

Affidavit
(Sworn Statement)

August 26, 2022

My legal name is Scott Logan Reed ("Affiant") and being duly sworn, hereby swear under oath that:

1. Scott Reed owns and operates Springwood Acres Farm at 12424 NW Springville Road, Portland, OR 97229.
2. Springwood Acres Farm collects/washes/sells eggs from pastured raised chickens and breeds/sells goats.
3. Scott Reed is the sole farm operator and oversees all farming decisions made at Springwood Acres Farm.
4. Scott Reed spends more that 40 hours a week on average working on farm activities at Springwood Acres Farm.
5. Once the proposed home is built on the farm, Scott Reed and his family will live in the house.

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statements are, to the best of my knowledge, true and correct.



Affiant's Signature

08/26/22
Date

Notary Acknowledgement

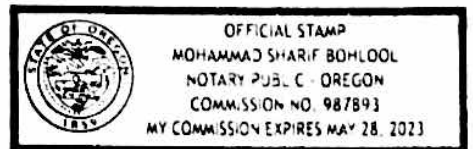
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Oregon
County of Washington

On August 26, 2022 before me, Mohammad Sharif Bohlood, personally appeared Scott Logan Reed who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Oregon that the forgoing paragraph is true and correct.

Witness my hand and official seal.





Notary Signature

08/26/2022
Date

Date: August 12, 2022

To: Alan Rappelyea, Hearings Officer

From: Scott & Stacy Reed, Property Owners
12424 NW Springville Road, Portland, OR 97229

Re: Farm Income – Schedule F (2020)

During the August 12, 2022 public hearing regarding the Appeal of Notice of Decision (T2-2021-14981), the Hearing Officer asked the Multnomah County LUP staff to provide a process by which Scott and Stacy Reed could submit their 2020 Schedule F income tax information to the County that it would not make private information posted to the internet. As of August 26, 2022 at 10:00 am PST the LUP staff has not communicated any submission process for the confidential tax information.

The code section that is the subject of this appeal is MCC 39.4265, a “Farm Income Capable” test. Given that the code standard is based on potential income, the proposed land use could be approved and occupancy could be conditioned on providing the 2020 Schedule F income tax information once LUP staff has figured out a secure way to transmit this information.

Date: August 12, 2022

To: Alan Rappelyea, Hearings Officer

From: Scott & Stacy Reed, Property Owners
12424 NW Springville Road, Portland, OR 97229

Re: Driveway – Right-of-Way Permit

As mentioned during the August 12, 2022 public hearing regarding the Appeal of Notice of Decision (T2-2021-14981), the Multnomah County Transportation Division emailed Scott Reed August 10, 2022 and said, “I realize this is a matter that may be introduced as part of the record of the appeal hearing (T2-2021-14981) on Friday (August 12, 2022)” and then proceeds to make the existing three 86-year-old farm driveways a new issue.

Scott Reed reached back out to the Transportation Division on August 15, 2022. The same day response included four main points. Complete email attached.

1. Keep one entrance and close all other accesses.
2. Apply for Existing Non-Conforming Access or apply for Road Rules Variance.
3. Historic 1936 aerial photographs will not work for Transportation Division
4. **“ROW permits can only be issued once all relevant Land Use Planning permits (Erosion and Sediment Control or Environmental Overlay permits) have ben secured, if required”**

Given that the Transportation Division stated that ROW permits can only be issues once LUP has approved the project. The ROW permits can be moved to a condition of occupancy.

Given that all the existing farm access points in question by the Transportation Division are used only for farm use in an exclusive farm use (EFU) zone on a property that is not within an adopted urban growth boundary, the code section ORS 215.253 is relevant.

ORS 215.253 Restrictive local ordinances affecting farm use zones prohibited; exception. (1) No state agency, city, county or political subdivision of this state may exercise any of its powers to enact local laws or ordinances or impose restrictions or regulations affecting any farm use land situated within an exclusive farm use zone established under ORS 215.203 or within an area designated as marginal land under ORS 197.247 (1991 Edition) in a manner that would restrict or regulate farm structures or that would restrict or regulate farming practices if conditions from such practices do not extend into an adopted urban growth boundary in such manner as to interfere with the lands within the urban growth boundary. “Farming practice” as used in this subsection shall have the meaning set out in ORS 30.930.

