



DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND USE PLANNING DIVISION
2115 SE Morrison Street
Portland, OR 97214 (503)248-3043

ADMINISTRATIVE DECISION

Hillside Development Permit

Case File No.: HDP 11-98

July 31, 1998

19 Decision Notices
mailed on 7-31-98
by [signature]

WHAT:

An application for a Hillside Development Permit (HDP) for the purposes of filling and grading to repair landslide damage from the 1996 Flood. The applicant's proposed landslide mitigation measures include filling the slide area with stone embankment, moving the road three feet into the hillside, and cutting the slope to 1.5 to 1. The applicant also proposes to replace the existing culvert. The subject parcel is identified on the Multnomah County Slope Hazard Map. The subject parcel is also identified as an area of Significant Environmental Concern for Wildlife Habitat and View. The SEC decision, SEC 29-98, will be issued separately.

APPLICANT:

Chuck Henley
Multnomah County Transportation
1620 SE 190th
Portland, OR 97233

PROPERTY OWNER:

Brian Lightcap
13342 NE Newberry Road
Portland, OR 97231

LOCATION:

A portion of NW Newberry Road and 13342 NW Newberry Road.
T2N, R1W Section 33, Tax Lot 15
R#97133-0150.
See attached map.

ZONING:

Commercial Forestry Use (CFU); Significant Environmental Concern – Wildlife Habitat and View (SEC-h, v).

**APPROVAL
CRITERIA:**

The applicable approval criteria for this decision include the following:
Multnomah County Zoning Code (MCC): Commercial Forestry Use (CFU) (MCC 11.15.2042 - 2074), Significant Environmental Concern (SEC) (MCC 11.15.6400 - 6428), Hillside Development and Erosion Control (MCC 11.15.6700 - .6735).

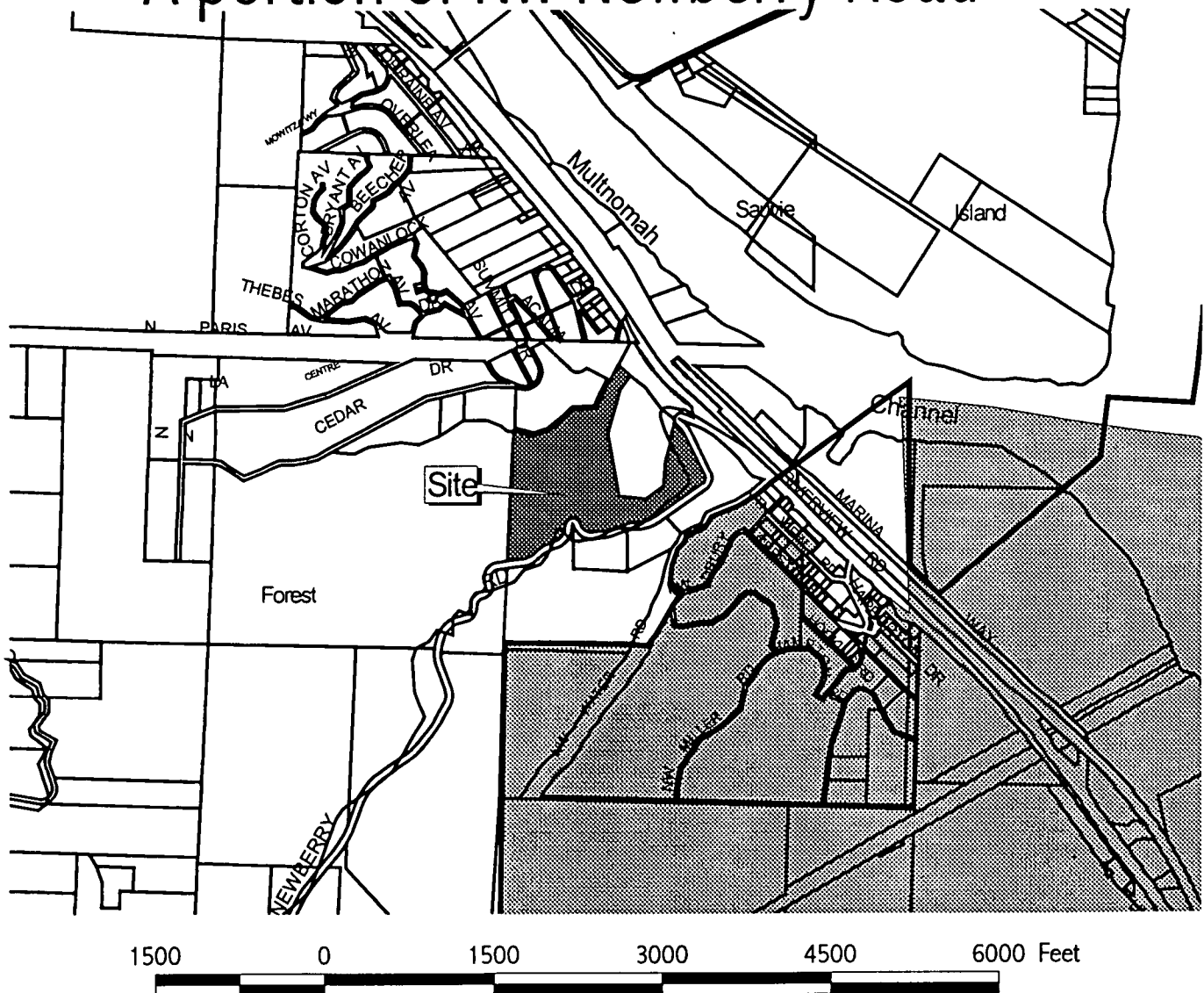
PLANNING DIRECTOR DECISION:

