

1 **BEFORE THE BOARD OF COUNTY COMMISSIONERS**
2 **FOR MULTNOMAH COUNTY**

3 In the Matter of the Dan McKenzie Hillside)
4 Development (HD) Permit: HDP 56-94 For A)
5 Culvert and Fill Crossing On The Thompson)
 Fork of Balch Creek)

FINAL ORDER
95-186

6
7 **I. PROCEDURAL HISTORY**
8

9 Dan McKenzie (McKenzie) requests a Hillside Development (HD) permit
10 under application: HDP 56-94 to authorize an existing culvert and fill crossing
11 over the Thompson Fork of Balch Creek on his property at 6125 NW Thompson
12 Road. The Hillside Development (HD) Permit would allow completion of grading
13 and fill placement associated with a private roadway intended for forest uses
14 east of the creek. The HD permit for the culvert and fill is independent of per-
15 mit(s) for a bridge crossing approved in 1991 but not constructed [reference: SEC
16 6-91 & HDP 4-91]. This order responds to an order of the Circuit Court dated
17 July 18, 1995 requiring approval of application HDP 56-94 in accordance with
18 ORS 215.428.

19
20 The property subject to the HDP 56-94 application is associated with sev-
21 eral other prior and pending County land use applications. Application SEC 6-
22 94 asks the Board to acknowledge that the current property is not in an SEC
23 zone, and that two prior SEC permit decisions be vacated [SEC 6-91 and SEC 6-91a].
24

25 The applicant received approval for a culvert/fill crossing nearly identical
26 to that proposed in HDP 56-94 in a March 31, 1992 Administrative Decision for

1 application HDP 4-91a. *HDP 4-91a record 684-702*. Upon appeal, a June 16, 1992
2 Hearings Officer (HO) Decision found compliance with all HDP criteria but
3 denied the HDP 4-91a application based upon four SEC permit criteria. *HDP 4-*
4 *91a record 346-362*. However, the Hearings Officer concluded that all Grading and
5 Erosion Control Permit criteria [MCC 11.15.6730] are met or could be satisfied if
6 the conditions in the Director's decision are imposed [HO decision; pp. 10-16].
7 The Board concurs with the Hearings Officer findings and concludes that the
8 HD Permit should be approved, subject to the conditions herein.

9
10 **II. SITE AND VICINITY INFORMATION:**

11
12 The subject property is a Lot of Record of three acres located on the east
13 side of NW Thompson Road approximately 800 feet north of its intersection with
14 NW Cornell Road. It is vegetated with a mixture of conifer and deciduous trees.
15 The Thompson fork of Balch Creek flows south near the west end of the proper-
16 ty, approximately 50 feet from the NW Thompson Road frontage. The property
17 abuts Forest Park to the north and east; the park boundary is about 200-feet to
18 the north and 200 feet to the south of the culvert.

19
20 The culvert and fill work proposed for completion in 1995 is located in a
21 50-foot wide access strip which connects the property to NW Thompson Road.
22 The grading work is associated with development of vehicular access to the site
23 for forest practices (Exhibit 15). HDP 4-91 authorized grading associated with
24 the house site and associated drainfield installation in the southeastern portion
25 of the lot (refer to Exhibit 1: site plan).

1 **III. APPLICABLE STANDARDS AND EVALUATION OF THE APPLICATION**

2
3 The following sections evaluate the application against applicable zoning
4 code criteria. Each standard is presented in **bold text**, followed by a Comment
5 section with excerpts from the HDP 56-94 application in *italics*. Except as oth-
6 erwise noted, the excerpts from the application (in *italics*) are adopted as find-
7 ings and all factual statements therein are relied upon as relevant facts support-
8 ing the conclusions herein. Board findings and conclusions supplement or modi-
9 fy application excerpts.

