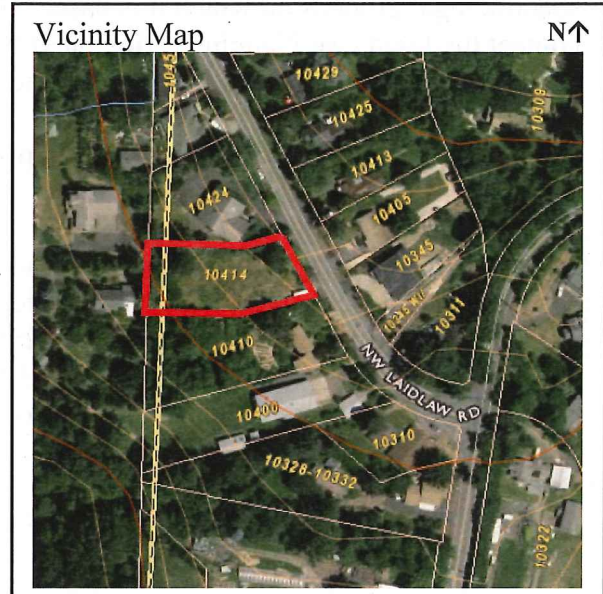


1600 SE 190th Ave, Portland OR 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

NOTICE OF DECISION

This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

Case File: T2-2018-10464/EP-2018-10443
Permit: Hillside Development Permit and Road Rules Variance
Location: 10414 NW Laidlaw Rd.
Tax Lot 2100, Section 26BB
Township 1 North, Range 1 West, W.M.
Tax Account #R961260150
Applicants: Ryan McCluckie, Scott Edwards
Architecture
Owners: Rachael Spavins, Dermott Cleary
Base Zone: Rural Residential
Overlays: Hillside Development



Summary: Request for a Hillside Development Permit and Road Rules Variance to build a new single family dwelling in the Hillside Development Overlay area on the property.

Decision: Approved with Conditions

Unless appealed, this decision is effective March 29, 2019, at 4:00 PM.

Issued by:

By:



Katie Skakel,
Senior Planner

Issued by:

By:



Scott Adams,
Transportation Planning Specialist

For:

Michael Cerbone, AICP
Planning Director

For:

Ian B. Cannon, P.E.
Transportation Director / County Engineer

Date: Friday, March 15, 2019

Date: Friday March 15, 2019

Instrument Number for Recording Purposes: #2017068992

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Katie Skakel, Senior Planner at katie.skakel@multco.us or (503) 988-0213 (8 am to 4 pm Tuesday through Friday).

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals until all local appeals are exhausted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is March 29, 2019 at 4:00 PM.

Applicable Approval Criteria: Multnomah County Code (MCC): Multnomah County Code (MCC): MCC 37.0560 Code Compliance and Applications, MCC 33.3120 Allowed Uses, MCC 33.3155 Dimensional Requirements and Developments Standards, Lot of Record MCC 33.3170, Hillside Development– HD: MCC 33.5505-MCC 33.5525, Grading and Erosion Control MCC 29.330-29.345 and Access 33.3185, and MCC 33.0565 Accessory Structures, MCC 33.0570 Dark Sky Lighting Standards

Multnomah County Road Rules (MCRR) – 4.000 Access to County Roads, 16.000 Variance from County Standards and Requirements

Copies of the referenced Multnomah County Code (MCC) sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.multco.us/landuse>

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.

1. 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 is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. This land use permit expires when construction has not commenced within two (2) years of the date of the final decision. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure. Alternatively, this land use permit expires when the structure has not been completed within four (4) years of the date of commencement of construction. 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. [MCC 37.0690(B)]

- **Note:** The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0695, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.
3. Prior to Land Use Planning sign-off for a building permit, the property owners or their representative shall:
 - Record pages 1 through 4 and Exhibit A.3 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 37.0670]
 4. At the time of building permit sign-off, the property owner or their representative shall:
 - Submit a building plan showing that all exterior lighting is fully shielded with opaque materials and directed downwards.
 - i. "Fully shielded" means no light is emitted above the horizontal plane located at the lowest point of the fixture's shielding.
 - ii. Shielding must be permanently attached.
 - iii. The exterior lighting shall be contained within the boundaries of the Lot of Record on which it is located. [MCC 33.3155(F) and MCC 33.0570]
 5. Prior to and during construction, the property owner or their representative shall ensure that:
 - 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. [MCC 33.5515(F)]
 - All work shall be in accordance to the approved Geotechnical Report and observed by a Certified Engineering Geologist or Geotechnical Engineer. [MCC 33.5515(F)]
 - Spoil material or stockpiled topsoil associated with the development shall be prevented from eroding by installing protective plastic covering. [MCC 33.5515(G) and MCC 33.5520(A)(2)(m)]
 - Erosion and sediment control measures are in proper working order. The property owner and project engineer shall monitor the erosion and sediment control measures to ensure the measures are in proper working order. Additional measures shall be immediately installed to remedy the problem if sediment is determined to be escaping the development area. [MCC 33.5520(A)(2)(a), MCC 33.5520(A)(2)(h), MCC 33.5520(A)(2)(j), and MCC 33.5520(D)]
 - The disturbed soil area is reseeded with grass seed in spring once it is warm enough for the seed to germinate. Until there is permanent vegetative cover, disturbed soil area shall be mulched with straw to prevent sediment runoff. The applicant shall inspect the site after all large rain events to determine that the erosion control is working and that no sediment is leaving the property. If there is any evidence that the installed erosion control silt fencing is not properly working and sediment is leaving the property, the applicant shall immediately reinstall the silt fence to prevent any further sediment from leaving the property. [MCC 33.5520(A)(2)(a), MCC 33.5520(A)(2)(b), MCC 33.5520(A)(2)(d), MCC 33.5520(A)(2)(f), MCC 33.5520(A)(2)(h), MCC 33.5520(A)(2)(i), MCC 33.5520(A)(2)(l), and MCC 33.5520(B)]
 - Non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters are prevented from leaving the construction site through proper handling, disposal, continuous site monitoring, and clean-up activities. On-site disposal of construction debris is not authorized under this permit. This permit does not authorize dumping or disposal of hazardous or toxic materials,