Approval of Hillside Development Permit # 11-98 for landslide mitigation work on the subject parcel and NW Newberry Road including moving the road three feet into the hillside and cutting the slope back to 1.5 to 1. Further descriptions of the work are included below.

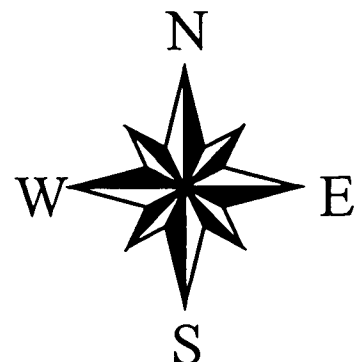
HDP 11-98

13342 NW Newberry Road

A portion of NW Newberry Road



The information on this map was derived from digital databases on Multnomah County GIS. Care was taken in the creation of this map but it is provided "as is". Multnomah County cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. There are no warranties, express or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.



FINDINGS:

A. Applicant:

The February 1996 Flood triggered a slide on this property and settling of the outside of the road. This project consists of moving the road over .9 meters and cutting the slope back to 1.5 to 1. The completion date for this project is September 30, 1998, if a permit is received by the end of July.

B. Staff:

The applicant proposes to move NW Newberry Road three feet into the hillside (a northwesterly direction). The applicant also proposes to excavate and fill along NW Newberry Road and on the subject parcel identified as 13342 NW Newberry Road (R#97133-0150). The applicant also proposes to replace an existing culvert (305 mm to 457 mm). Exhibits #1 and #2 illustrate the project work and the location of the project work. The applicant narrative received July 17, 1998 states that approximately 2000 cubic meters of material will be excavated on Tax Lot 15 (see item #2). The narrative also states that approximately 180 cubic meters of fill material will be used for the embankment on Tax Lot 15. Exhibit #1 illustrates the location of the proposed excavation and filling activities. Note that the site plan attached as Exhibit #1 identifies 2700 cubic meters of excavation material, this includes the material to be excavated in the right-of-way. The amount of excavated material identified on the site plan corresponds to the amount to be excavated as identified by the Registered Professional Engineer on the submitted HDP Form 1. He stated that "3000 cubic meters" of "soil or earth material" would be "disturbed, stored, disposed of, or used as fill". See the HDP Form 1 for additional details.