10
11 **A. Comprehensive Plan and Zoning Designations.**

12
13 1. The plan designation of the parcel is Commercial Forest Land. The
14 parcel is zoned CFU, Commercial Forest Use District. A Significant Environ-
15 mental Concern (SEC) zone does not apply to the subject property. NOTE: The
16 West Hills Reconciliation Report (Effective 10/22/94) designates the Thompson
17 Fork of Balch Creek as a significant Goal 5 resource. However, the site was not
18 zoned or designated 'SEC' when the application was filed on October 6, 1994.

19
20 2. The project is permitted in the CFU zone pursuant to MCC
21 11.15.2048(A)(1)&(3). The application was filed with the Planning Division on
22 October 6, 1994. Applicant states:

23
24 *A Design Review approval is not required for Uses Permitted Out-*
25 *right of [the current CFU zoning, including road construction and*
26 *maintenance for forest practices and operations. MCC*

1 11.15.2048(A)(1) and (3). The culvert is needed to conduct allowed for-
2 est practices of reforestation and harvesting of trees. Forest practices
3 have already occurred under notification #91-531-20646 [Exhibit 15]
4

5 3. Ordinance 784 recognizes that the portion of the creek on the sub-
6 ject property was not protected by SEC provisions up to and including the time
7 of filing of the subject application. The prior SEC decisions SEC 6-91 and SEC 6-
8 91A are proposed to be vacated [SEC 6-94].
9

10 4. The Hillside Development Permit application includes 21 supple-
11 mental reports or attachments. Except for Exhibits 7. and 16 (omitted), the
12 items listed below are incorporated into this decision by reference:
13

14 ***EXHIBIT DESCRIPTION OR INFORMATION SUPPORTING HDP APPLICATION***

- 15 1. SITE PLAN: Shows property line locations, roads and driveways,
16 existing structures, water courses, location of proposed develop-
17 ment, location of planned and existing drain fields, and topo-
18 graphical altitude lines.
19 2. JOINT FILL PERMIT APPLICATION: This permit application
20 received approval from, the United States Corps of Engineers
21 (#199100095) and the Oregon Division of State Land (#6447).
22 Drawings included show a culvert and up to 6 feet depth fill.
23 3. ADMINISTRATIVE DECISION HDP 4-91a approved culvert 3/31/92.
24 4. HEARINGS OFFICER'S DECISION dated 6/16/92 finding compliance
25 with all HDP criteria for the culvert with conditions applied by
26 the Planning Director. On page 5 of this decision, the Hearings
 Officer finds that CU 5-91 did not need to be amended for the
 approval of the culvert design. Hearings Officer did not find that
 a bridge was required by SEC 6-91 or CU 5-91.
 5. PLANNING DIRECTOR'S MEMORANDUM of 8/17/92 indicating the
 subject property is not within 100 feet of a Class 1 stream and

1 that an SEC permit is not required.

2 6. BOARD OF COUNTY COMMISSIONERS FINAL ORDER dated
3 12/29/92. LUBA determined that the 10/27/92 request for
4 rehearing was after the 10 days allowed and reversed
 SEC6-91a/HDP4-91a decision from the rehearing. The Final
 Order indicates the BCC determined the following:

- 5 (a) The HDP 4-91a permit was approved for a culvert/fill design.
6 (b) An SEC zone does not apply to the subject property.
7 (c) CU 5-91 remains unchanged and does not need amending.
8 (d) BCC concluded bridge was not required in SEC 6-91 or CU 5-91.

9 7. (omitted)

10 8. GEOTECHNICAL REPORT - dated September 24, 1993 certifies that
11 the site is suitable for the proposed developments including the
12 culvert, driveway and house site.

13 9. AREA TOPOGRAPHICAL MAP

14 10. CH2M HILL SURVEY indicates property contains no significant fish
15 habitat. A barrier to fish passage is just downstream.

16 11. LETTER FROM OREGON DEPARTMENT OF FORESTRY dated
17 9/2/92, stating stream on property is not on a Class 1 stream.

