



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES  
TRANSPORTATION & LAND USE PLANNING DIVISION  
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## ADMINISTRATIVE DECISION

November 25, 1996

### SIGNIFICANT ENVIRONMENTAL CONCERN PERMIT

### & HILLSIDE DEVELOPMENT PERMIT

File No.: SEC 25-96 AND HDP 13-96

**Proposal:** Applicant proposes to replace an existing single wide mobile home with a new 1700 sq. ft. manufactured home. The new home is proposed to be sited within 20 feet of the existing home.

**Location:** 21540 N.W. Gilkison. (See attached map)

**Legal:** Lot '28', T3N, R2W, Section 26.

**Zoning:** RR, Rural Residential District; SEC-h, Significant Environmental Concern (Significant Scenic Wildlife Habitat).

**Applicant/**

**Property Owner:** Tim S. Lewis  
21540 N.W. Gilkison  
Scappoose, OR 97056

**Applicable Criteria:** Multnomah County Code (MCC), Zoning Ordinance: Rural Residential (RR), 11.15.2208, .2218, .2222 & .2228; 11.15.6400 through .6426, Significant Environmental Concern (SEC); Comprehensive Framework Plan Policies (13, 22, 37, 38, and 40).

### PLANNING DIRECTOR DECISION:

_____	11	Notices
_____		Decision Notices
mailed on	11-27-96	
by	OS	



APPROVE, subject to conditions, a Significant Environmental Concern Permit and Hillside Development Permit for the purposes of replacing an existing single wide mobile home with a new 1700 sq.ft. manufactured home within 20 feet of the existing dwelling.

**CONDITIONS OF APPROVAL:**

1. The site shall be maintained and cleared of construction debris, waste, and solid waste material during and after placement of the dwelling and accessory structure.
2. The applicant shall cease development of the project in the event an object or objects of cultural significance are found and contact this office and the State Historic Preservation Office (SHPO) in compliance with Oregon Revised Statutes.
3. A silt fence (or a silt fence combined with the use of hay bales) is required along all areas downslope from the project site (east of the dwelling site and west of the outbuilding). The silt fence will be required to be in place prior to any earth movement (includes digging footings) and shall remain in place through March 1, 1987. Reseeding of all disturbed areas shall be done by May 15, 1997, this will assure plant growth and soil stability prior to fall and winter rains. Best Management Practices will be required through all phases of construction.
4. The dwelling shall be earth tone in color, or the applicant to submit and receive approval of sample paint colors by this Office, prior to placement of the dwelling.
5. The existing dwelling will be required to be removed prior to placement of the new manufactured home.
6. Placement of the new manufactured dwelling shall be within 200 feet of Gilkison Road.

**FINDINGS:**

- A. **Applicant's proposal:** The applicant is requesting approval of a significant Environmental Concern (SEC) permit to replace a single wide mobile home with a single family manufactured dwelling on land designated for Rural Residential use. The subject parcel lies within an area designated as having important wildlife habitat which are reviewed under the SEC permit.
- B. **Site and Vicinity Characteristics:** The subject property is approximately 5.87 acres relatively level lot and predominantly covered with natural grass and several fruit trees.
- C. **Applicable County Code and Comprehensive Plan Policies:**

1. **Rural Residential (RR):**

- a. **MCC 11.15.2208 - Primary Uses:** (C) Residential use consisting of a single family dwelling constructed on a lot.

**Staff:** A single wide mobile home currently exists on the subject property. The proposed manufactured home would replace the existing dwelling. A condition of approval would require the single wide to be permanently disconnected from water and sanitation prior to occupancy of the new manufactured home, and require the single wide to be removed from the property within 30 days of occupancy of the new dwelling.

