



**DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION AND LAND USE PLANNING DIVISION**

**2115 SE Morrison Street
Portland, OR 97214 (503)248-3043 fax (503)248-3389
email: land.use.planning@co.multnomah.or.us**

ADMINISTRATIVE DECISION

Case Files:

HDP 7-97, DR 1-97

Related Case Files;

CU 11-96, HV 14-96, SEC 21-96

WHO:

APPLICANTS'

Byron L. and Susan I. March
8610 NW Hazeltine St.
Portland, OR 97229

OWNERS'

J. Jerry Longaker and Chris Copley
732 NE 190th Ave.
Portland, OR 97230

WHERE:

1111 NW 53rd Drive
Tax Lot '4' of lots 23 & 24 Mountain View Park, located in Sec
31, T1N, R1E, WM
3.88 acres

WHAT:

The applicant's are requesting: (1) determination of compliance for water service as part of an approved Conditional Use (Hearings Officer Decision, October 30, 1996), (2) Hillside Development Permit, and (3) Design Review approval for the single family dwelling.

WHEN:

This decision will become affective May 16, 1997 at 4:30 pm unless an appeal is filed.

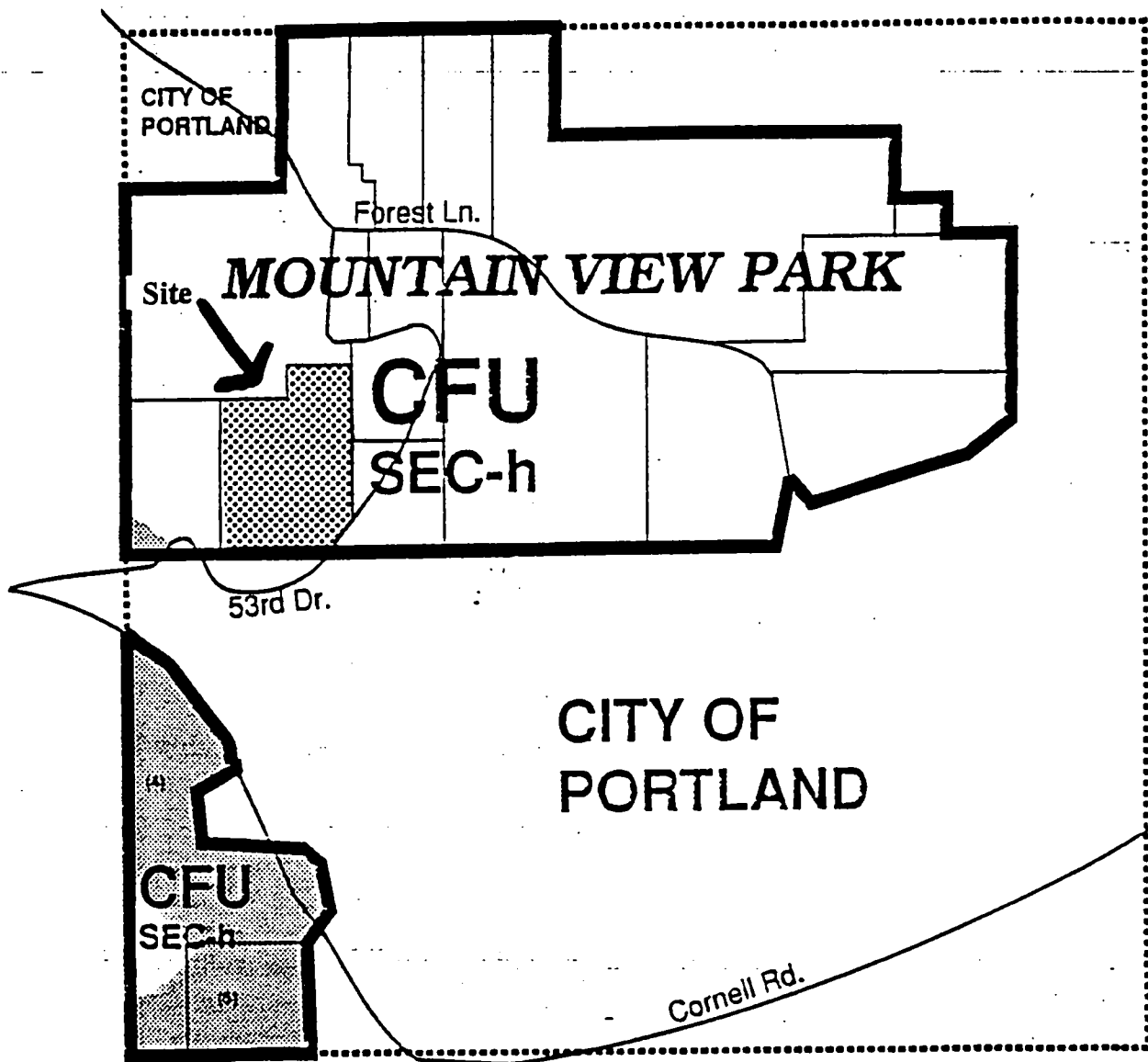
ZONING:

