obtain a GH permit, and all applicable criteria are discussed below.

7.2 MCC 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:

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(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.

(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:

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Staff: The applicant has provided all the required application information as Exhibits A.1 to A.8. A GHP Form-1 and a Geotechnical Report was provided that was prepared and certified by Mia Mahedy, PE, GE at Rapid Soil Solutions, Inc. to address the criteria of MCC 39.5090 (Exhibits A.4 and A.5). The applicant has also provided an Existing Septic System Evaluation Report completed by a Qualified Septic System Evaluator, Douglas Folsom of West Side Drain (Exhibit A.6), and a site plan of the proposed stormwater drainage system. A Septic Review Certification and Stormwater Drainage Control Certificate are required as conditions of approval.

In reviewing the development, Mia Mahedy, PE, GE, "certifies that the site is suitable for the proposed development" (Exhibit A.5). The plans and reports indicate that the proposed ground disturbance will be approximately 10,000 square feet to accommodate the single-family dwelling and surrounding graded areas, and that will involve approximately 550-600 cubic yards of fill. A condition of approval requires that the applicant submit a final Ground Disturbance Plan stamped by a Geotechnical Engineer specifying the final quantities and locations of all proposed cut and fill at the time of Zoning Plan Review. The detached garage noted as "proposed" on the site plan (Exhibit A.2) is located outside of the Geologic Hazards and is not evaluated in this permit. *Application requirements met.*

7.3 MCC 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:

Staff: Findings of this permit satisfies the requirement for development to be compliant with MCC 39.6210(A), and this permit does not exempt the applicant from obtaining any required permits from other jurisdictions. The ground disturbing activities are in support of a lawfully established use, MCC 39. As required by MCC 39.6210(D), the applicant provided a GHP Form-1 and a Geotechnical Report was prepared by Mia Mahedy, PE, GE (Exhibits A.4 and A.5). The applicant has indicated that they understand their responsibility under MCC 39.6210(E). A performance bond per MCC 39.6210(F) is not required. Requirements of this permit must be satisfied prior to issuance of a certificate of occupancy. *Criteria met.*

(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: Section 2.3 of the Geotechnical Report, "As built conditions," indicates that aerial images and on-site conditions indicate that no major site changes appear to have occurred since the construction of the previous dwelling in 2002 (Exhibit A.4). Precise quantities for any fill that may support the structure, as outlined in Section 5.1 of the Geotechnical Report, have not been provided at this design phase, however the Geotechnical Report outlines the specifications for the use of fill for the project (Exhibit A.4). Preliminary fill quantities, estimated between 550-600 cubic yards did not distinguish between cut and backfill using on-site soils, which were determined as suitable for fill in the Geotechnical Report, and imported granular fill which was outlined as an option for foundation design in the Geotechnical Report (Exhibits A.4-A.5). Preliminary ground disturbance plans, the Geotechnical Report and the GHP-1 report provide sufficient indication that the total fill quantities will be well below the 5,000 cubic yard standard of (A) (Exhibits A.3-A.5). Additionally, Conditions of Approval indicate that the deposit of fill to the site may not exceed 5,000 cubic yards, and that the quantity of fill proposed to be deposited on the site must be quantified on a final ground disturbance plan that is stamped by a Geotechnical Engineer must be provided at the time of Zoning Plan Review. *As conditioned, this criterion is met.*