(2) Nothing in this section is intended to limit or restrict the lawful exercise by any state agency, city, county or political subdivision of its power to protect the health, safety and welfare of the citizens of this state. [1973 c.503 §8; 1983 c.826 §12; 1985 c.565 §31; 1995 c.703 §10]



Scott Reed <springwoodacresfarm@gmail.com>

Re: 12424 NW Springville Road, Portland

1 message

Right of Way Permits <row.permits@multco.us>

Mon, Aug 15, 2022 at 3:17 PM

To: Scott Reed <springwoodacresfarm@gmail.com>

Cc: Cynthia Castro <cynthia.castro@multco.us>, Jessica Berry <jessica.berry@multco.us>, Carol Johnson <carol.johnson@multco.us>

Hi Scott

The memo I sent out last week (attached for reference) will determine the next steps. As you're aware, the driveway permit (80244) issued in 2017 expired and was never notified, inspected and closed out by our inspector in accordance with the terms/provisions. Copies of emails sent to you detailing this are included as appendices D (pg 27) and H (pgs 31-32) of the memo.

Due to the additional accesses found during the most recent transportation planning review (see pages 3-7 of the memo), it's not possible to issue a ROW/driveway permit at this time while there are other outstanding matters to be resolved, such as the multiple access points to the property (see requirement 1. page 2 of the memo). The next steps will really be determined by the decisions you wish to make:

- If you propose to retain one access to the property and close all other accesses, you will need to provide revised site plans demonstrating closure of any additional accesses in a permanent manner; or
- apply for Existing Non Conforming Accesses through the provision of [Road Rules \(MCRR\) 4.700](#) or apply for a Road Rules Variance ([MCRR 16.000](#)). I acknowledge you submitted an aerial photograph as part of the record for the hearing last Friday ([Exhibit H.2.h](#)). Please note that a historical photograph does not meet the evidence criteria set out in [MCRR 4.700](#).


With regards to stormwater review: the required paved apron(s) may trigger additional impervious surface area. Until we know which access points and total additional impervious surface area may be related to the property (including any paved aprons), we won't move forward with a stormwater review until you clarify how you want to proceed with the requirements set out in the memo. Apologies if my previous email response was ambiguous in this matter.

Finally, our permits and requirements need to be undertaken in conjunction with Land Use Planning requirements. ROW permits can only be issued once all relevant Land Use Planning permits (Erosion and Sediment Control or Environmental Overlay permits) have been secured, if required.

thanks,

Graham
Transportation PlannerRight-of-Way Permits
Multnomah County Transportation Division
Bridges: [1403 SE Water Ave | Portland, Oregon 97214](#) | Phone: 503.988.3757
Roads: [1620 SE 190th Ave | Portland, Oregon 97233](#) | Phone: 503.988.5050**Please Note: Cornelius Pass Road in Multnomah County was transferred to ODOT on March 1, 2021. Any permits for encroachment, construction, or oversized vehicle travel must be permitted through ODOT.**[ROW Website](#)
[Learn about the Transportation Development Review Process](#)
[Road and Bridge Permit Applications](#)

On Mon, Aug 15, 2022 at 12:08 PM Scott Reed <springwoodacresfarm@gmail.com> wrote:

 **External Sender** - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

Graham,

What are the next steps with Transportation and the re-issue of the driveway permit? All of departments (City of Portland BDS, septic review, Tualititan Fire & Rescue, fire agency review, etc.) and engineers (civil, geotechnical, etc.) finished their reviews/permits/reports in less time than Transportation has had to review a driveway permit for a driveway that has already been built for 5 years.

What are next steps and what is your timing? You have the information you have requested, forms completed and fees have been paid.

Thanks,
SCOTT

On Wed, Aug 10, 2022 at 9:20 PM Scott Reed <springwoodacresfarm@gmail.com> wrote:
Graham,

Attached is the stormwater calculations with the engineers stamp and signature. Please move forward with any review you need to issue the driveway permit.

It is unfortunate that the knowledge of the appeal on Friday seems to have brought up new issues for you today that have not been discussed in the prior 6+ months that we have been working on getting this driveway permit for a driveway that was already permitted, installed, and inspected by Transportation over four years ago. A coincidence I guess.

Best,
SCOTT

On Wed, Aug 10, 2022 at 2:01 PM Right of Way Permits <row.permits@multco.us> wrote:
Hi Scott

Please find attached our comments for the transportation planning review you requested on July 16, 2022.