synthetics (i.e. tires, polyethylene, etc.), petroleum-based materials, or other solid wastes which may cause adverse leachates or other off-site water quality effects.

- Any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems is removed. If any features within the adjacent public right-of-way are disturbed, the property owner shall be responsible for returning such features to their original condition or a condition of equal quality. [MCC 33.5520(A)(2)(m) and MCC 33.5520(A)(2)(n)]

Note: Once this decision is final, application for building permits may be made with the City of Portland. When ready to have building permits signed off by land use planning, the applicant shall 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 land use sign-off for building plan check..." Be ready to demonstrate compliance with the conditions.
2. Contact Right-of-Way Permits at row.permits@multco.us, or schedule an appointment at <https://multco.us/transportation-planning/webform/right-way-appointment-request/>, or call 503-988-3582 for an appointment to review your plans, obtain your access permit, and satisfy any other requirements. **Failure to make an appointment with County Right-of-Way will result in delaying your building plan review and obtaining building permits.**
3. Contact the City of Portland, Bureau of Development Services, On-site Sanitation at 503-823-6892 or e-mail septic@portlandoregon.gov for information on how to complete the Septic Evaluation or Permit 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.
4. Contact Katie Skakel, Senior Planner, at 503-988-0213 or katie.skakel@multco.us, for an appointment for review of the conditions of approval and to sign the building permit plans. Land Use Planning must sign off on the plans and authorize the building permit before you can go to the Building Department. At the time of this review, Land Use Planning will collect additional fees.

The above must be completed before the applicant can obtain building permits from the City of Portland. Five (5) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee will be collected. In addition, an erosion control inspection fee may be required.

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. PROJECT DESCRIPTION

Staff: The applicant is requesting a Hillside Development and Erosion Control Permit to construct a new single family dwelling. The applicant has also requested a Road Rules Variance for driveway spacing on a Rural Collector road from the Transportation Division.

2. Property Description & History

Staff: The proposed single-family dwelling accessed off of NW Laidlaw Rd, is located on a vacant property that is .53 acres in size, about 300' north of the junction of NW Laidlaw Road and NW Thompson Road. The property is zoned Rural Residential (RR) in the West Hills Rural Area. There is an environmental overlay on the property - a Hillside Development and Erosion Control (HD) overlay over the entire property with a 10-25% slope percent. Originally owned by Edith and C.D. Bruun, the property was eventually purchased by Rachel Spavin and Dermott Cleary in 2017.

3. Code Compliance Criteria:

§ 37.0560 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 for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use 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:

(1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or

(2) It is necessary to protect public safety; or

(3) It is for work related to and within a valid easement over, on or under an affected property.

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: There are no known code compliance issues associated with the property and as such the County has the authority to issue this land use decision. *This criterion is met.*

4. RURAL RESIDENTIAL ZONE

4.1. Allowed Uses

MCC 33.3120(C) Residential use consisting of a single family dwelling constructed on a Lot of Record and

Staff: The applicant/property owners are seeking to build a new 6,500 square foot two story single family dwelling on a vacant lot as provided in the above code. The proposal to establish the residential use includes a new driveway location, new electric, domestic water, gas, fire sprinklers, forced-air HVAC with site walls, landscaping and a new septic system and stormwater management system to be located on site.

MCC 33.3120 (F.i) - Swimming pools, pool houses, hot tubs, saunas, and associated changing rooms. The applicant/property owner are seeking to build a swimming pool and koi pond (Exhibit A.3) which are considered accessory structures pursuant to this section of the code. There is a proposed deck around the swimming pool but there is not an associated changing room.

4.2. Dimensional Requirements and Development Standards

(A) Except as provided in MCC 33.3160, 33.3170, 33.3175 and 33.4300 through 33.4360, the minimum lot size for new parcels or lots shall be five acres. For properties within one mile of the Urban Growth Boundary, the minimum lot size shall be as currently required in the Oregon Administrative Rules Chapter 660, Division 004 (20 acre minimum as of October 4, 2000).

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

Staff: The subject application does not include the creation of new parcels or lots therefore these criteria are not applicable. *Criteria not applicable.*

(C) MCC 33.3155 Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum 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.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road,

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction Manual" and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.

Staff: The site plan indicates that the proposal includes: 1) a new two-story single-family dwelling on the vacant lot, 2) a swimming pool and a koi pond, 3) new septic system and 4) a new on-site stormwater management system. Work includes a new driveway, new electric, domestic water, gas, fire sprinklers, forced –air HVAC with site walls and landscaping. NW Laidlaw is a Rural Collector which requires a minimum of 50 feet of right-of-way which is what currently exists as outlined in Transportation email Exhibit B.3. Therefore, the minimum yard does not need to be increased.