Commercial Forest Use (CFU), Significant Environmental Concern- wildlife habitat (SEC-h)

Decision: *Approval*, with conditions, of the Final Design Review plans and Hillside Development Permit for construction of a single family dwelling, based on the findings and conclusions contained herein.

CU 11-96, HV 14-96, SEC 21-96
HDP 7-97, DR 1-97

_____	Notices
19	Decision Notices
mailed on ¹ 5/6/97	Staff Contact: Susan Muir
S	248-3043



Vicinity Map

CU 11-96, HV 14-96, SEC 21-96

Section 31, T1NR1E, lot 4 of lots 23 & 24

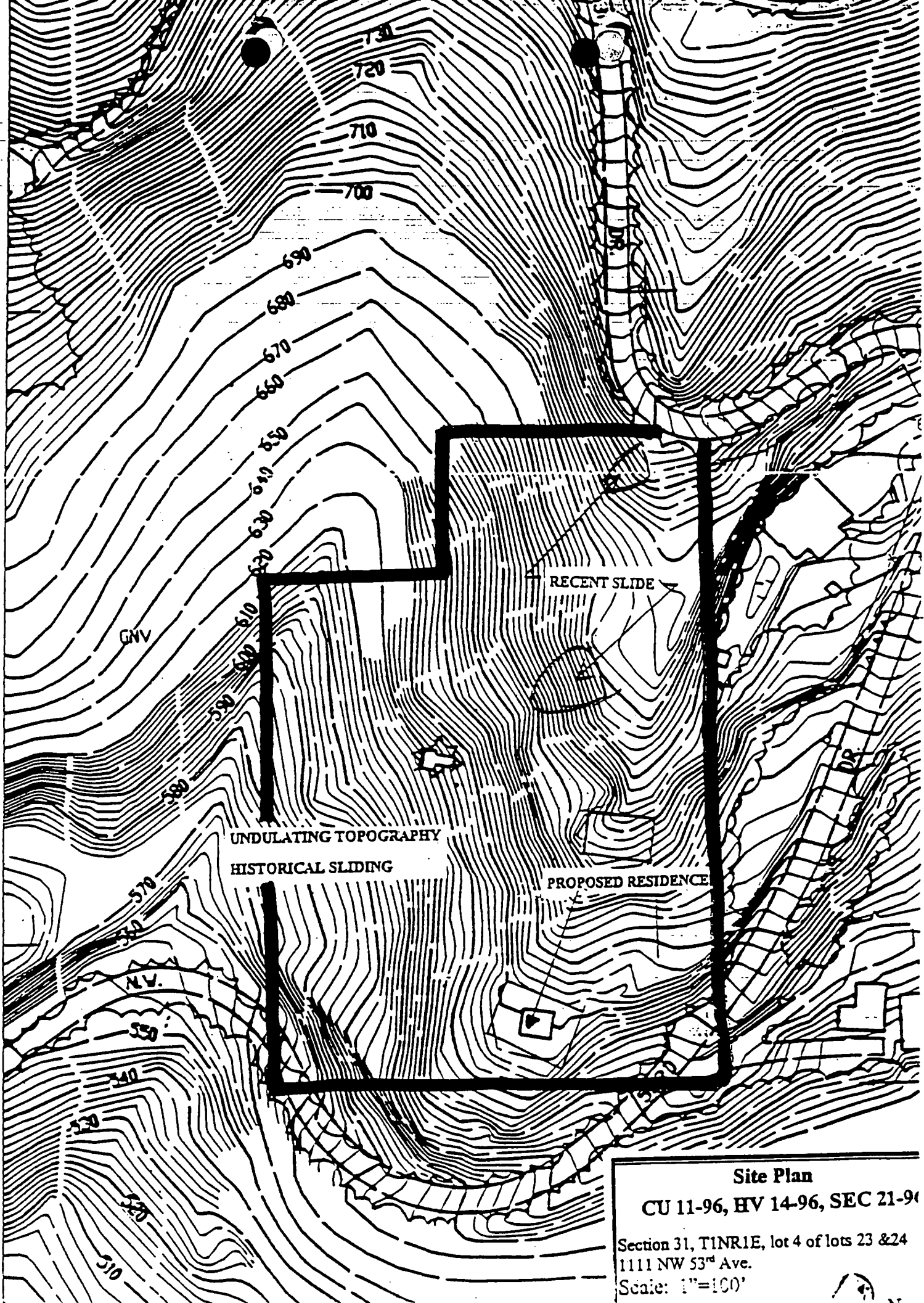
1111 NW 53rd Ave.