As you'll see there are a number of items that will need to be clarified and/or addressed before we can proceed to issuing a ROW driveway permit. I've copied in the Transportation Planning and Development Manager and Land Use Director for reference for two reasons:

1. I realize this is a matter that may be introduced as part of the record of the appeal hearing (T2-2021-14981) on Friday (August 12, 2022); and
2. the required permits between Land Use and Transportation Planning will need some level of coordination between the divisions' codes and standards.

I also confirm receipt of the document you submitted this morning to accompany your stormwater certificate. Our engineer noted it doesn't have a licensed engineer stamp per the requirements of the [certificate](#). Even if you were able to resubmit the report with an engineer's stamp, we're extremely busy and we would not necessarily be able to provide this review before end of business tomorrow, as requested. Given the pending hearing on Friday, and the matters to be resolved in the attached memo, I trust that we'll wait for further instruction regarding stormwater review.

thanks,

Graham
Transportation Planner

Right-of-Way Permits
Multnomah County Transportation Division
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Roads: [1620 SE 190th Ave | Portland, Oregon 97233](#) | Phone: 503.988.5050

Please Note: Cornelius Pass Road in Multnomah County was transferred to ODOT on March 1, 2021. Any permits for encroachment, construction, or overdimensional vehicle travel must be permitted through ODOT.

[ROW Website](#)

[Learn about the Transportation Development Review Process](#)

[Road and Bridge Permit Applications](#)

On Tue, Aug 9, 2022 at 9:56 PM Scott Reed <springwoodacresfarm@gmail.com> wrote:



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Graham- Attached is the calculations for the stormwater. Please review as soon as you can. I need the driveway permit by COB Thursday to meet the Friday deadline. Please call if you need anything else from me. Big thanks, SCOTT

On Tue, Aug 2, 2022 at 8:00 AM Right of Way Permits <row.permits@multco.us> wrote:
Hi Scott

I've sent out the e-invoice for our fees. The email should come from the service [authorize.net](#).

Our engineer also requests a report with calculations to accompany the stormwater certificate. Can you please ask your engineer to provide that and send it to this email address?

thanks,

Graham
Transportation Planner

Right-of-Way Permits
Multnomah County Transportation Division
Bridges: [1403 SE Water Ave | Portland, Oregon 97214](#) | Phone: 503.988.3757
Roads: [1620 SE 190th Ave | Portland, Oregon 97233](#) | Phone: 503.988.5050

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[ROW Website](#)
[Learn about the Transportation Development Review Process](#)
[Road and Bridge Permit Applications](#)

On Wed, Jul 20, 2022 at 10:34 AM Scott Reed <springwoodacresfarm@gmail.com> wrote:



External Sender - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

Thanks Graham!

On Jul 20, 2022, at 9:37 AM, Right of Way Permits <row.permits@multco.us> wrote:

Received, thank you. We'll begin our review soon and let you know if there's anything else we need.

Graham
Right-of-Way Permits
Multnomah County Transportation Division
Bridges: [1403 SE Water Ave | Portland, Oregon 97214](#) | Phone: 503.988.3757
Roads: [1620 SE 190th Ave | Portland, Oregon 97233](#) | Phone: 503.988.5050

Please Note: Cornelius Pass Road in Multnomah County was transferred to ODOT on March 1, 2021. Any permits for encroachment, construction, or overdimensional vehicle travel must be permitted through ODOT.

[ROW Website](#)
[Learn about the Transportation Development Review Process](#)
[Road and Bridge Permit Applications](#)

On Sat, Jul 16, 2022 at 2:48 PM Scott Reed <springwoodacresfarm@gmail.com> wrote:



External Sender - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

Graham,

Attached is the Transportation Planning Review form, Application for a Permit to Use ROW form, traffic study, site plan, and stormwater certificate. Please confirm receipt of this email.

Let me know if you have any questions or need anything else from me. Also, let me know how to pay any fees.

Thanks,
Scott Reed
(914) 391-6995

On Wed, Nov 24, 2021 at 11:42 AM Right of Way Permits <row.permits@multco.us> wrote:

Hi Scott

Some of our Road Rules and forms have changed since the last time we reviewed this in 2017. The driveway permit you attached is expired (it is only valid for 120 days from issue, unless it has been built per our requirements, inspected and approved). It sounds like you have done some work though - can you please clarify what you mean by installing the driveway?

To begin your review, please complete your details in the following [form](#).

We'll also need updated plans which will be consistent with the plans required for the land use application.

If you have been requested by land use to provide a new [stormwater certificate](#) and report, please also provide that along with your form and plans for us to review.