Staff reviews Building Height per the definition MCC 33.3000:

(a) The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a 5– foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.

2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item (1) above is more than 10 feet above the lowest grade.

Staff: The building illustration as shown in Exhibit A.3.1 and A.13 indicates that the proposed single-family dwelling will be two stories and has a flat roof. The height determination is based MCC 33.3000 a) 1) above. Staff finds that the proposed height of the dwelling as measured and as illustrated is 32 ft 6" as shown on Exterior Elevations in Exhibit A.13. *This criterion is met.*

As shown on the site plan (Exhibit A.3), the front yard is 57.5 feet and is adjacent to the right-of-way along NW Laidlaw. The side yards are at least 10 feet from the east and west lot line. The rear yard is 100 feet from the lot line to the north. According to the site plan, the in-ground pool is located in the NW section of the Single Family Dwelling which is over 10' from the North Property line. The Koi Pond is located on the east side (front) of the SFD and is 50' from the front property line and 10' on the sides (Exhibit A.3). The proposed pool and deck meet setbacks as per MCC 33.3155 as well as setbacks per City of Portland Sanitarian, Lindsey Reschke, who after discussing with DEQ, states that since the pool is upslope of drainfield, she will allow a 10ft setback from pool to the drainfield, therefore, stating an "in ground swimming pool on the patio is ok by me." (Exhibit A.12) She goes on to state that a koi pond, however, continues to require a 25 ft setback. The Koi pond is located on the northside of the single family dwelling and meets the 25 ft setback as well as the front yard 30ft setback.

The applicant has submitted the site plan (Exhibit A.3) and elevation drawings (A.3.1) but at time of land use sign-off of building permit, staff will review final set to ensure that requirements of dimensional standards, height, road access are met. Therefore, to ensure that these requirements are met, a condition of approval will be required that all exterior lighting complies with MCC 33.0570. *As conditioned, these criteria are met.*

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

Staff: The applicant/property owners is proposing a chimney but are not proposing barns, silos, windmills, antennae, therefore, this standard is applicable. Since the chimney is at least 30 feet from any property line the criteria is met (Exhibit A.3). *This criterion is met.*

(F) All exterior lighting shall comply with MCC 33.0570.

Staff: The standards for MCC § 33.0570 Dark Sky Lighting Standards are as follows:

(C) The following standards apply to all new exterior lighting supporting a new, modified, altered, expanded, or replaced use approved through a development permit and to all existing exterior lighting on property that is the subject of a development permit approval for enlargement of a building by more than 400 square feet of ground coverage.

(1) The light source (bulbs, lamps, etc.) must be fully shielded with opaque materials and directed downwards. "Fully shielded" means no light is emitted above the horizontal plane located at the lowest point of the fixture's shielding. Shielding must be permanently attached.

(2) The lighting must be contained within the boundaries of the Lot of Record on which it is located. To satisfy this standard, shielding in addition to the shielding required in paragraph (C)(1) of this section may be required.

The applicant has submitted Exterior Lighting Cut Sheets (Exhibit A.16) but the building illustration did not include exterior lighting information. Therefore, to ensure that these requirements are met, a condition of approval will be required that all exterior lighting complies with MCC 33.0570. *As conditioned, this criterion is met.*

5.03 § 33.3170 LOT OF RECORD

(A) In addition to the Lot of Record definition standards in MCC 33.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR zone applied;**
- (2) July 10, 1958, F-2 zone applied;**
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;**
- (4) October 6, 1977, RR zone applied, Ord. 148 & 149;**
- (5) October 13, 1983, zone change from MUF-19 to RR for some properties, Ord. 395;**
- (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;**
- (7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.**

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of

MCC 33.3185, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

- (C) Except as otherwise provided by MCC 33.3160, 33.3175, and 33.4300 through 33.4360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.
- (D) The following shall not be deemed to be a lot of record:
- (1) An area of land described as a tax lot solely for assessment and taxation purposes;
 - (2) An area of land created by the foreclosure of a security interest.
 - (3) An area of land created by court decree.

Staff: As defined in MCC 33.0005, the definition of a Lot of Record is as follows:

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 33.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

- (a) *“Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.*
- (b) *“Satisfied all applicable land division laws” shall mean the parcel or lot was created:*
- 1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or*
 - 2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or*
 - 3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or*
 - 4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and*
 - 5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)*
- (c) *Separate Lots of Record shall be recognized and may be partitioned congruent with an “acknowledged unincorporated community” boundary which intersects a Lot of Record.*
- 1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.*
 - 2. An “acknowledged unincorporated community boundary” is one that has been established pursuant to OAR Chapter 660, Division 22.*

Staff: The applicant has provided a number of deeds to support their claim that tax lot 2100, 1 North, 1 West, Section 26BB is a Lot of Record. The Warranty Deed, recorded in Book 1246, Page 450 on February 14, 1949 describes the property as it is today. (Exhibit A.8 and A.9). The County did not commence zoning until 1955. Therefore, the property was established before

any applicable zoning laws or land division laws were in place to lawfully establish a unit of land.