18 12. LETTER FROM OREGON DEPARTMENT OF FORESTRY stating
19 that the creek on the subject property was never Class 1 stream.

20 13. LANDSCAPE PLAN indicates areas that have been replanted and
21 proposes additional plantings near the culvert.

22 14. HDP FORM -1 received September 24, 1993, certifies that the site is
23 suitable for the proposed developments including the culvert.

24 15. ODF FOREST OPERATIONS PERMIT demonstrating that applicant
25 is conducting allowed forest practices on the subject property.

26 16. (omitted)

 17. CONTOUR MAP (BEFORE CULVERT INSTALLATION): Property map with
 roads, driveways, structures, streams, and topography.

 18. CONTOUR MAP (AFTER CULVERT INSTALLATION): Property map shows
 roads, driveways, structures, streams, and proposed topography.

1
2 19. CROSS SECTION DETAIL (CULVERT INSTALLATION): Section view of pro-
3 posed grade changes, fill depth and stream bed/culvert profile.

4 20. SITE PLAN CONTOUR MAP: Map shows property lines, roads and drive-
5 ways, existing structures, water courses, and topographic con-
6 tours. Details identify locations and species of trees planted.

7 21. Plan Detail: Map of the filled area, property line locations, proposed
8 driveway, the existing culvert, and water courses.

9 **B. 11.15.6725 HILLSIDE DEVELOPMENT PERMIT PROCESS AND STANDARDS**

10 **A Hillside Development permit may be approved by the Director**
11 **only after the applicant provides:**

12 **(1) Additional topographic information showing that the proposed**
13 **development to be on land with average slopes less than 25 per-**
14 **cent, and located more than 200 feet from a known landslide, and**
15 **that no cuts or fills in excess of 6 feet in depth are planned. High**
16 **groundwater conditions shall be assumed unless documentation is**
17 **available, demonstrating otherwise; or**

18
19 **(2) A geological report prepared by a Certified Engineering Geolo-**
20 **gist or Geotechnical Engineer certifying that the site is suitable**
21 **for the proposed development; or,**

22
23 **(3) An HDP Form-1 completed, signed and certified by a Certified**
24 **Engineering Geologist or Geotechnical Engineer with his/her**
25 **stamp and signature affixed indicating that the site is suitable for**
26 **the proposed development.**

1
2 1. Applicant has provided both a Geotechnical Report (Exhibit 8) and
3 an HDP Form-1 (Exhibit 14) which certify that the work area is suitable for the
4 proposed culvert and driveway fill.

5
6 **(B) Design Standards For Grading and Erosion Control (MCC .6730)**

7
8 **(1) Grading Standards**

9
10 **(a) Fill materials, compaction methods and density specifica-**
11 **tions shall be indicated. Fill areas intended to support struc-**
12 **tures shall be identified on the plan. The Director or delegate**
13 **may require additional studies or information or work regard-**
14 **ing fill materials and compaction;**

15
16 2. (a) *See supplemental report numbers 1,2,3, 4, 8, and 15. Fill*
17 *material for the culvert is 1.5" minus reject rock mechanically compacted to 90%*
18 *of the density obtainable by Standard AASHTO T-99 with multiple passes of a*
19 *caterpillar and vibratory compactor.*

20
21 **(b) Cut and fill slopes shall not be steeper than 3:1 unless a geo-**
22 **logical and/or engineering analysis certifies that steep slopes**
23 **are safe and erosion control measures are specified;**

24
25 3. (b) *See supplemental report numbers 1, 2, 3, 4, 8, and 15. The*
26 *Geotechnical report approves a slope of 1 1/2H to 1V for fill over the culvert*

1 *when covered with 6" rip rap.*

2
3 **(c) Cuts and fills shall not endanger or disturb adjoining property;**

4
5 *4. (c) Cuts or fills shall not endanger nor disturb adjoining property.*

6
7 *5. Potential adverse impacts to properties adjoining the site are avoid-*
8 *ed or minimized by the applicant's engineered grading plan, replanting exposed*
9 *fill slopes, and through conditions imposed herein.*