- b. **MCC 11.15.2218 - Dimensional Requirements:**

(1) **.2218 (C): Minimum Yard Dimensions - Feet**

Front	Side	Street Side	Rear
30	10	30	30

**Staff:** The applicant has submitted a site plan indicating the proposed dwelling would be sited approximately 200 ft. from the front property line; 179 feet from the north (side) property line; 170 feet from the south (side) property line; and 400 feet from the rear property line. The proposed development is consistent with the minimum yard dimensions, based on the submitted site plan.

- (2) **MCC 11.15.2228 - Access:** Any lot in this district shall abut a street, or shall have other access determined by the Hearings Officer to be safe and convenient for pedestrians and emergency vehicles.

**Staff:** The subject property abuts Gilkison Road.

2. **Significant Environmental Concern (SEC) Zone:**

- (a) **MCC 11.15.6404 - Uses - SEC Permit Required:** (A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in MCC .6406, shall be subject to an SEC permit.

**Staff:** The applicant is proposing to replace a single wide mobile home with a new 1700 sq.ft. manufactured home within 20 feet of the existing site. As indicated above, the property is zoned RR which provides for a single family

residence as a primary use. Therefore, only the proposed dwelling is subject to review under the SEC criteria at this time. Future accessory buildings or structure will be subject to a new application under the applicable criteria.

- (b) **MCC 11.15.6408 - Application for SEC Permit:** An application for an SEC permit for a use or for the change or alteration of an existing use on lands designated SEC, shall address the applicable criteria for approval, under MCC .6420 through .6428, and shall be filed as follows:

“(C) An application for an SEC permit shall include the following:

- (1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC .6420 through .6426.”

**Staff:** The applicant submitted a written description addressing the above criteria on November 4, 1996.

- (c) **11.15.6420 - Criteria for Approval of SEC Permit:** The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, cultural areas, and wild and scenic waterways that are designated SEC on the Multnomah County sectional maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:

- (1) **.6420 (A):** The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.

**Finding:** The back or eastern most portion of the subject property includes an SEC-s (Stream) overlay. The proposed dwelling will be sited approximately 460 feet from the unnamed intermittent stream identified with the stream overlay. By replacing the dwelling outside of the stream overlay area, the applicant is complying with the intent of this subsection.

- (b) **.6420 (B):** Agricultural land and forest land shall be preserved and maintained for farm and forest use.

**Finding:** The subject parcel is designated Rural Residential under the Multnomah County Comprehensive Framework Plan. Statewide Planning Goal 3 - Agricultural Lands and Goal 4 - Forest Lands were established in part to preserve and maintain agricultural lands and to conserve forest lands for forest uses. An exception has been taken to Goal(s) 3 and 4, that is, Rural Residential lands have been identified and determined to possess qualities from which the rules established to protect agricultural and forest lands do not specifically apply.

- (c) **.6420 (C): A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.**

**Applicant:** I am proposing to replace my existing single wide mobile home with a new 1700 square foot manufactured home. This is to be placed on a permanent backfilled concrete and concrete block foundation. The existing utilities have been found to be approvable according to existing county requirements with some minor improvements.

The location of the new home will be approximately 20' from the existing single wide mobile home. The location is within 200' of Gilkison Road and currently serviced by a hard packed gravel driveway. Access to the new site will not change. The site is partially excavated. A minimum of material will be removed in the construction process.

- (d) **.6420 (D): Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.**

**Finding:** The proposed use and siting do not conflict with any known recreational plans.

- (e) **.6420 (E): The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.**

**Applicant:** No change from the existing single family home use.

**Staff:** The applicant has submitted a Police Services Review form signed by the Multnomah County Sheriff's Office indicating the level of police service available to serve the project is adequate. The replacement of one dwelling with another should have little to no effect on vandalism or trespass.

- (f) **.6420 (F): Significant fish and wildlife habitats shall be protected.**

**Applicant:** I am requesting approval of my application based on the fact that my proposed use will not negatively impact the habitat as my use of the property will not change current use. I am simply adding approximately 1000 sq. ft. of living space to my existing home. No timber is to be cut and a minimum of excavation will occur. This proposed project does not effect the length or width clearances of the cleared area. The proposed project is approximately 460' from the unnamed intermittent stream mentioned in the Geologist survey, which is attached to the application.