The Warranty Deed that was recorded by a deed, dated and signed by the parties to the transaction, and recorded with the Recording Section of the County's Department of Assessment, Records, and Taxation prior to October 19, 1978 matches the June 7, 2017 Warranty Deed (Exhibit A.9). Based on the information above, the unit of land met all applicable zoning laws or land divisions laws that were in place to lawfully establish a unit of land lawfully and remains a legal separate unit of land. *This criterion is met.*

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 33.2885, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(C) Except as otherwise provided by MCC 33.2860, 33.2875, and 33.4300 through 33.4360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(D) The following shall not be deemed to be a Lot of Record:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;**
- (2) An area of land created by the foreclosure of a security interest.**
- (3) An area of land created by court decree.**

Staff: Criterion (B), (C), and (D) do not affect the determination on this case as Tax Lot 2100, , Township 1 North, Range 1 West, Section 26BB is a legal unit of land that is a Lot of Record. The parcel is not a new parcel and no sale or conveyance is being proposed as part of this application. The subject property is also not an area of land described as a tax lot solely for assessment and taxation purposes, created by the foreclosure of a security interest, or created by court decree. *These criteria are met.*

4.04 § 33.3185 ACCESS

All lots and parcels in this district shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 33.3170(B).

Staff: The proposed single-family dwelling is located on a vacant lot that abuts NW Laidlaw, which is a public street. *This criterion is met.*

5.00 Hillside Development and Erosion Control Criteria

5.01 § 33.5505 PERMITS REQUIRED

Hillside Development Permit: 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 33.5510.

Staff: The proposed single-family dwelling is located in a mapped hazard area on the "Slope Hazard Map." The applicant has applied for a Hillside Development Permit to authorize the proposed development.

5.02 § 33.5515 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 33.5520 (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.**
- (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.**

Staff: The applicant has provided a Hillside Development Permit Application (Exhibit A.4) dated May 22, 2018, a Geotechnical Reconnaissance and Stability Preliminary Study, a Hillside Development Permit Worksheet, and a Geotechnical Engineering Report completed by Daniel Watkins, P.E., G.E., Registered Professional Engineer and Senior Geotechnical Engineer on October 20, 2017 (Exhibit A. 5). The Geotechnical Report, Geotechnical Reconnaissance and Stability Preliminary Study, and the Hillside Development Permit Worksheet satisfy the requirements above. *These criteria are met.*

(F) Geotechnical Report Requirements

- (1) A geotechnical investigation in preparation of a Report required by MCC 33.5515 (E) (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.**
- (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.**
- (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.**

Staff: The Geotechnical Engineering Report completed by Daniel Watkins, Registered Professional Engineer and Geotechnical Engineer outlines and details specific information to ensure reasonable safety from earth movement hazards (Exhibit A.4). The Report discusses the regional geology, seismic setting, and specific site characteristics. According to the report: the underlying geologic unit at the subject property is mapped as "Tcs-Continental sedimentary rocks (Pliocene and upper Miocene) – sand, gravel, sandstone, conglomerate, siltstone, and mudstone derived from the Cascade Range and the Columbia River drainage. The geologic unit includes the Troutdale Formation and Sandy River Mudstone of Trimble (1963) Exploratory Test using 4 test pits (TP-1 through TP-4) within the assumed house footprint which were dug on the site on October 20, 2017. Based on the results of those test, Daniel Watkins, Registered Professional Engineer and Geotechnical Engineer found that the proposed development is geotechnically feasible. The conclusions also recommended action items that should be done prior, during, and after development. To ensure that those recommendations are met, a condition will be required. *As conditioned, these criteria are met.*

(G) Development plans shall be subject to and consistent with the Design Standards for Grading and Erosion Control in MCC 33.5520 (A) through (D). Conditions of approval may be imposed to assure the design meets those standards.

Staff: The applicant shall be subject to the requirements of the Design Standards for Grading and Erosion Control as discussed in Section 6.03 below.

6.03 § 33.5520 GRADING AND EROSION CONTROL STANDARDS

Approval of development plans on sites subject to a Hillside Development Permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the 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;**
- (b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified;**
- (c) Cuts and fills shall not endanger or disturb adjoining property;**
- (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;**
- (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;**

Staff: The applicant has provided a Hillside Development Permit Application (Exhibit A.4) May 22, 2018, a Geotechnical Reconnaissance and Stability Preliminary Study, a Hillside Development Permit Worksheet, and a Geotechnical Engineering Report completed by Daniel Watkins, Registered Professional Engineer and Geotechnical Engineer on October 20, 2017 (Exhibit A.5). The Geotechnical Engineering Report details specific site characteristics that will need to be considered as part of this project.

In preparing the site, Daniel Watkins, PE, GE stated that the contractor should locate the test pits, excavate to the depths shown on the test pit logs, and backfill each excavation with structural fill under the observation of the Geotechnical Engineer. Topsoil, vegetation, roots, undocumented fill (construction/demo debris) and any other deleterious soils will also need to be stripped from the proposed development area. Daniel Watkins, P.E., G.E. recommends that the foundation bear entirely on the firm, and unyielding native, undisturbed silt soils encountered as 3 feet below the fill soils. The Geotechnical Engineering Report (Exhibit A.5 - Section (3.3)) also discusses the structural fill that could also be used (placed atop the stiff native subgrade. The report states, "the subgrade should be approved by the Geotechnical Engineer to ensure the exposed soils are consistent with those found in our explorations and capable of supporting the design loads". None of the reports or worksheets indicate that cut and fill slopes will be steeper than 3:1 or any of the cut and fills will disturb adjoining properties.