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

Staff: The Geotechnical Report (Exhibit A.4) discusses the use of granular fill for the foundation design and to backfill behind retaining walls. All fill utilized on the site must be composed of earth materials, which are defined in MCC 39.2000 as "any rock, natural soil or any combination thereof. Earth materials do not include non-earth or processed materials including, but not limited to, construction debris (e.g., concrete, asphalt, wood), organic waste (e.g., cull fruit, food waste) and industrial byproducts (e.g., slag, wood waste)." A condition has been established to this effect. *As conditioned, criterion 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: A note on the applicant's site plan indicates that no cut and fill slopes will exceed 33% on the site, and states that the maximum finished slopes will be approximately 25% (Exhibit A.2). *Criterion 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: Since there is no indication in the geotechnical report of the height of any proposed unsupported finished cut and fill slopes, any slopes are required to meet the twice the height of the cut and fill slope standard (Exhibits A.3 – A.5). As a condition of approval, the location and height of any proposed cut and fill slopes must be shown on a ground disturbance plan. *As conditioned, 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: According to County GIS data, the nearest water body is an unnamed stream that runs more or less parallel to the rear property line approximately 90 feet northwest of the subject property. All development is at least 200 feet away from the stream, perimeter protection fencing and silt fencing are indicated on the erosion plan, so no fill will impact a water body (Exhibit A.3). *Criterion 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 proposed development does not include fill generated by dredging. *Criterion 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 proposed development is located within the Tualatin River drainage basin, and must comply with the standard above. The applicant has provided a preliminary Ground Disturbance Plan and Geotechnical Report (Exhibits A.3-A.5) that meet OAR 340-041-0345(4). No development is proposed within 100 feet of any stream, water body, or wetland. A condition of approval has been established requiring the applicant to provide a Stormwater Drainage Control Certificate that addresses the criteria of MCC 39.6235, satisfies the requirements of OAR 340-041-0345(4), and is designed to perform as prescribed in the City of Portland Stormwater Management Manual. *As Conditioned, this criterion is met.*

(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: Compliance with this standard, as well as providing a phased Ground Disturbance Plan for the development are conditions of this approval. *As conditioned, this criterion is met.*

(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 applicant's site plan, ground disturbance plan, and geotechnical report all indicate that any cut and fill operations would be limited to what is necessary to prepare the home site to ensure the suitability of the site for the proposed development (Exhibits A.2-A.5). As a condition of approval, A final Ground Disturbance Plan must be submitted for review at the time of zoning

plan review that shows the locations and heights of proposed cut and fill slopes, and indicates anticipated cut and fill quantities. *As conditioned, this criterion is met.*

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

Staff: A condition of approval requires compliance with this standard throughout development. *As conditioned, criterion 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 According to County GIS data, the nearest water body is an unnamed stream that runs more or less parallel to the rear property line approximately 90 feet northwest of the subject property. All development is at least 200 feet away from the stream *Criterion met.*

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

Staff: Identifying the permanent slope stabilization measures and an implementation timeline for final slope stabilization is a condition of approval that will be verified at the time of Zoning Plan Review. *As conditioned, 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.
(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.
(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: The applicant has identified the locations of both perimeter protection fencing and sediment control fencing surrounding the area of proposed ground disturbance on their Ground Disturbance Plan (Exhibit A.3). The Ground Disturbance plan also indicates that stockpiled dirt will be covered to prevent erosion and runoff (Exhibit A.3). A condition of approval requires the applicant to submit a Stormwater Drainage Control Certificate and supporting stormwater system designs and calculations indicating that the rate of runoff for a 10-year, 24-hour storm event will not increase as a result of the proposed development. Identifying the permanent slope stabilization

measures and an implementation timeline for final slope stabilization is a condition of approval that will be verified at the time of Zoning Plan Review. *As conditioned, these criteria are 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.
(Q) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion.

Staff: The applicant has provided a stormwater drainage site plan that indicates graded flow paths, extended downspouts, and rip rap pads to manage runoff. A condition of approval requires that the applicant submit a Stormwater Drainage Control Certificate and supporting stormwater system calculations that indicate that the proposed system design adequately manages any increased runoff due to the development within the property boundaries for a 10-year, 24-hour storm event. *As conditioned, these criteria are 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 applicant has identified the locations of both perimeter protection fencing and sediment control fencing on their Ground Disturbance Plan to ensure that no visible or measurable erosion or sediment exits the site (Exhibit A.3). *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 location for soil stockpiling during development has been identified on the Ground Disturbance Plan as A, and is located southeast of the proposed replacement dwelling, as far as possible from the nearest water body (Exhibit A.3). Note 8 on the Ground Disturbance plan also indicates that all stockpiled dirt must be covered to prevent erosion (Exhibit A.3). *Criterion 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: Compliance with (T) above is a condition of approval. *As conditioned, criterion 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 proposed development is not located within the Balch Creek drainage basin; therefore, this criterion is not applicable. *Criterion 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: Per the applicant's site plan and Ground Disturbance plan and County GIS maps, all ground disturbing activity will occur at least 200 feet from a water body (Exhibits A.2 and A.3). *Criterion 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.
(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.
(Y) No compensation, monetary or otherwise, shall be received by the property owner for the receipt or placement of fill.