- (g) **.6420 (G): The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors.**

**Finding:** Not Applicable - no rivers, lakes, wetlands or streams exist on this property. The nearest body of water is a stream located approximately 460 feet from the building site. The proposed dwelling will be in an existing cleared area and no tree removal is necessary.

- (h) **.6420 (H): Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.**

**Finding:** No archaeological areas are known. If any are discovered, they shall be preserved and protected for their historic, scientific and cultural value. A condition of approval will require the applicant to stop development of the project in the event objects of cultural significance are found and contact this office and the State Historic Preservation Office (SHPO) in compliance with Oregon Revised Statutes.

- (i) **.6420 (I): Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.**

**Finding:** The subject property is not identified on County Zoning maps of Federal Emergency Management Agency (FEMA) maps as being within a 100 -year floodplain or flood way. No wetlands have been identified, based on the National Wetlands Inventory Map for Multnomah County. This is not an area of annual flooding, a flood plain, a significant water area, nor a wetland. The manufactured home will be located outside the SEC-s overlay, thereby minimizing impacts.

- (j) **.6420 (J): Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restrictions on timing of soil disturbing activities.**

**Staff:** Best Management Practices include the use of silt fences and hay bales to reduce sediment eroding into creeks and other areas. The area to the east of the property includes a protected stream area. As a condition of approval a silt fence or a silt fence combined with the use of hay bales will be required along all areas downslope from the project site (east of the dwelling site and west of the outbuilding). The silt fence will be required to be in place prior to any earth movement (includes digging footings) and

shall remain in place through March 1, 1987. Reseeding of all disturbed areas shall be done by May 15, 1997, this will assure plant growth and soil stability prior to fall and winter rains.

- (k) **.6420 (K): The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.**

**Staff:** A replacement dwelling will have little to no impact on air, water, and land quality. The amount of noise is anticipated to remain the same.

- (l) **.6420 (L): The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.**

**Applicant:** No additional outside lighting other than front and rear porch lights (2) will be included. No signs will be built. The new home will be painted in unobtrusive colors which will be compatible with existing structures in the area.

**Staff:** The applicant has not specified the color of the dwelling, only stating that it will be unobtrusive. A condition of approval will require the dwelling to be earth tone in color or the applicant to submit a sample of paint colors to this Office for approval, prior to placement of the dwelling.

The size, shape and configuration of the dwelling and accessory building are similar to those in the surrounding vicinity.

- (m) **.6420 (M): An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of natural vegetation, shall be retained in a natural state to the maximum extent possible.**

**Staff:** There are no known fragile or endangered plant habitats at or near the proposed dwelling site. The area to the east of the existing outbuilding slopes to the east and includes more important vegetative qualities, if not for the plant itself, at least for the stability of the slope. The proposed project will not disturb this area.

- (n) **.6420 (N): The applicable Policies of the Comprehensive Plan shall be satisfied.**

**Staff:** The County requires a finding prior to approval of a Legislative or Quasi-Judicial Action that the following factors have been considered. An

Administrative Decision can be appealed, and hearings on appeal are quasi-judicial. Therefore, Plan Policies 13, 22, 37, 38, and 40, will be addressed in this report.

(5) **MCC 11.15.6426 - Criteria for Approval of SEC-h Permit; Wildlife Habitat:**

- (a) **.6426 (A): In addition to the information required by MCC .6408(C), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass.**

**.6426 (A)(1): Location of all existing forest areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared " areas;**

**"For the purposes of this section, a forested area is defined as an area that has at least 75% crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practices Rules of The Oregon Department of Forestry. A non-forested "cleared" area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan."**

**.6426 (A)(2): Location of existing and proposed structures;**

**.6426 (A)(3): Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels.**

**.6426 (A)(4): Existing and proposed type and location of all fencing on adjacent properties and on properties entirely or partially within 200 feet of the subject property.**

**Comment:** The applicant submitted an area map identifying the location of existing dwellings, structures and other items in compliance with MCC 11.15.6426 (A).