The applicant has also provided a Storm Water Certificate completed by Harper Houf Peterson Righellis, Inc. on May 7, 2018 (Exhibit A.7). As described by the applicant the proposed impervious surfaces (roof, driveway, and plaza) are collected in a private storm system, which is piped and routed through a detention pipe to provide flow control for the 10-year storm event. The system discharges on private property through a "level spreader" system consisting of a perforated pipe (laid flat) enclosed within a rock trench. This design returns the stormwater to a natural sheet flow condition (not concentrated) and maintains the natural course of drainage. The Storm Water Certificate discusses the current conditions and recommended stormwater treatment management be constructed on the property to ensure that storm water is collected and disposed at a 10-year design frequency *These criteria are met.*

(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 currently adopted edition of the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)" and the "City of Portland Stormwater Quality Facilities, A Design Guidance Manual (1995)". Land-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 is approved for alterations within the buffer area.

Staff: The applicant's site plan includes erosion and stormwater treatment management control plans (Exhibit A.3 and A.11). The plans indicate that there will be construction fencing, bio-filter bags and staked fiber wattles installed prior to land disturbing activities. To ensure that these actions occur, a condition will be required that erosion control measures be installed prior to construction or land disturbance.

The applicant has also provided a Storm Water Certificate completed by Alex Simpson, PE of Harper Houf Peterson Righellis, Inc. on May 7, 2018 (Exhibit A.7). The Storm Water Certificate discusses the current conditions and recommends a detention pipe and a flow control structure along with a level spreader stormwater outflow (Exhibit A.7) be constructed on the property to ensure that storm water is collected and disposed at a 10-year design frequency. Additionally, there are no streams within 100 feet of the project site, therefore no buffer is needed. *As conditioned, this criterion is met.*

(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 practical area at any one time during construction;

Staff: The Hillside Development Permit Worksheet indicates that the stripping of vegetation, grading, and other soil disturbance shall be limited to an area near the proposed single-family dwelling (Exhibit A.4). The site plan illustrates the location of construction fencing, bio-filter bags, and staked fiber wattles (Exhibit A.3). To ensure that erosion control is managed on the property, a condition will be required that these measures be installed prior to land disturbing activities. *As conditioned, this criterion is met.*

(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;

Staff: The site plan and Grading and Erosion Control worksheet indicates that the proposed development will result in approximately 230 CY of cut and 400 CY of fill, for a net fill of 170 CY. The total impervious area (roof, driveway, plaza) is approximately 6,975 in the area surrounding the proposed single-family dwelling (Exhibit A.3 and A.14). The proposed landscaping will have 16 trees 3 varieties, 2,064 shrubs, ground cover and ornamental grasses between 11 varieties and 8,000 square feet of lawn. To ensure that bare soil is stabilized, a condition will be required that temporary vegetation and/or mulching shall be used to protect exposed areas during development. *As conditioned, this criterion is met.*

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

Staff: This standard can be met with a condition that will require that temporary vegetation and/or mulching be used to protect exposed areas during development. *As conditioned, this criterion is met.*

(e) 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 1. 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 currently adopted edition of the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)" and the "City of Portland Stormwater Quality Facilities, A Design Guidance Manual (1995)" and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340;

Staff: The site plan (Exhibit A.3.1) indicates that the proposed development is more than 100 feet from the top of the bank of a stream, waterbody, or wetland; therefore, this standard does not apply. *These criteria are met.*

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

(g) 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;

(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

(i) 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;

(j) All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system;

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

Staff: The site plan includes erosion control and indicates that there will be construction fencing, bio-filter bags and staked fiber wattles installed prior to land disturbing activities (Exhibit A.3). To ensure that these erosion measures are in place, conditions will be added to

ensure that, if necessary, additional provisions shall be made to structurally impede surface runoff through the use of debris basins, silt traps, and other measures to effectively accommodate increased runoff and prevent surface water from damaging the cut face of excavations. Permanent plantings and seeding of bare areas shall be done as soon as practical. *As conditioned, these criteria are met.*

(l) Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and 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 site plan includes erosion control devices and measures which indicate that there will be construction fencing, bio-filter bags and staked fiber wattles installed prior to land disturbing activities (Exhibit A.3). These erosion measures will ensure that pollution discharges will be prevented. *These criteria are met.*

(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;

Staff: A condition will be required that 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. *As conditioned, this criterion is met.*

(n) 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: A condition will be required that 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. *As conditioned, this criterion is met.*

(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 Prevention & Sediment Control Plans Technical Guidance Handbook (1994)". 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 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 subject property is not located within the Balch Creek Drainage Basin; therefore, this requirement does not apply. *This criterion is met.*

(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 its original or equal condition.

Staff: A condition will be required that 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. *This criterion is met.*

7.00 MCRR 4.000 Access to County Roads

MCRR 4.100 Application for New or Reconfigured Access: Applicants for a new, altered or reconfigured access onto a road under County Jurisdiction are required to submit a site plan. Applicants may be required to provide all or some of the following:

- A. Traffic Study-completed by a registered traffic engineer;**
- B. Access Analysis-completed by a registered traffic engineer;**
- C. Sight Distance Certification from a registered traffic engineer; and**
- D. Other site-specific information requested by the County Engineer including a survey.**

Staff: The applicant has proposed to construct a reconfigured access onto NW Laidlaw Rd, a Rural Collector road under County Jurisdiction. An access is considered reconfigured when it will be physically altered, or when a change in the development that it serves has a Transportation Impact as defined in section 6.000 of the Multnomah County Road Rules. The reconfigured access is shown on the applicant's site plan (Exhibit A1.01). All required information has been submitted, including a driveway permit application, which will be approved upon Land Use approval. *Criterion is met.*

MCRR 4.200 Number of Accesses Allowed: Reducing the number of existing and proposed access points on Arterials and Collectors and improving traffic flow and safety on all County roads will be the primary consideration when reviewing access proposals for approval. One driveway access per property is the standard for approval pursuant to the Multnomah County Code. Double frontage lots will be limited to access from the lower classification street. Shared access may be required in situations where spacing

standards cannot be met or where there is a benefit to the transportation system. If more than one access is desired, a land use application must be submitted in compliance with applicable Multnomah County Codes.