Scale: 1"=500'



688000

687500



Site Plan
CU 11-96, HV 14-96, SEC 21-96
Section 31, T1NR1E, lot 4 of lots 23 & 24
1111 NW 53rd Ave.
Scale: 1"=100'

CONDITIONS OF APPROVAL:

1. The applicant will contact Susan Muir at 248-3043 to schedule an appointment to have the building permit reviewed. The case planner listed above shall be the one to review and approve all building permit applications associated with this approval.
2. The proposed drainage system shall have adequate capacity to bypass through the development the existing upstream flow from a storm of 10-year design frequency. This criteria must be demonstrated at the time of building permit review. The applicant shall provide this information.
3.
(1) **Determination of compliance for water service.**

The following is the code criteria the applicant must demonstrate compliance with, followed by a staff decision of compliance (pursuant to the Conditional Use approval for CU 11-96, Condition

- (C) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rules.

Staff: The applicant has submitted a well report that demonstrates this criteria has been met.

(2) Hillside Development Permit

MCC 11.15.6725 - Hillside Development Permit process and Standards:

MCC 11. 15.6730 - Grading and Erosion Control Permit Standards:

MCC .6730 (A)(1)(a)- Grading Standards: Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The Director or delegate may require additional studies or information or work regarding fill materials and compaction;

Comment: No fill is required.

MCC .6730 (A)(1)(b): Cut and fill slopes shall not be greater than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified;

Comment: Only one cut may be necessary 20' uphill from the (15) front of the house requiring a 3' retaining wall. AW Geotechnical Services will be retained to assess the need of "any minor grading of slope uphill of resident" (see attached HDP Geo Form, Page 4, #9, under explanation). An additional cut of 5' across the same embankment will utilize the front

wall of the foundation as its retaining wall and have foundation underneath that wall. This cut is part of the foundation excavation and will be properly protected from erosion.

MCC .6730 (A)(1)(c): Cuts and fills shall not endanger or disturb adjoining property;

Comment: Only one minor cut may be necessary and is well away from any adjoining properties (over 110').

MCC .6730 (A)(1)(d): The proposed drainage system shall have adequate capacity to bypass through the development the existing upstream flow from a storm of 10-year design frequency;

Comment: No unusual potential drainage problems have been associated with the property. AW Geotechnical Services will be retained to provide any surface/subsurface drainage recommendations.

Staff: Conditions of approval will be required to demonstrate compliance with this at building permit stage.

MCC .6730 (1)(e): Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced streamflow for a storm of 10-year design frequency.

Comment: No fills are planned, and no watercourses exist on the property.

MCC .6730 (2)(a): On sites within the Tualatin River Drainage Basin, erosion and stormwater control plans shall satisfy the requirements of OAR 340. Erosion and stormwater control plans shall be designed to perform as prescribed by the "*Erosion Control Plans Technical Guidance handbook*" and the "*Surface Water Quality Facilities Technical Guidance Handbook*". Land -disturbing activities within the Tualatin Basin shall provide a 100-foot undisturbed buffer from the top of bank of stream, or the ordinary high water mark (line of vegetation) of a water body, or within 100-feet of a wetland; unless a mitigation plan consistent with OAR 340 is approved for alterations within the buffer area.

Comment: No wetlands or watercourse exist on the property. All drainage plans will conform to county requirements and OAR 340 as pertains.

MCC .6730 (2)(c): Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff.

Comment: Development plans have been structured to minimally impact the area: no fills are necessary, and one cut and grading will be minor.

MCC .6730 (2)(d): Temporary vegetation/and or mulching may be required if protection is required on exposed critical areas during development. (see MCC .6730 (2)(e), below)

Comment: Mulching shall be used to protect any exposed critical areas during development.

MCC .6730 (2)(e): Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

- (i) A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland;

Comment: No streams or water bodies exist on the property.