Staff: The proposed development will utilize an existing access point that was permitted by Access Permit #94-0962 (Exhibit B.3), which does not constitute "new construction or alteration" for the purposes of the Multnomah County Road Rules definition of transportation impact. A condition of approval requires compliance with subsection (X) and (Y) above. *As conditioned, criteria met.*

9.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Geologic Hazards permit to replace a Single-Family Dwelling in the Rural Residential (RR) zone. This approval is subject to the conditions of approval established in this report.

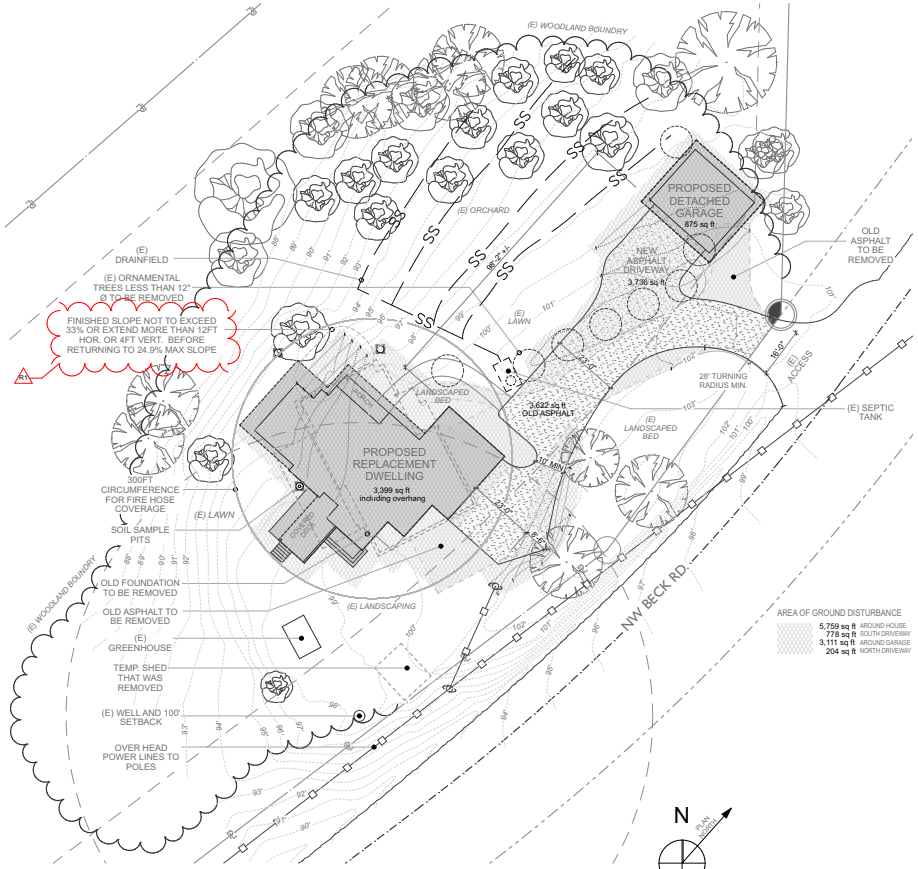
10.0 Exhibits

'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.