Once we have checked the above, we can begin the process for issuing an updated [driveway permit](#).

A summary of our process and fees can be found [here](#). Once we have your documents, I'll send out an e-invoice for our fees.

Let me know if you have any questions.

thanks,

Graham
Transportation Planner

Right-of-Way Permits
Multnomah County Transportation Division
Bridges: [1403 SE Water Ave | Portland, Oregon 97214](#) | Phone: 503.988.3757
Roads: [1620 SE 190th Ave | Portland, Oregon 97233](#) | Phone: 503.988.5050

Please Note: Cornelius Pass Road in Multnomah County was transferred to ODOT on March 1, 2021. Any permits for encroachment, construction, or overdimensional vehicle travel must be permitted through ODOT.

[ROW Website](#)
[Learn about the Transportation Development Review Process](#)
[Road and Bridge Permit Applications](#)

On Tue, Nov 23, 2021 at 10:45 AM Scott Reed <springwoodacresfarm@gmail.com> wrote:



External Sender - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

ROW Permits,

I am renewing my land use approval for a single family home at [12424 NW Springville Road](#). I was told by LUP that I need to submit a "current Transportation Planning form completed by the County Right-of-way office in 2021". Attached is the previous application and permit. We completed this work in 2018. I am not sure what to apply for now that the new driveway is installed.

Let me know what you think the next steps are for getting a "current Transportation Planning form completed by the County Right-of-way office in 2021".

Thanks,
Scott Reed
(914) 391-6995

--

Thanks,
Scott Reed
Springwood Acres LLC
12424 NW Springville Road
[Portland, OR 97229](#)
(914) 391-6995

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Thanks,
Scott Reed
Springwood Acres LLC
[12424 NW Springville Road](#)
[Portland, OR 97229](#)
(914) 391-6995

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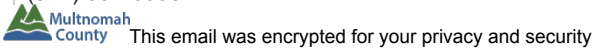
Thanks,
Scott Reed
Springwood Acres LLC
[12424 NW Springville Road](#)
[Portland, OR 97229](#)




This email was encrypted for your privacy and security

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Thanks,
Scott Reed
Springwood Acres LLC
[12424 NW Springville Road](#)
[Portland, OR 97229](#)
(914) 391-6995

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Thanks,
Scott Reed
Springwood Acres LLC
[12424 NW Springville Road](#)
[Portland, OR 97229](#)
(914) 391-6995



 **EP-2022-16021 - memo-app.pdf**
5990K

MEMORANDUM

TO: Scott Reed, applicant

CC Jessica Berry, Transportation Planning & Development Manager
Carol Johnson, Land Use Planning Director

FROM: Graham Martin, Senior Planner (email: row.permits@multco.us)

DATE: August 10, 2022

ADDRESS: 12424 NW Springville Rd (R324300, R324339, R501639)

SUBJECT: Transportation Planning Review comments

Ref. Nos. T2-2021-14981 (Multnomah County Land Use)
EP-2022-16021 (Multnomah County Transportation)

Applicant submitted a Transportation Planning Review (TPR) form and ROW permit application form on July 16, 2022. The request for the TPR was for a renewal of a previously issued ROW permit (ref 80244) for a single access to the property. This permit was issued as a requirement pursuant to Land Use and Transportation Planning Reviews undertaken in 2014 (T2-2014-3377; EP-2014-3418) for a single family dwelling and access to the dwelling. Permit 80244 was not completed and closed out consistent with the terms and provisions, drawings, or the 120-day time frame, of the permit issued in 2017 (discussed more below and in appendices).

The applicant sought to renew the permits for the single family residence and this was denied by Land Use Planning and is subject to appeal by the applicant (T2-2021-14981). One of the reasons for Land Use denying the request for renewing the Land Use permits was incomplete information in the application submission. While the applicant contacted Transportation Planning in November 2021, and was informed that a new review would be required because there had been transportation code amendments and that the ROW permit had expired, the submission for a new TPR was only made in July 2022.

Subsequent to the email exchange in November 2021, the applicant also sought to close out permit 80244 on May 26, 2022. In response the applicant was informed that the permit had expired and was not completed and closed out consistent with the terms and

had expired and was not completed and closed out consistent with the terms and provisions, or time frame, of the permit issued in 2017.

Appendices A-I show the email exchanges, in chronological order, between County Transportation and the applicant, with the last email from County Transportation on June 6, 2022, prior to the request on July 16, 2022 for a new TPR (this review).