Staff: The subject property is served by one driveway. *Criterion is met.*

MCRR 4.300 Location: All new access points shall be located so as to meet the access spacing standards laid out in the Design and Construction Manual.

Staff: For a road classified as a Rural Collector, the spacing standard is 148 feet. (MCD CM, Table 1.2.5, Minimum Private Access Driveway Spacing Standards). The minimum distance is applied to both driveways on the same side of the street as well as driveways opposite to the site.

The proposed driveway is 103 feet from the driveway to its immediate north, same side of street, and 76 feet from driveway to its immediate north, opposite side of street. The nearest southern driveway is 159 feet to its immediate south, same side of street, and 45 feet to its immediate south, opposite side of the street.

In consideration of the facts presented in the applicant's **Multnomah County Road Rules Variance** (below), staff finds the proposed site conditions satisfactory. *Criterion is met.*

The applicant's **Multnomah County Road Rules Variance** is as follows:

Variance Request Procedure

For the County Engineer to consider a variance request, it must be submitted in writing with the appropriate fee to the County prior to the issuance of any development permit. The written variance request shall be signed by a person with the authority to bind the applicant and shall include the following information as applicable:

A. Applicant name, telephone/fax number(s), email address, mailing address,

Applicant Response:

Ryan McCluckie
Scott Edwards Architecture
2525 E. Burnside St.
Portland, OR 97214
503.226.3617
rmclluckie@seallp.com

B. Property location and zoning;

Applicant Response:

10414 NW Laidlaw Rd. Portland, OR 97229
Zoning: West Hills Rural Plan Area / Rural Residential (RR)

C. Current or intended use of the property;

Applicant Response:

Intended use: New Construction - Single Family Residential home and driveway

D. The nature and a full description of the requested variance;**Applicant Response:**

No access permits exist on file for the subject property. All access points to County right-of-way must be permitted [MCRR 18.250]. The required driveway spacing standard between private driveways on a Rural Collector road is 148'-0" (MCDCM, Table 1.2.5, Minimum Private Access Driveway Spacing Standards). As such, the current proposal does not meet Multnomah County Transportation standards and requires the applicant/owner to file for a Multnomah County Road Rules Variance in order to obtain the required Access Permit. This requested variance is in keeping with the existing development pattern of the neighborhood.

E. Site plan, sight distance, pedestrian traffic, intersection alignment, traffic generation, vehicle mix, traffic circulation including impact on through traffic, and other similar traffic safety considerations;**Applicant Response:**

See attached sheet A1.02. Sight distance (+250') is provided for in each direction from the proposed new driveway. The vehicles anticipated to generate additional trips are consistent with existing development pattern of the neighborhood (also single-family residences) and are not expected to impact the neighborhood adversely.

F. Existing right-of-way or improvement limitations, and utility considerations;**Applicant Response:**

Rural Collector roads require a minimum 50' ROW, with a preferred 60' ROW (MCDCM, Table 2.2.5 Rural Local Cross Sections). Since the road already meets the preferred 60' ROW, Multnomah County Transportation finds this condition adequate at this time. Therefore, no ROW dedication is required at this time. If a ROW dedication is required in the future, the proposed driveway approach and other requirements should be able to be met with the existing available street width.

G. Adjacent land uses, their types, access requirements, and impact of traffic on them;**Applicant Response:**

Adjacent land uses include single-family residences only. Driveways provide access to adjacent land uses and traffic impacts are the same as anticipated for the proposed development (on average, construction of a new single-family home on a vacant lot will generate 10 new trips on average). The vehicles anticipated to generate additional trips are consistent with existing development pattern of the neighborhood (also single-family residences) and are not expected to impact the neighborhood adversely.

H. Topography, grade, side hill conditions, and soil characteristics;**Applicant Response:**

Topography: property gently slopes down the west (approximate 10H:1V slope – Horizontal:Vertical).

Average Ground Slope: 10%

Soil Characteristics: The underlying geologic unit at the subject property is mapped as “Tcs – Continental sedimentary rocks (Pliocene and upper Miocene) – Sand, gravel, sandstone, conglomerate, siltstone, and mudstone derived primarily from the Cascade Range and the Columbia River drainage. Includes the Troutdale Formation and Sandy River Mudstone of Trimble (1963).” The surface soils on the site are mapped by the USDA Soil Survey as “8D-Cascade-Urban land complex, 15 to 30 percent slopes.

I. Drainage characteristics and problems;

Applicant Response:

This complex consists of somewhat poorly drained Cascade soils. In most areas of this complex, the soils have been graded, cut, filled, or otherwise disturbed. This complex is on convex side slopes of broad, rolling ridgetops. In areas where the soils are relatively undisturbed, permeability is slow. In areas dominated by cuts, fills, and Urban land, permeability is variable. Runoff is medium, and the hazard of erosion is high.