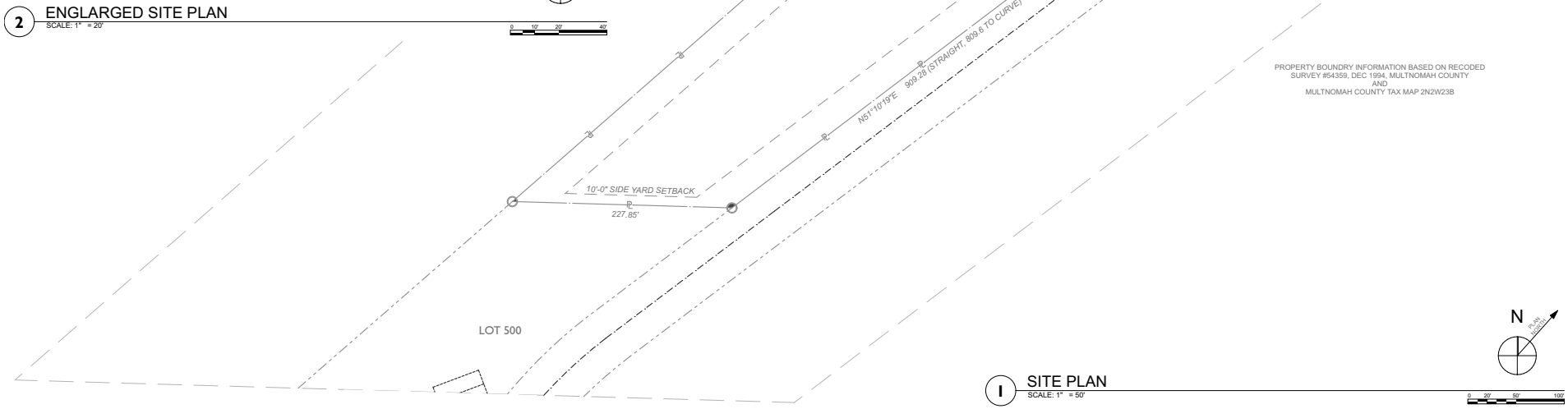
Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	06.11.2026
A.2*	1	Site Plan	09.03.2026
A.3	1	Ground Disturbance Plan	09.03.2026
A.4	20	Geotechnical Report	06.11.2026
A.5	4	GHP-1 Form	06.11.2026
A.6	9	Existing Septic System Evaluation Report	09.03.2026
A.7	1	Stormwater Site Plan	09.03.2026
A.8	1	2025 Property Survey	10.29.2026
'B'	**#**	**Staff Exhibits**	**Date**
B.1	3	Assessment and Taxation Property Information for 2N2W23B -00600 (R972230090/R325811)	06.11.2026
B.2	1	Current Tax Map for 2N2W23B	11.06.2026
B.3	1	Transportation Planning Review Form	11.06.2026
B.4	2	Current Property Deed – Instrument No. 2001-148878	11.06.2026
'C'	**#**	**Administration & Procedures**	**Date**
C.1	3	Incomplete letter	07.08.2026
C.2	1	Applicant's acceptance of 180-day clock	09.03.2026
C.3	1	Complete letter (day 1)	09.04.2026
C.4	3	Opportunity to Comment	10.05.2026
C.5	16	Decision	11.23.2026
'D'	**#**	**Comments**	**Date**
D.1	3	Kristen Brown and Fergus Morrissey Comments	10.08.2026 & 10.09.2026

Exhibit A.2 - Site Plan



2 ENGLARGED SITE PLAN
SCALE: 1" = 20'

NOTE: SEE GEOTECHNICAL REPORT PREPARED BY RAPID SOIL SOLUTIONS MAY 20, 2026 FOR SOILS LOGS. GENERAL SOIL CONDITIONS INCLUDE APPROX. 6" OF TOP SOIL OVER MEDIUM STIFF CLAYEY SILT.



1 SITE PLAN
SCALE: 1" = 50'

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STATUS:	DATE:
ZPR/MIP	3/13/26
R1	9/3/26

DRAWN BY: LP

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G1.3

SITE PLAN