10
11 **(d) The proposed drainage system shall have adequate capacity**
12 **to bypass through the development the existing upstream flow**
13 **from a storm of 10-year design frequency;**

14
15 *6. (d) See supplemental report numbers 1, 2, 3, 4, 8, and 15. There*
16 *are five other culverts on the Thompson Tributary. The diameter of these culverts*
17 *range from 3' to 4'. The culvert under Cornell Road 1/4 mile down stream from*
18 *the property is 4' in diameter and has been designed to handle stream flow of 25*
19 *year peak flow storms. The subject culvert at 4.5' in diameter will adequately*
20 *handle stream flow for a storm of 10 year design frequency.*

21
22 *7. The proposed fill will not create additional impervious surfaces and*
23 *the water runoff from roofed areas on the site is not altered by the work pro-*
24 *posed under this permit. Refer also to response to criteria (e) below for capabili-*
25 *ty to bypass upstream flow from a storm of 10-year design frequency. The pro-*
26 *posed culvert has adequate capacity to bypass upstream flow from a storm of*

1 more than 10-year design frequency.

2
3 **(e) Fills shall not encroach on natural watercourses or con-**
4 **structed channels unless measures are approved which will**
5 **adequately handle the displaced streamflow for a storm of 10-**
6 **year design frequency;**

7
8 8. (a) *If fill was placed in the waterway without a culvert, the fill*
9 *would block the waterway and displace the streamflow. Culverts do not displace*
10 *the streamflow per se, rather they provide a channel for water passage, just like*
11 *the banks of a stream. For this project, a 54" diameter culvert is located prior to*
12 *placement of the fill. The fill does not actually divert the path of the water. The*
13 *fill is placed on top of the culvert, and the hole in the culvert allows for water*
14 *passage.*

15
16 (b) *Upstream from the subject property are two culverts, one under*
17 *Thompson Road, and one under a driveway. One of these culverts is 36" diameter*
18 *and the other is 42" diameter. Both culverts have been in for more than 25 years.*
19 *It is impossible for a greater volumetric flow of water to pass through these*
20 *smaller culverts than what can pass through the subject 54" diameter culvert,*
21 *which has a 65% larger opening area. The 42" culvert mentioned above was*
22 *installed by the city of Portland, and was required to be designed for storms of 25*
23 *year design frequency minimum.*

24
25 (c) *The subject 54" diameter culvert is designed to handle stream-*
26 *flow for storms of more than 10 year design frequency. According to the City of*

1 *Portland's BES, the 10 year peak storm flow 800 feet downstream from the sub-*
2 *ject property is 74 cfs (at their "pilot project" site), based on a computer model.*
3 *(Although page 8-2 of the BES issued "Balch Creek Watershed Stormwater Man-*
4 *agement Plan Background Report" shows that the actual peak stormflow has*
5 *been shown to be 30% less than the computer generated peak flow). The 10 year*
6 *peak storm flow at the subject property would be somewhat less than at the "pilot*
7 *project" location, since the subject project is 800 feet upstream and receives less*
8 *surface runoff. Nevertheless, the subject 54" culvert allows for more than 150 cfs*
9 *of water flow, and therefore is designed to handle streamflow from storms of 10*
10 *year design frequency. (The 54" culvert capacity exceeds even the 100 year storm*
11 *flow).*

12
13 **(2) Erosion Control Standards**

14
15 **(a) On sites within the Tualatin River Drainage Basin, erosion**
16 **and stormwater control plans shall satisfy the requirements of**
17 **OAR 340-41-455. Land-disturbing activities within the Tualatin**
18 **Basin shall provide a 100-foot undisturbed buffer from the top**
19 **of the bank of a stream, or the ordinary high watermark (line**
20 **of vegetation) of a water body, or within 100-feet of a wetland;**
21 **unless a mitigation plan consistent with OAR 340 is approved**
22 **for alterations within the buffer areas.**