J. Fire Department access requirements within a public right-of-way and their written approval of the proposed modification;

Applicant Response:

See attached SFD review approval – requirements have been met.

K. Natural and historic features including but not limited to trees, shrubs or other significant vegetation, water courses, wetlands, rock outcroppings, development limitation, areas of significant environmental concern, etc;

Applicant Response:

No natural and historic features including but not limited to trees, shrubs or other significant vegetation, water courses, wetlands, rock outcroppings, development limitation, areas of significant environmental concern, etc. were found to be present on the site.

L. Multnomah County Comprehensive Plan policies applicable to the particular parcel or location.

Applicant Response:

Rural Residential Areas

16.200 General Variance Criteria: In order to be granted a variance, the applicant must demonstrate that:

A. Special circumstances or conditions apply to the property or intended use that do not apply to other property in the same area. The circumstances or conditions may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses;

Applicant Response:

This project is requesting a Multnomah County Road Rules Variance relating to Minimum Access Driveway Spacing Standards. This property is an infill lot in an established, developed neighborhood. Existing driveway locations from adjacent neighboring properties prevent locating the new proposed driveway more than the 148'-0" required on a Rural Collector classified road (NW Laidlaw Rd.) per MCDCM Table 1.2.5. In addition, A1.01 SITE PLAN and A1.02 SITE PLAN – DRIVEWAY ACCESS sheets are included as part of this response. A1.02 shows homes across the street whose driveway separations are less than the applicant's, and appears to be an existing condition.

B. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the standards;

Applicant Response:

Per the West Hills Rural Plan Area (Chp. 33) planning document, Section 33.2073 Access: "All lots and parcels in this district shall abut a public street or have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles..." Denial of this variance request would cause the owner to not be able to comply with the requirement to provide access to passenger and emergency vehicles to the lot. The variance request is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the standards.

C. The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity, or adversely affect the appropriate development of adjoining properties;

Applicant Response:

The new proposed driveway's position is very close to the location of the existing driveway access, which also does not meet the required 148'-0" distance away from neighboring adjacent driveways. As the lot is being proposed for an identical use (single family home) the new proposed driveway does not change the fundamental function and relative location of the site access, therefore it is not anticipated that the new proposed driveway would be materially detrimental to the public welfare or injurious to other property in the vicinity, or adversely affect the appropriate development of adjoining properties.

D. The circumstances of any hardship are not of the applicant's making.

Applicant Response:

The new proposed driveway is located to provide the best possible sight distance in both direction along NW Laidlaw Rd. Poor sight distance can create a hazard for both the applicant and the traveling public. National standards for driveway accesses recommend a minimum sight distance, in feet, of ten times the posted speed; NW Laidlaw Rd. has a 25 mph posted speed limit, so sight distance should meet or exceed 250'. See attached plan A1.02 for dimensions provided in regards to driveway location and available sight distance. In addition, the lot is on a slope, the new proposed driveway location is sited to enter the property at the most advantageous location to work with the existing grades to provide site access to the new house. This property is an infill lot in an established, developed neighborhood. Existing driveway locations from adjacent neighboring properties prevent locating the new proposed

driveway more than the 148'-0" required on a Rural Collector classified road (NW Laidlaw Rd.) per MCDCM Table 1.2.5

MCRR 4.400 Width: Driveway, Private road and Accessway widths shall conform to the dimensions laid out in the Design and Construction Manual.

Staff: For a Single-Family Residential use, a new or reconfigured driveway must be a minimum 12 feet wide and maximum 24 feet wide. The new driveway will be 19 feet wide. *Criterion is met.*

MCRR 4.500 Sight Distance: All new or altered access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the Design and Construction Manual and AASHTO's A Policy on Geometric Design of Highways and Streets.

Staff: Multnomah County Road Rules Section 4.500 states that access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the County Design and Construction Manual or AASHTO's A Policy on Geometric Design of Highway and Streets. The applicant has submitted for the review of the County Transportation Division a sight distance certification, which provides an assessment of sight distance at the intersection in question consistent with AASHTO standards.

NW Laidlaw Rd. has a posted 25-mph speed limit, so minimum stopping sight distance should be at least 206 feet (MCDCM Table 2.4.1, Stopping Sight Distance, 50 kph/31 mph design speed). The applicant has documented that **250 feet of sight distance is available in both directions** from the proposed driveway. *Criterion is met.*

MCRR 5.000 Transportation Impact

MCRR 5.100 To determine if a Transportation Impact is caused by a proposed development, the County Engineer will determine the number of new trips generated by a site by one of the following methods:

- A. Calculations from the most recent edition of the Institute of Transportation Engineers' Trip Generation (ITE); or**
- B. A site development transportation impact study conducted by a professional engineer registered in the State of Oregon and accepted by the County.**

MCRR 5.200 The County Engineer will use the information obtained pursuant to subsection 5.100 and/or the frontage length of the subject property to determine the pro-rata share of the requirements set forth in Section 6.000. The County Engineer determination of pro-rata share of improvements will expire twelve months from the date of the County Engineer's determination or after the associated land use permit is granted or closed. If expired, a review process and new determination will be required.

MCRR 5.300 Except where special circumstances require the County Engineer to make an alternate determination, any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour shall be found to have a Transportation

Impact. A minimum increase of 10 new trips per day is required to find a Transportation Impact.

Staff: The Multnomah County Road Rules defines a Transportation Impact as the effect of any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour [MCRR 3.000]. A minimum increase of 10 new trips per day is required to find a transportation impact.