**(b) .6426 (B): Development Standards:**

- (i) .6426 (B)(1): Where a parcel contains any non-forested “cleared” areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.**

**Finding:** The proposed dwelling will be placed in an existing cleared area within 20 feet of the existing dwelling. The existing dwelling will be required to be removed prior to placement of the new manufactured home.

- (ii) .6426 (b)(2): Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.**

**Finding:** The front of the proposed dwelling, as proposed, would be located 200 feet of Gilkison Road, a dedicated public road. A condition of approval will require placement of the dwelling within 200 feet of Gilkison Road.

- (iii) .6426 (B)(3): The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.**

**Applicant:** The access driveway is existing and would not be extended. The length of the driveway is approximately 250 feet based on the site plan.

- (iv) .6426 (B)(4): The access road/driveway shall be located within 200 feet of the property boundary if adjacent property has an access road or driveway within 200 feet of the property boundary.**

**Finding:** Access is existing and is located within feet of an adjoining property boundary.

- (v) .6426 (B)(6): Fencing within a required setback from a public road shall meet the following criteria:**

**“Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence”  
[.6426(B)(6)(a)]**

**“Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbles.”**

**Fences may be electrified, except as prohibited by County Code.” [.6426 (B)(6)(b)]**

**“Cyclone, woven wire, and chain link fences are prohibited.” [.6426 (B)(6)(c)]**

**“Fences with a ratio of solids to voids greater than 2:1 are prohibited.” [.6426 (B)(6)(d)]**

**“Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.” [.6426 (B)(6)(e)]**

**Applicant:** No new fencing is to be built on this project. All fences are barbed wire and have existed for many years.

**Staff:** The intent of the criteria is to preserve existing wildlife corridors. In this application the property has been developed and fenced for many years. The fencing is necessary for the protection of the applicants on site hay production and to contain cattle on site. The retention of the existing fencing precludes cattle from grazing in the protected stream area.

**(vi) .6426 (B)(7): The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from the cleared areas of the subject property:**

Scientific Name	Cortaderia selloana
	Crataegus sp. Except C. douglasii
Chelidonian majus	Cytisus scoparius
Cirsium arvense	Daucus carota
Cirsium vulgare	Elodea densa
Clematis ligusticifolia	Equisetum arvense
Clematis vitalba	Equisetum telemateia
Conium maculatum	Erodium cicutarium
Convolvulus arvensis	Geranium roberianum
Convolvulus nyctagineus	Hedera helix
Convolvulus sepium	Hypericum perforatum

*Ilex aquafolium*  
*Laburnum watereri*  
*Lemna minor*  
*Loentodon autumnalis*  
*Lythrum salicaria*  
*Myriophyllum specatum*  
*Phalaris arundinacea*  
*Poa annua*  
*Polygonum coccineum*  
*Polygonum convolvulus*  
*Polygonum sachalinense*  
*Prunus laurocerasus*  
*Rhus diversiloba*  
*Rubus discolor*  
*Rubus laciniatus*  
*Senecio jacobaea*  
*Solanum dulcamara*  
*Solanum nigrum*  
*Solanum sarracoides*  
*Taraxacum officinale*  
*Utricularia vulgaris*  
*Utica dioica*  
*Vinca major*  
*Vinca minor*  
*Xanthium spinosum*  
 various genera

**Common Name**

Lesser celandine  
 Canada Thistle  
 Common Thistle  
 Western Clematis  
 Traveler's Joy  
 Poison Hemlock  
 Field Morning-glory  
 Night-blooming Morning Glory  
 Lady's nightcap