The comments provided in this memorandum are based on the information provided/available to County Transportation. While every effort has been made to identify all related standards and issues, additional issues may arise and other standards not listed may become applicable as more information becomes available.

County Transportation Standards:

- Road Rules (MCRR): <https://www.multco.us/file/70143/download>
- Design & Construction Manual (DCM): <https://multco.us/file/16499/download>

REQUIREMENTS

1. **The current conditions exceed the one access per property in County Transportation Standards.** Applicant can retain one access and close all other access points in a permanent manner to meet this standard or apply to establish these accesses through either the Existing Non-Conforming Access code (MCRR 4.700) or a Road Rules Variance application (MCRR 16.000).
2. In addition to 1 above, applicant will need to ensure all access points meet:
 - a. access spacing standards (MCRR 4.300; DCM Table 1.2.5); and
 - b. access width standards (MCRR 4.400; DCM Table 1.2.4); and
 - c. meet County stopping sight distance requirements (MCRR 4.500); or
 - d. provide evidence that establish Existing Non-Conforming Accesses (MCRR 4.700) or include these in a Road Rules Variance application (MCRR 16.000).
3. Applicant needs to provide County Transportation with current traffic movements from the site for all the different agricultural uses and other permitted uses to be able to make a determination about a transportation impact from addition of an agricultural dwelling on the site (MCRR 3.000; 5.300).
 - a. No right of Way dedication is required (MCRR 6.100A).
 - b. Applicant completed deed restriction and non-remonstrance agreement, as part of previous approvals (T2-2014-3377; EP-2014-3418) [MCRR 9.500]
4. After land use approvals, establishing Existing Non Conforming Accesses or Road Rules Variances, and prior to construction,

- applicant will be required to obtain a new ROW(driveway) permit for all accesses to be retained at the property [MCRR 18.250].
5. Applicant may be required to submit a revised [stormwater certificate and report](#), taking into account the requirement for paved aprons which will be required for approved accesses [MCRR [26.150](#)]. Applicant should be aware that Land Use Planning may have additional requirements, as a result of any additional or new grading being undertaken in Environmental Overlay zones, if applicable.

TRANSPORTATION PLANNING REVIEW

ACCESS STANDARDS **MCRR 4.200 Number of Accesses Allowed:**
One driveway access per property is the standard for approval pursuant to the Multnomah County Code.

One access is proposed in the drawings submitted for the dwelling (T2-2021-14981) and this Transportation Planning Review. While a driveway permit (80244) was issued for a single access to the property in 2017, this has since expired. The applicant sought to inform that the work on the driveway was completed. The work to start and complete permit 80244 was not undertaken per the terms and provisions of the permit. Furthermore, the permit was valid only for 120 days in order for the work to be completed and closed out by our Inspector. This was communicated to the applicant in emails in May/June 2022 (see appendix 1). County Transportation does not consider the driveway providing access to the proposed dwelling to be completed with the land use approval (T2-2014-3377) granted in 2014 and permit 80244.

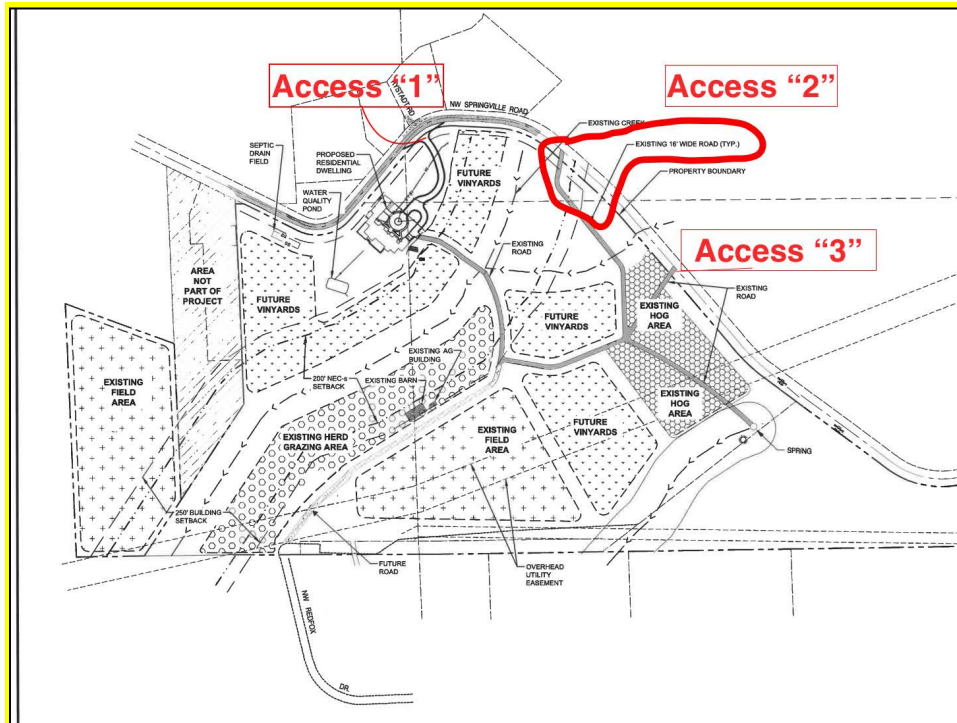
The drawing set provided for this Transportation Planning Review, dated January 2022, includes drawing C-701 which is annotated with two additional access points on the eastern frontage of the subject property. These are labeled in excerpts below as accesses “2” and “3”. Excerpts from aerial photography and recent (April 2022) Google Street View photos show these additional accesses below. A fourth, gated access (access “4”), not identified on any submitted plan, has also been identified on Google Street View¹. See map/aerial photo and Google Street View excerpts on following pages below.