23
24 **9. *This site is not within the Tualatin Drainage Basin.***

25
26 **(b) Stripping of vegetation, grading, or other soil disturbance**

1 **shall be done in a manner which will minimize soil erosion,**
2 **stabilize the soil as quickly as practicable, and expose the**
3 **smallest practical area at any one time during construction;**
4

5 10. **(b)** *Stripping of vegetation, grading, and the placement of fill*
6 *will be done in a manner which will minimize soil erosion, stabilize the soil as*
7 *quickly as practicable, and expose the smallest practical area at any one time*
8 *during construction.*
9

10 11. The proposal will not remove any significant trees. Conditions of
11 approval require replanting of disturbed areas before October of the year(s) the
12 soil is exposed.
13

14 **(c) Development Plans shall minimize cut or fill operations and**
15 **ensure conformity with topography so as to create the least**
16 **erosion potential and adequately accommodate the volume**
17 **and velocity of surface runoff;**
18

19 12. **(a).** *Fill operations have been minimized to achieve a safe road*
20 *across the creek. Less fill would have resulted in a steeper driveway east of the*
21 *culvert, which would have been less safe, especially coming downhill in the win-*
22 *tertime. The culvert has been in place since 1991 and has adequately handled the*
23 *volume and velocity of surface runoff. The 6" rip rap, the established vegetation*
24 *on the fill slopes, and the hay bails more than adequately handle the volume and*
25 *velocity of surface runoff.*
26

1 13. (b) *A parking area west of the culvert was constructed prior to the*
2 *installation of the culvert. This project concerns only the 45 foot length of road*
3 *from the parking area to the opposite side of the creek. The rest of the roadway*
4 *was authorized under HDP 4-91. Surface runoff from the parking area and from*
5 *the roadway 45 feet and beyond from the parking area is not a subject of this*
6 *decision. For background information however, surface runoff from the roadway*
7 *is diverted off the roadway prior to reaching the filled area involved in this pro-*
8 *ject. Surface runoff from the parking area is diverted into a dry well.*

9
10 **(d) Temporary vegetation and/or mulching shall be used to pro-**
11 **tect exposed critical areas during development;**

12
13 14.(d) *Mulching and temporary vegetation shall be used to protect exposed*
14 *critical areas during development. Also see conditions of approval in report num-*
15 *ber 3 and the landscape plan.*

16
17 15. The application, as conditioned, satisfies this criteria.

18
19 **(e) Whenever feasible, natural vegetation shall be retained, pro-**
20 **ected, and supplemented;**

21
22 **(i) A 100-foot undisturbed buffer of natural vegetation shall be**
23 **retained from the top of the bank of a stream, or from the**
24 **ordinary high watermark (line of vegetation) of a water body,**
25 **or within 100-feet of a wetland;**

1 16. (i) *All native vegetation in the project area was destroyed long before*
2 *the subject project. About forty or so years ago a pipeline was built connecting the*
3 *well from the property to the south (6121 NW Thompson Road) to the property to*
4 *the north (6131 NW Thompson Road). At that time the property to the north did*
5 *not have a well. That pipeline is located just east of the creek in the area of the*
6 *current project. About thirty years ago, due to a dispute between the neighboring*
7 *landowners, the pipeline was pulled out and again the ground and vegetation*
8 *was disturbed.*

9
10 *The previous landowner of the subject property allowed the neighbor to the*
11 *north to construct a parking area covering both the subject property and the*
12 *neighboring property. Grass seed was planted in the area of the current project*
13 *after the construction of the parking area had left much of the ground soils*
14 *exposed.*