- (ii) The buffer requirement in (i.) may only be disturbed upon the approval of a mitigation plan which utilizes erosion and stormwater control features designed to perform as effectively as those prescribed in the "*Erosion Control Plans Technical Guidance Handbook*" and the "*Surface Water Quality Facilities Technical Guidance Handbook*" and which is consistent with attaining equivalent surface water quality standards as those established for Tualatin River Drainage Basin in OAR 340;

Comment: None required.

MCC .6730 (2)(f): Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical.

Comment: During development, erosion control measures will be immediately installed, and any permanent plantings carried out at the completion of structural development.

MCC .6730 (2)(g): Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development.

Comment: AW Geotechnical Services will be utilized to ensure property runoff and drainage.

MCC .6730 (2)(h): Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized.

Comment: Any sediment runoff will be trapped and properly disposed.

MCC .6730 (2)(i): Provisions shall be made to prevent surface water from damaging the sloping surfaces 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.

Comment: Provisions will be in place to protect any cuts from erosion prior to final wall development.

MCC .6730 (2)(j): All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains or natural watercourses.

Comment: Provisions will be made to properly direct any surface runoff during construction per AW Geo. Services.

MCC .6730 (2)(k): Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion.

Comment: No drainage swales are anticipated. The surrounding area gently slopes off in several different directions facilitating ground absorption.

MCC .6730 (2)(l): Erosion and sediment control devices shall be required where necessary to prevent polluting discharge from occurring. Control devices and measures which may be required include, but are not limited to:

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

Comment: No streams or water bodies exist on the property. Measures will be implemented to control erosion during construction. The site to be developed is 100' back from the county road. The proposed construction site has been previously cleared for years, and the proposed driveway is already in place and will utilize a short section of an old logging road no longer in use.

MCC .6730 (2)(m): Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures;

Comment: Soil in need of disposal will be hauled away to approved disposal sites.

MCC .6730 (2)(n): Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewater's shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.

Comment: Any pollutants associated with normal construction practices will be disposed of properly per environmental laws.

MCC .6730 (2)(o): On sites within the Balch Creek Drainage Basin, erosion and stormwater control features shall be designed to perform as effectively as those prescribed in the *Erosion Control Plans Technical Guidance Handbook* (January, 1991). All land disturbing activities within the basin shall be confined to the period between May first and October first of any year. All permanent vegetation or a winter cover crop shall be seeded or planted by October first of the same year the development was begun; all soil not covered by buildings or other impervious surfaces must be completely vegetated by December first of the same year the development was begun.

Comment: Construction will be between May first and October first. Permanent vegetation will be replanted immediately upon completion of construction during same time frame.

MCC .6730 (B): Responsibility:

- (1) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project;

Comment: Any loose sediment or soil will be hauled away to an approved disposal site.

- (2) It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream watercourse or swale, or upon the floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or right-of-way during such activity, and to return it to original or equal condition.

Comment: No water course, streams, or water bodies are on the property. It is not in a floodplain. Any disturbed areas will be returned to their natural condition upon construction completion. None are really anticipated due to the existing nature of the largely previously cleared site.

MCC .6730 (C): Implementation:

- (1) **Performance Bond** - A performance bond may be required to assure the full cost of any required erosion and sediment control measures. The bond may be used to provide for the installation of the measures if it is not completed by the contractor. The bond shall be released upon determination that the control measures have or can be expected to perform satisfactorily. The bond may be waived if the Director determines the scale and duration of the project and the potential problems arising therefrom will be minor.

- (2) Inspection and Enforcement.** The requirements of this subdistrict shall be enforced by the Planning Director. If inspection by County Staff reveals erosive conditions which exceed those prescribed by the Hillside Development Permit or Grading and erosion Control Permit, work may be stopped until appropriate conditions are completed.

Comment: No bonding will be required.

MCC .6730 (D): Final Approvals: A certificate of Occupancy or other final approval shall be granted for development subject to the provisions of this subdistrict only upon satisfactory completion of all applicable requirements.

(3) Design Review

MCC 11.15.7850 Design Review Criteria

The provisions of MCC .7805 through .7865 shall apply to all conditional and community service uses in any district.

(A) Approval of a final design review plan shall be based on the following criteria:

(1) Relation of Design Review Plan Elements to Environment.

- (a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.**

Comment: The proposed dwelling design was selected to blend into and enhance the surrounding area.

- (b) The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise, and air pollution.**

Comment: The new dwelling has insulation factors that surpass requirements: walls-R22 and roof-R44. Home is 2x6 construction, all cedar, designed to be highly energy efficient and to reduce noise pollution.

- (a) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.**

Comment: The design matches the character of the surrounding vicinity.