Pampas grass  
 hawthorne,  
 except native species  
 Scotch broom  
 Queen Ann's Lace  
 South American Waterweed  
 Common Horsetail  
 Giant Horsetail  
 Crane's Bill  
 Robert Geranium  
 English Ivy  
 St. John's Wort  
 English Holly  
 Golden Chain Tree  
 Duckweed, Water Lentil  
 Fall Dandelion  
 Purple Loosestrife  
 Eurasian Watermilfoil  
 Reed Canary grass  
 Annual Bluegrass  
 Swamp Smartweed  
 Climbing Binaweed  
 Giant Knotweed  
 English, Portugese Laurel  
 Poison Oak  
 Himalayan Blackberry  
 Evergreen Blackberry  
 Tansy Ragwort  
 Blue Bindweed  
 Garden Nightshade  
 Hairy Nightshade  
 Common Dandelion  
 Common Bladderwort  
 Stinging Nettle  
 Periwinkle (large leaf)  
 Periwinkle (small leaf)  
 Spiny Cocklebur  
 Bamboo sp.

**(c) .6426(C): Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.**

**(i) .6426 (C)(1): The applicant cannot meet the development standards of section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or**

- (ii) .6426 (C)(2): The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section (B) and will result in the proposed development having a less detrimental impact on forest and wildlife habitat than the standards in Section (B).

**Comment:** The applicant has demonstrated compliance with MCC 11.15.6426 (B) and is not proposing a departure from the standards set forth in this section.

**3. Comprehensive Framework Plan Policies:**

**a. Policy No. 13, Air, Water and Noise Quality:**

**Multnomah County, ... Supports efforts to improve air and water quality and to reduce noise levels. ... Furthermore, it is the County's policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to Air Quality, Water Quality, and Noise Levels.**

**Staff:** No significant impact on air pollution will result from the placement of a single-family manufactured home. Water provided to the site will be provided in concert with D.E.Q. and State Water Resource requirements.

**b. Policy No. 22, Energy Conservation:**

**The County's policy is to promote the conservation of energy and to use energy resources in a more efficient manner. ... The County shall require a finding prior to approval of a legislative or quasi-judicial action that the following factors have been considered:**

- A. The development of energy-efficient land uses and practices;**
- B. Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreation centers;**
- C. An energy-efficient transportation system linked with increased mass transit, pedestrian and bicycle facilities;**
- D. Street layouts, lotting patterns and designs that utilize natural environmental and climactic conditions to advantage.**

- E. **Finally, the County will allow greater flexibility in the development and use of renewable energy resources.**

**Staff:** The proposal satisfies subpart "A" of this policy because the dwelling will meet current energy conservation standards of the Uniform Building Code. Subparts "B", "C" and "D" of this policy are not applicable because the site is not in an urban area. Approval of the applicants proposal will not adversely impact the ability of the owner of the parcel to take advantage of subpart "E". The proposal satisfies Policy 22.

c. **Policy No. 37, Utilities:**

**The County's policy is to require a finding prior to approval of a legislative hearing or quasi-judicial action that:**

**WATER DISPOSAL SYSTEM:**

- A. **The proposed use can be connected to a public sewer and water system, both of which have adequate capacity; or**
- B. **The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or**
- C. **There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or**
- D. **There is an adequate private water system, and a public sewer with adequate capacity.**

**Finding:** A private well currently exists. It is anticipated the well will be adequate for a the replacement dwelling.

**DRAINAGE:**

- E. **There is adequate capacity in the storm water system to handle the increased run-off; or**
- F. **The water run-off can be handled on the site or adequate provisions can be made; and**
- G. **The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjacent lands.**

**Finding:** Water run-off will be handled on site in accordance with the standards set forth by the City of Portland Environmental Soils Section. The protected stream located to the east will be protected from areas on site disturbed by the development, through the use of silt fencing and hay bales, as well as a required condition requiring replanting.