The subject parcel is designated as an area of Significant Environmental Concern for Wildlife Habitat and View (SEC-h, -v) and the applicant is required to submit for a SEC permit application. The applicant submitted a SEC application on July 17, 1998. The SEC decision will be issued separately from the HDP decision.

A Wetland Land Use Notification Form was mailed to the Department of State Lands (DSL) on July 9, 1998. The application, HDP 11-98, was deemed complete July 30, 1998. The applicant has provided a narrative response to the Hillside Development Permit criteria. See Staff comments below.

Conditions of Approval

1. Best Management Practices shall be maintained through all phases of work. The applicant shall maintain the installed erosion control measures such as straw bales that are identified on the submitted plans. The applicant shall maintain erosion control measures through the winter of 1998/99 until the tree planting plans have been accomplished as described in the applicant narrative submitted July 17, 1998 under item #7.
2. The applicant shall complete and receive approval for the SEC application as the subject property is identified as an area of Significant Environmental Concern for Wildlife Habitat and View (SEC-h, -v). The applicant submitted the SEC permit application on July 17, 1998.
3. This approval is based on the submitted material including plans and narrative information. The proposed landslide mitigation work shall be accomplished as proposed on the subject parcel (R#97133-0150) and on NW Newberry Road in accordance with the design, size, and location as shown and described in application

materials submitted by the applicant. Additional submittals and actions may be required of the applicant as noted in the above conditions.

Applicable Multnomah County Code Provisions:

Commercial Forestry Use

11.15.2042 Purposes

The purposes of the Commercial Forest Use District are to conserve and protect designated lands for continued commercial growing and harvesting of timber and the production of wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land, and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

[Amended 1992, Ord. 743 § 2 and Amended 1996, Ord. 859 § 11]

11.15.2048 Uses Permitted Outright

* * *

(K) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;

Staff: The application is for earth movement to repair landslide damage to NW Newberry Road. The applicant is the Multnomah County Transportation Division. Some of the repair work will occur on the property at 13342 NW Newberry Road; the parcel is identified by R#97133-0150. The applicant proposes to move the road three (3) feet to into the hillside, or in a northwesterly direction. The applicant will sawcut from the edge of the road, remove asphalt and add shoulder rock. Project work will include the installation of a stone embankment and cutting the slope to 1.5 to 1. Exhibit #1 shows the location of the work area and the straw bales to be used as a sediment barrier. Exhibit #2 identifies the project area along NW Newberry Road. The applicant does not propose to add travel lanes. The applicant does not propose to widen the road or remove buildings.

* * *

11.15.2054 Accessory Uses

The following structures or uses may be authorized in this district provided they are customarily accessory or incidental to a permitted use:

(A) Signs, pursuant to the provisions of MCC 11.1 5.7902-.7982; [Amended 1986, Ord. 543 § 2]

* * *

(D) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

Staff: Work on the subject parcel and on NW Newberry Road is marked by typical road and site work signs.

11.15.2058 Dimensional Requirements

(A) Except as provided in MCC .2060, .2061 .2062, and .2064, the minimum lot size shall be 80 acres.

Staff: The subject parcel (R#97133-0150) is listed as 31.47 acres in size according to Multnomah County's Assessment and Taxation Records (printed sheet June 17, 1998 included in file). The subject parcel is zoned Commercial Forestry Use (CFU) and designated as a Significant Environmental Concern area for Wildlife Habitat and View (SEC-h, -v). The lot size is less than the minimum required size of the zoning designation; the subject parcel is considered a Lot of Record under Section .2062.

* * *

Hillside Development Permit

MCC 11.15.6710(A) - Permits Required: All persons proposing development, construction, or site clearing (including tree removal on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit as prescribed by this subdistrict, unless specifically exempted by MCC .6715.

Applicant: None.

Staff: The applicant is proposing to excavate approximately 2000 cubic meters of material on Tax Lot 15, according to the applicant narrative received July 17, 1998. Approximately 180 cubic meters of material will be used for the embankment fill. A Hillside Development Permit is necessary for the proposed project. The site is identified on the Slope Hazard Map of Multnomah County (page 7) and is required to obtain a Hillside Development Permit prior to the placement of any fill materials on-site and prior to removal of any on-site vegetation. Exhibit #1 shows the proposed work along NW Newberry Road. The application meets the criteria. The applicant has submitted a SEC permit; Staff will issue the decision for SEC 29-98 separately.