According to the ITE Manual, 10th Edition, a Single-Family Residential Detached House generates 10 trips per day. The property is currently vacant. Therefore, a transportation impact will be caused by the proposed development since trips generated by the site will increase by 10 new trips per day. *Criterion is met.*

26.000 Stormwater and Drainage

26.100 Onsite management of Stormwater is a priority for County.

Staff: The proposed project sits on a site that slopes downward from NW Laidlaw Rd. (elevation 680 feet) to a proposed stormwater level spreader (elevation 660 feet), so on-site stormwater management will occur. *Criterion is met.*

26.150 Applicants for a development or redevelopment that impacts impervious surface will be required to provide a Stormwater certificate and/or analysis showing method of and ability to retain Stormwater on site. Stormwater solutions must be consistent with Multnomah County Design and Construction Manual standards.

Staff: Because the proposed project creates more than 500 square feet of impervious surface, the applicant has provided a Stormwater Certificate to Multnomah County Land Use Planning certifying on-site stormwater management. *Criterion is met.*

26.200 Any development or redevelopment of a site which proposes Discharge of Stormwater onto County right of way is subject to Stormwater Discharge permit requirements outlined below, and must comply with drainage requirements identified in the Multnomah County Design and Construction Manual.

Staff: The proposed project sits on a site that slopes downward from NW Laidlaw Rd. (elevation 680 feet) to a proposed stormwater level spreader (elevation 660 feet), so on-site stormwater management will occur. *Criterion is met.*

26.300 Stormwater Discharge permit requirements: The County Engineer may allow drainage of Stormwater to County right of way when the following standards are met:

A. Applicant demonstrates that they are not able to meet the Discharge hierarchy of the Portland Stormwater Manual.

B. An Analysis conducted by a registered engineer shows that soil infiltration is not feasible.

C. A Drainage analysis is conducted by a registered engineer that ensures the storm sewer pipe/system can handle conveyance of a 25-year storm event or another storm event as identified by the County Engineer based on site/area/facility conditions.

D. Standards under Section 16.200 of these rules are addressed.

Staff: The proposed project sits on a site that slopes downward from NW Laidlaw Rd. (elevation 680 feet) to a proposed stormwater level spreader (elevation 660 feet), so on-site stormwater management will occur. Additionally, the project proposes a 1,000 gallon rain harvesting tank on the north side of the house (5' 10" wide, 6' 10" long, 7' 2" deep, 39.8 SF footprint) and a gravel and perforated pipe stormwater level spreader at the back of the site (55' long x 2' wide x 15" deep, 124 SF footprint.) *Criterion is met.*

8. Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for a Hillside Development (HD) permit and a Road Rules Variance to establish a new single-family dwelling in the Rural Residential (RR) zone. This approval is subject to the conditions of approval established in this report.

9. Exhibits

'A' Applicant's Exhibits

'B' Staff Exhibits

"C" Procedural Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application Form	5/22/18
A.2	7	Narrative	6/14/18
A.3	1	Site Plan 10/15/18	10/15/18
A.3- 1	8	Permit Set	5/18/18
A.4	6	Hillside Development Worksheet - Hillside Development Permit Worksheet completed by Daniel Watkins, P.E., G.E., Registered Professional Engineer and Senior Geotechnical Engineer on October 20, 2017	5/22/18
A.5	28	Geotechnical Reconnaissance and Stability Preliminary Study, a Hillside Development Permit Worksheet, and a Geotechnical Engineering Report completed by Daniel Watkins, P.E., G.E., Registered Professional Engineer and Senior Geotechnical Engineer	10/20/17
A.6	4	Geotechnical Reconnaissance and Stability Preliminary Study (HDP Form 1) completed	10/20/17
A.7	7	Storm Water Certificate completed by Alex Simpson, PE of Harper Houf Peterson Righellis, Inc.	05/07/18
A.8	5	Original Deed	05/22/18
A.9	3	Bargain and Sale Deed for the property recorded with County Records on 09/06/2007 under Instrument No. 2007-159687	05/22/18
A.10	10	Stormwater Management Report by Alex Simpson, PE of	5/07/18

		Harper Houf Peterson Righellis, Inc.	
A.11	3	Fire Service Agency Review sign by Drew DeBois, Fire District Official	5/18/18
A.12	8	Onsite Septic Review Certification and email from Applicant submitting Septic Review Certificate with site plan and building footprint all signed by Lindsey Reschke, County Sanitarian	10/24/18
A.13	11	Proposed Building Elevations	5/18/2018
A.14	1	DEQ Notice Authorizing Representative	
A.15	13	Grading and Erosion Control Worksheet	5/16/18
A.16	61	Exterior Lighting Cut Sheets	
A.17	5	Application for Road Rules Variance, site plan access management plan and email correspondence with Transportation	1/22/2019
A.18	1	Certification of Water Service	5/15/2018
A.19	1	Incomplete letter response	11/02/18
'B'	#	Staff Exhibits	Date
B.1	1	A&T Property Information	NA
B.2	1	2016 Aerial Photo	NA
B.3	10	Transportation Findings	10/25/18
B.4	4	Transportation memo	07/06/18
B.5	5	Email correspondence with applicant	2/20/19
B.6	2	Incomplete letter to applicant	6/14/18
B.7	1	Complete letter to Applicant	11/13/18
B.8	3	14 day Opportunity to Comment	11/13/18
B.9	3	14-day Opportunity to Comment period for Road Rules Variance	2/7/19