**ENERGY AND COMMUNICATIONS:**

- H. **There is an adequate energy supply to handle levels projected by the plan; and**
- I. **Communications facilities are available.**

**Finding:** The subject property is currently serviced by PGE and phone service is also currently available.

**d. Policy No. 38, Facilities:**

**The County's Policy is to require a finding prior to approval of a legislative or quasi-judicial action that:**

- A. **The appropriate school District has had an opportunity to review and comment on the proposal.**
- B. **There is adequate water pressure and flow for fire fighting purposes; and**
- C. **The appropriate fire district has had an opportunity to review and comment on the proposal.**
- D. **The proposal can receive adequate local police protection with the standards of the jurisdiction providing police protection.**

**Finding:** The applicant has provided completed service provider forms appropriate for determining compliance with this section. The Scappoose fire district responded, "Driveway will need to be approved to Scappoose fire district standards with a minimum of 12' wide road and 4' clearance on each side. Grade and turnaround must meet requirements for emergency apparatus". Requiring compliance with the Scappoose fire district standards will ensue compliance with this Policy 38.

**e. Policy No. 40, Development Requirements:**

The County's policy is to encourage a connected park and recreation system and to provide for small private recreation areas by requiring a finding prior to approval of legislative or quasi-judicial action that:

- A. Pedestrian and bicycle path connections to parks, recreation areas and community facilities will be dedicated where appropriate and where designated in the bicycle corridor capital improvements program and map.
- B. Landscaped areas with benches will be provided in commercial, industrial and multiple family developments, where appropriate.
- C. Areas for bicycle parking facilities will be required in development proposals, where appropriate.

**Staff:** There are no pedestrian or bicycle path connections to parks, recreation areas or community facilities plans for the site or in the vicinity.

A. 4. **Hillside Development and Erosion Control:**

1. **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.
  - (B) An estimate of depths and the extent and location of all proposed cuts and fills.
  - (C) The location of planned and existing sanitary drainfields and drywells.
  - (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.

3. **MCC 11.15.6725 - Hillside Development Permit process and Standards:**

- (A) A Hillside Development permit may be approved by the Director only after the applicant provides:
  - (1) Additional topographical 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.

4. MCC 11. 15.6700 - Grading and Erosion Control Permit:

MCC 11.15.6715 (C): Categorical Exemptions - Notwithstanding MCC .6715 (A) and (B)(1) through (6), the following activities are exempt from the permit requirements, except that in the Tualatin River Drainage Basin, activities which effect water quality shall require a Permit pursuant to OAR 340-41-455(3).

MCC .6715 (C)(1): An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any excavation having an unsupported finished height greater than five feet.

**Staff:** The applicant has submitted an Engineering Reconnaissance and Stability Investigation which indicates the proposed site is stable and the only earth movement will be for the foundation. The excess material from the foundation will be backfilled. No other removal or fill is proposed. The dwelling and foundation are regulated by a building permit. This application is therefore exempt from the HDP requirements.

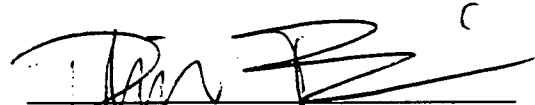
**CONCLUSIONS:**

- A. The applicant has carried the burden necessary for granting Significant Environmental Concern Permit and Hillside Development Permit for a proposed replacement dwelling.



- B. Conditions of approval are necessary to insure compliance with applicable Code provisions.
- C. The proposal as conditioned, satisfies SEC and HDP approval criteria as detailed in the findings section above.

**NOTICE:** This decision was made November 25, 1996 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 December 6, 1996.



By: Phil Bourquin, Planner  
For: Kathy Busse, Planning Director  
Department of Environmental  
Services

**NOTICE:**

*The Administrative Decision 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 10<sup>th</sup> day falls on a 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 for, 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 instructions, call the Multnomah County Planning Division at (503) 248-3043, or visit our offices at 2115 SE Morrison Street, Portland, Oregon, 97214 [hours: 12:30 p.m.-4:30 p.m.; M-F].*