- (2) Safety and Privacy - The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.**

Comment: The design offers proper but subdued lighting intended to both provide protection and privacy for occupant and neighbor. It also provides a sufficient transition from public to private use-space; the dwelling is positioned 100' from the county road and will utilize existing tree cover and growth for privacy and reduction of visibility from the public right-of-way.

- (3) Special Needs of Handicapped - Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and braille signs.**

Comment: The dwelling will be somewhat accessible to the handicapped from ground level through the rear door (though not required by law).

- (4) Preservation of Natural Landscape - The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.**

Comment: The natural grade will remain intact as the proposed development site has previously been developed to some extent. Uphill, minor grading will be done. On the whole, the natural state and contours will remain untouched.

- (5) Pedestrian and vehicular circulation and Parking - The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.**

Comment: Driveway plans utilize preexisting graveled old logging road and also provides off-street parking as a short section of the road still is in place to service the sand filter location and also provide additional parking.

- (6) Drainage - Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.**

Comment: Driveway plans utilize preexisting graveled old logging road and also provides off-street parking as a short section of the road still is in place to service the sand filter location and also provide additional parking.

- (7) Buffering and Screening - Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.**

Comment: The proposed structure will sit well back from the county road (100'), and will be mostly screened from view by existing tree cover. The property mail box has been in place for years across the street. No outbuildings are planned.

- (8) Utilities - All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.**

Comment: Underground utilities are planned where possible. Any above ground utility boxes will be screened from view from the street.

- (9) Signs and Graphics - The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.**

Comment: The property address (or signs for the property) is only displayed on the existing mail box.

MCC 11.15.7870 - Expiration of Approval: (A) Design review approval shall expire in 18 months from the date of final design review approval, however upon application a six month extension may be granted by the Planning Director upon written findings that the applicable provisions of this ordinance are satisfied. The Director's Decision may be appealed as provided by MCC 11.15.8290. Failure to apply for an extension shall result in expiration of the approval.

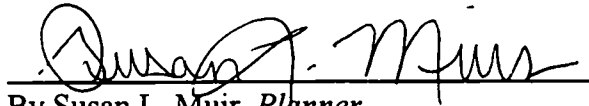
- (a) Application shall be made on the appropriate forms and filed with the Director at least 30 days prior to the expiration date. [The Conditional Use and Variance approvals will expire on November 12, 1999.]
- (b) The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on the finding that:
 - (i) Final Design Review approval has been granted under MCC .7845 on the total project; and
 - (ii) At least ten percent of the dollar cost of the total project value has been expended for construction or development authorized under a sanitation, building, or other development permit. Project value shall be as determined by MCC .9025(A) or .9027(A).
- (c) Notice of the Planning Director decision shall be mailed to all parties as defined in MCC .8225.
- (d) The decision of the Planning Director shall become final at the close of business on the tenth day following mailed notice unless a party files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295.

CONCLUSIONS

With the addition of Conditions of Approval, the design review plans submitted comply with the approval criteria for a design review approval and a hillside development permit.

In the matter of DR 1-97 and HDP 7-97

Multnomah County Department of Environmental Services
Transportation and Land Use Planning Division



By Susan L. Muir, *Planner*
for: Kathy Busse, *Planning Director*

NOTICE

State law requires a public notice (by mail) to nearby property owners and to any recognized Neighborhood Association of a Planning director decision which applies discretionary or subjective standards or criteria to land use or development permit applications. The notice must describe the method to challenge the staff decision; and, if appealed, the County must hold a public hearing to consider the merits of the application. ORS 197.763, ORS 215.416(11).

The Administrative Decision(s) detailed above will become final unless an appeal is filed within the 10-day appeal period which starts the day after the notice is mailed. If the 10th day fall on Saturday, Sunday, or a legal holiday, the appeal period extends through the next full business-day. If an appeal is filed, a public hearing will be scheduled before a County Hearings Officer pursuant to Multnomah County Code section 11.15.8290 and in compliance with ORS 197.763. To file, complete an Appeal of Administrative Decision form, and submit to the County Planning Division Office, together with a \$100.00 fee and supplemental written materials (as needed) stating the specific grounds, approval criteria, or standards on which the appeal is based. To review the application file(s), obtain appeal forms, or other instruction, call the Multnomah County Transportation and Land Use Planning Division at (503)248-3043, or visit our offices at 2115 SE Morrison Street, Portland, Oregon, 97214 [hours: 8:30-4:30 p.m.; M-F].

The appeal period ends May 16, 1997 at 4:30 p.m.