MCC 11.15. 6720 - Application Information Required: An application for development subject to the requirements of this subdistrict shall include the following:

(A) A map showing the property line locations, roads and driveways, existing structures, trees with 8-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal.

Applicant: None.

Staff: A site map showing the area of work along NW Newberry Road, type of work, and the erosion control measures was submitted with the application materials. See Exhibit #1. The applicant states that all trees over 150 mm in diameter will be protected on the site. The site plan and the narrative submitted by the applicant indicate and state that disturbed areas will be seeded and matted. The applicant site plan submitted with SEC 29-98 has been attached as Exhibit #2 and it shows the subject parcel's property lines. The application meets the criteria.

(B) An estimate of depths and the extent and location of all proposed cuts and fills.

Applicant: None.

Staff: The applicant has submitted the HDP Form 1 as required. The engineer who completed the Form, Andrew Vessely, states that the "Road will be relocated 3 feet horizontally into the hillside. Cut slopes will be 1.5H:1V." Exhibit #1 illustrates the extent and location of the cut and fill areas. The application meets the criteria.

(C) The location of planned and existing sanitary drainfields and drywells.

Applicant: None.

Staff: The existing sanitary drainfields and drywells are not shown on the applicant site plan materials. No new sanitary drywells and drainfields are proposed. The criteria is not applicable to this project.

(D) Narrative, map or plan information necessary to demonstrate compliance with MCC .6730 (A). The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.

Applicant: None.

Staff: The applicant has submitted a Hillside Development Permit Application: Geotechnical Reconnaissance and Stability Preliminary Study (HDP Form 1) completed by D. Andrew Vessely of Landslide Technology. Vessely is a Registered Professional Engineer. The applicant has provided site plan information showing the areas of work and location of erosion control measures. The narrative provided by the applicant provides further description of the requirements of .6730(A). The application meets the criteria.

(E) A Hillside Development permit may be approved by the Director only after the applicant provides:

- (1) Additional topographic information showing that the proposed development to be on land with average slopes less than 25 percent, and located more than 200 feet from a known landslide, and that no cuts or fills in excess of 6 feet in depth are planned. High groundwater conditions shall be assumed unless documentation is available, demonstrating otherwise; or**
- (2) A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or,**
- (3) An HDP Form-1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with his/her stamp and signature affixed indicating that the site is suitable for the proposed development.**
 - (a) If the HDP Form-1 indicates a need for further investigation, or if the Director requires further study based upon information contained in the HDP Form-1, a geotechnical report as specified by the Director shall be prepared and submitted.**

Applicant: None.

Staff: A Geotechnical Report, the Hillside Development Permit Application: Geotechnical Reconnaissance and Stability Preliminary Study, has been submitted by the applicant. The HDP Form 1 has been completed by D. Andrew Vessely, a State of Oregon Registered Professional Engineer. The application meets the criteria.

(F) Geotechnical Report Requirements:

- (1) A geotechnical investigation in preparation of a Report required by MCC .6725(A)(3)(a) shall be conducted at the applicant's expense by a Certified Engineering Geologist or Geotechnical Engineer. The Report shall include specific investigations required by the Director and recommendations for any further work or changes in proposed work which may be necessary to ensure reasonable safety from earth movement hazards.

Staff: The applicant has submitted a Geotechnical Report as required.

- (2) Any development related manipulation of the site prior to issuance of a permit shall be subject to corrections as recommended by the Geotechnical Report to ensure safety of the proposed development.

Staff: The applicant has submitted a Geotechnical Report as required.

- (3) Observation of work required by an approved Geotechnical Report shall be conducted by a Certified Engineering Geologist or Geotechnical Engineer at the applicant's expense; the geologist's or engineer's name shall be submitted to the Director prior to issuance of the Permit.