15
16 **(ii) The buffer required in (i) may only be disturbed upon the**
17 **approval of a mitigation plan which utilizes erosion and**
18 **stormwater control features designed to perform as effective-**
19 **ly as those prescribed in the “Erosion Control Plans Techni-**
20 **cal Guidance Handbook” and the “Surface Water Quality**
21 **Facilities Technical Guidance Handbook” and which is con-**
22 **sistent with attaining equivalent surface water quality stan-**
23 **dards as those established for the Tualatin River Drainage**
24 **Basin in OAR 340;**

25
26 17. (ii) *The following measures will be taken as a mitigation plan for ero-*

1 *sion and stormwater control:*

- 2
- 3 1. *The fill will compose of 1 1/2 minus reject rock rather than dirt fill.*
 - 4 2. *The fill will be compacted to 95% for extra strength and retention.*
 - 5 3. *The fill slopes will be riprapped with 6" minus fragmented rock.*
 - 6 4. *Hay bails will be placed at the toes of all fill slopes.*
 - 7 5. *All fill slopes will be seeded within 30 days of rock placement.*
 - 8 6. *The stream bank downstream from the culvert will be riprapped*
9 *with 9" to 24" rock.*

10

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

14

15 18. *There is very little work required to finish the project. Three loads*
16 *or so of rock should be sufficient. That can be accomplished in one day easily.*
17 *The rock shall be placed within 60 days of approval of the permit, weather per-*
18 *mitting, and prior to October first. Hay bails will be in place prior to placement*
19 *of the rock fill. The rock fill will be compacted immediately as it is placed on the*
20 *road, providing erosion control protection. The 6" rip rap will be placed within*
21 *30 days of placement of the rock fill. Seeding of all slopes shall occur within 30*
22 *days of completion of rock fill placement. Over a dozen Douglas fir trees have*
23 *already been planted. Any additional plantings will occur within 30 days of com-*
24 *pletion.*

25

26 **(g) Provisions shall be made to effectively accommodate**

1 **increased runoff caused by altered soil and surface conditions**
2 **during and after development. The rate of surface water**
3 **runoff shall be structurally retarded where necessary;**

4
5 19.(g) *Straw bales will be used to effectively accommodate increased*
6 *runoff due to placement of the fill. Six inch rip rap has been placed over the*
7 *slopes of the fill to control erosion potential.*

8
9 20. The proposed grading and fill associated with the access to the site
10 will not create significant new impervious surfaces.

11
12 **(h) Sediment in the runoff water shall be trapped by use of**
13 **debris basins, silt traps, or other measures until the disturbed**
14 **area is stabilized;**

15
16 21.(h) *Straw bales and sediment fences were used at the bases of all fills.*

17
18 **(i) Provisions shall be made to prevent surface water from dam-**
19 **aging the cut face of excavations or the sloping surface of fills**
20 **by installation of temporary or permanent drainage across or**
21 **above such areas, or by other suitable stabilization measures**
22 **such as mulching or seeding;**

23
24 22.(i) *See supplemental report numbers 1, 2, 3, 4, 8, and 15. The sloping*
25 *surface of the fills have been protected with a cover of 6 inch rip rap.*

1 (j) All drainage provisions shall be designed to adequately carry
2 existing and potential surface runoff to suitable drainage ways
3 such as storm drains, natural watercourses, drainage swales,
4 or an approved drywell system;
5

6 23.(j) *See supplemental report numbers 1, 2, 3, 4, 8, and 15. See also con-*
7 *ditions 7 and 8 of report 3.*
8

9 24. Proposed grading associated with site access will not create large
10 impervious surfaces. The application, as conditioned herein, meets the criteria.
11

12 (k) Where drainage swales are used to divert surface waters,
13 they shall be vegetated or protected as required to minimize
14 potential erosion;
15

16 25.(k) *Drainage swales will be vegetated with dwarf grass mix.*
17

18 (l) Erosion and sediment control devices shall be required
19 where necessary to prevent polluting discharges from occur-
20 ring. Control devices and measures which may be required
21 include, but are not limited to:
22

23 (i) Energy absorbing devices to reduce runoff water velocity;
24

25 (ii) Sedimentation controls such as sediment or debris basins.
26

 Any trapped materials shall be removed to an approved dis-

1 posalsite on an approved schedule;

2
3 (iii) Dispersal of water runoff from developed areas over large
4 undisturbed areas.