- (4) The Director, at the applicant's expense, may require an evaluation of HDP Form-1 or the Geotechnical Report by another Certified Engineering Geologist or Geotechnical Engineer.

- (G) Development plans shall be subject to and consistent with the Design Standards For Grading and Erosion Control in MCC .6730(A) through (D). Conditions of approval may be imposed to assure the design meets those standards.

Staff: The applicant has supplied information via narrative and site plan details in order to comply with the requirements of .6730 (A) through (D). Conditions of Approval are established within this document to comply with the requirements.

MCC 11.15.6730 - Grading and Erosion Control Standards:

(A) Design Standards for Grading and Erosion Control:

(1) Grading Standards

- (a) 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;

Applicant: The slide area will be filled in with mechanically compacted stone embankment. No areas of this project are anticipated to support structures.

Staff: The applicant states that no area of the project will be used to support structures. The applicant plans to mechanically compact the stone embankment material in the work area. Exhibit #1 is the applicant site plan showing the proposed work to be done along NW Newberry Road. The application meets the criteria.

- (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;

Applicant: The slope will be 1.5 to 1. The erosion control measures will consist of seeding and matting.

Staff: The applicant has submitted an HDP Form 1 that states the maximum slope on the property is 1H:1V on the south side of NW Newberry Road and the average slope of the property is 2H:1V. Erosion control measures are established on the site, see Exhibit #1 for the location of the measures. As described by the applicant, the proposed development meets the criteria.

(c): Cuts and fills shall not endanger or disturb adjoining property;

Applicant: None.

Staff: The applicant has installed straw bales to stabilize disturbed soil. The applicant also states that are areas of disturbed land will be seeded and matted. The application meets the criteria.

(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;

Applicant: The project will not change the drainage of the area.

Staff: No surface drainage system is proposed. The applicant proposes to replace the existing culvert. The application meets the criteria.

(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.

Applicant: There are no natural watercourses within the project area.

Staff: The subject parcel is not part of the Tualatin Basin or the Balch Creek Basin. The site contains a Significant Environmental Concern designation for Wildlife Habitat and View (SEC-h, -v). The applicant is required to submit for a SEC permit. The applicant submitted the SEC permit on July 17, 1998. The site work proposed by the applicant along NW Newberry Road is within approximately 400 feet of Miller Creek as measured on the National Wetlands Inventory Map. Because of the nearness of the stream, the applicant has addressed the SEC-s criteria in addition to the SEC-h and -v criteria. See case SEC 29-98. Erosion control measures are shown on Exhibit #1. The application meets the criteria.

(2) Erosion Control Standards:

(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 with 100-feet of a wetland; unless a mitigation plan consistent with OAR 340 is approved for alterations within the buffer area.

Applicant: None.

Staff: The subject parcel is not located in the Tualatin Basin or the Balch Creek Basin according to the Multnomah County Sectional Zoning Map, page 85. The subject parcel is identified on the Multnomah County Slope Hazard Map (page 7). The application meets the criteria.

- (b) Stripping of vegetation, grading, 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 practicable area at any one time during construction.

Applicant: The project will be completed in the summer months. The area disturbed will be seeded and matted as soon as practical after excavation work is completed. The overall project area is small therefore soil exposed at one time can not be reduced.

Staff: The applicant states that disturbed areas will be seeded and matted. The applicant states that the project work will be completed by September 30, 1998 "if a permit is received by the end of July". The applicant states and shows on the site plan information that straw bales will be installed on the site as erosion control measures. The application meets the criteria.

- (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.

Applicant: The cut operations will reduce the slope of the existing ground to increase stability.

Staff: The erosion control measure proposed for the cut and fill area is straw bales as shown on Exhibit #1. The application meets the criteria.

- (d): Temporary vegetation/and or mulching may be required if protection is required on exposed critical areas during development.

Applicant: The slope area will be seeded and matted as part of the project. (Narrative submitted July 17, 1998, item #7.) Landscaping plans for the tree planting are in progress, work to be done in winter of 98/99.

Staff: With the proposed installation of straw bales as erosion control measures for the disturbed areas, the applicant proposes to minimize exposed soil areas. The applicant also proposes to seed and mat disturbed areas. The application meets the criteria.