5
6 26. *(l) See conditions 4, 7 and 8 of report 3. Straw bales were used and*
7 *are still in place at the base of the fills.*

8
9 27. Sediment barriers are already in place. The application and plans,
10 with conditions imposed herein, satisfies the criteria. The Mitigation plan ade-
11 quately deals with erosion and stormwater control.

12
13 (m) Disposed spoil material or stockpiled topsoil shall be pre-
14 vented from eroding into streams or drainage ways by apply-
15 ing mulch or other protective covering; or by location at a suf-
16 ficient distance from streams or drainage ways; or by other
17 sediment reduction measures;

18
19 28. *(m) No on-site spoils storage or stockpiling is proposed.*

20
21 (n) Such non-erosion pollution associated with construction
22 such as pesticides, fertilizers, petrochemicals, solid wastes,
23 construction chemicals, or wastewaters shall be prevented
24 from leaving the construction site through proper handling,
25 disposal, continuous site monitoring and clean-up activities.

1 29. (n) *No non-erosion pollution occurred with this development.*

2
3 30. Plans minimize potential polluting discharges through the type of
4 fill and replanting plans. The application, together with conditions imposed
5 herein, satisfies the criteria.

6
7 (o) On sites within the Balch Creek Drainage Basin, erosion and
8 stormwater control features shall be designed to perform as
9 effectively as those prescribed in the *Erosion Control Plans*
10 *Technical Guidance Handbook* (January, 1991). All land dis-
11 turbing activities within the basin shall be confined to the
12 period between May first and October first of any year. All per-
13 manent vegetation or a winter cover crop shall be seeded or
14 planted by October first the same year the development was
15 begun; all soil not covered by buildings or other impervious
16 surfaces must be completely vegetated by December first the
17 same year the development was begun.

18
19 31. (o) *All land disturbing activities shall be confined to the period*
20 *between May 1 and October 1 of any year. All permanent vegetation or winter*
21 *cover crop shall be seeded or planted by October 1 of the same year that the devel-*
22 *opment occurred. The culvert is covered with reject rock and rip rap. The erosion*
23 *and stormwater control features are designed to perform as effectively as those*
24 *prescribed in the Erosion Control Plans Technical Guidance Handbook.*

25
26 **IV. CONDITIONS**

- 1
- 2 1. Except as modified by condition 2, grading activity authorized herein is
- 3 that work illustrated and detailed in the HDP 56-94 application submit-
- 4 tals received March 9, 1995. (Exhibits 8, 18, 19, &20)
- 5
- 6 2. Land disturbing activity authorized herein shall be conducted between
- 7 May first and October first of any year. All disturbed or exposed areas
- 8 shall be replanted no later than October 1st of the year the work was ini-
- 9 tiated, with winter cover vegetation maintained until May first of the
- 10 next year. MCC 11.15.6730(o).
- 11

12 **V. CONCLUSION AND DECISION**

13

14 Based on the above findings and evaluation, the Board concludes the

15 application, as conditioned herein, satisfies applicable criteria and hereby

16 approves HDP 56-94 subject to conditions.

17

18 DATED this 22nd Day of August, 1995

19

20 (SEAL)

21

22 
Beverly Stein, Multnomah County Chair

23 REVIEWED AS TO FORM:
24 LAURENCE KRESSEL, COUNTY COUNSEL
25 FOR MULTNOMAH COUNTY, OREGON

26 By: 
John DuBay, Chief Deputy County Counsel