- (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 of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland;
- (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;

Applicant: There are no streams or wetlands or their buffers in the project area. No buffer will be disturbed.

Staff: The subject parcel (s) is identified as an area of Significant Environmental Concern for Wildlife Habitat and View (SEC -h, -v) and is thus required to submit for a SEC permit application.

According to the National Wetlands Inventory Map, the site work area along NW Newberry Road is approximately 400 feet from Miller Creek. A Wetland Land Use Notification Form was sent to the Department of State Lands (DSL) on July 9, 1998. The applicant submitted the SEC application on

July 17, 1998. Due to the nearness of the stream, the applicant addressed the SEC-s criteria in addition to the SEC-h and -v criteria.

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

Applicant: Straw bales will be placed below the culvert outflow during construction to trap any silts washed down during construction. (Narrative submitted July 17, 1998, item #7.) Landscaping plans for tree planting are in progress, work to be done during winter of 98/99.

Staff: The applicant proposes to seed and mat all areas of disturbed land. The applicant states the work will be accomplished in the summer months. Tree planting will occur in the winter of 1998/99. The application meets the criteria.

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

Applicant: There will be no increased runoff due to this.

Staff: The applicant has provided diagrams of the work area along NW Newberry Road. The landslide mitigation work is not intended to increase runoff. Erosion control measures have been installed on the site. See Exhibit #1. The application meets the criteria.

- (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.**

Applicant: See item 10 [f].

Staff: The applicant proposes to install straw bales on the work site area. The applicant will also seed and mat areas of disturbed land. The application meets the criteria.

- (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.**

Applicant: See item 7 [d].

Staff: The applicant is proposing to install straw bales as erosion control measures as shown on Exhibit #1. The applicant will also seed and mat areas of disturbed land. The application meets the criteria.

- (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.**

Applicant: An existing culvert will be replaced as part of this project.

Staff: The applicant proposes to replace an existing culvert that is 305 mm in size with a culvert that is 457 mm in size. The application meets the criteria.

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

Applicant: None.

Staff: No alteration to the existing drainage swales is proposed by the applicant. The application meets the criteria.

(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.

Applicant: A riprap basin will be constructed at the outlet of the culvert to prevent erosion.

Staff: The applicant proposes to construct a riprap basin at the outlet of the culvert. The applicant will install straw bales on the site, at the north and south ends of the area of the removal of the existing culvert and installation of the replacement culvert. See Exhibit #1 for the location of the culvert on NW Newberry Road; diagram note #2 indicates the culvert detail. The application meets the criteria.

(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;

Applicant: No stockpiling of soil is anticipated on site due to lack of room.

Staff: The applicant will install straw bales as erosion control measures. The applicant does not plan to stockpile materials on the site. The application meets the criteria.

(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.

Applicant: No potential pollutants are anticipated.

Staff: The applicant state no potential pollutants are to be used on the site. The application will meet the criteria.

(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.

Applicant: None.

Staff: The site is not located in the Tualatin Basin or the Balch Creek Basin according to the Multnomah County Sectional Zoning Map, page 85. The applicant is required to submit for a Significant Environmental Concern application for Wildlife Habitat and View (SEC -h, -v). The applicant submitted the SEC application on July 17, 1998.

(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;

- (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.

(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, work may be stopped until appropriate conditions are completed.
- (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.

CONCLUSIONS:

1. Multnomah County Code defines *Development* as "Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or vegetative modifications."
2. The applicant has carried the burden necessary for granting a Hillside Development Permit for the purposes of the proposed landslide repair work as described in the application materials.
3. The applicant shall meet the Conditions of Approval established within this document.

NOTICE: This decision was mailed July 31, 1998 in the manner required by ORS 197.763. Opportunity to appeal this decision and have the application considered at a public hearing will be provided until the close of business on August 11, 1998 at 4:30 PM. In the event of an appeal to this administrative decision, additional notice will be provided for the public hearing.



By: Tricia R. Sears, Land Use Planner
For: Kathy Busse, Planning Director