¹
<https://www.google.com/maps/@45.5637756,-122.797405,3a,89.6y,210.41h,67.47t/data=!3m7!1e1!3m5!1sp9jTObsBO3ltBZTdqcccUQ!2e0!5s20220401T000000!7i116384!8i8192>

These accesses have not been subject to prior Transportation Planning Review, approval, or permitting.

The current conditions exceed the one access per property in County Transportation Standards. Applicant can retain one access and close all other access points in a permanent manner to meet this standard or apply to establish these accesses through either the Existing Non-Conforming Access code or a Road Rules Variance application. See sections on Existing Non-Conforming Accesses (MCRR 4.700) and Road Rules Variances below (MCRR 16.000).

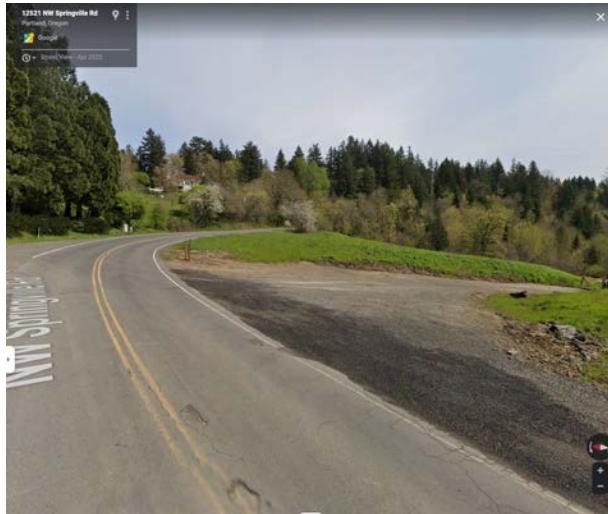
Drawing C-701 denoting accesses "1", "2" and "3".



Aerial Photography (2020) showing access “1”, “2” and “3”



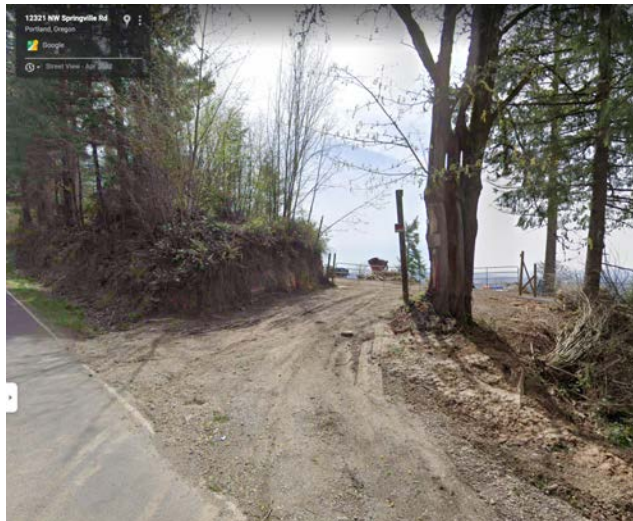
Access “1” (Google Street View, April 2022)



Access “2” (Google Street View, April 2022)



Access “3” (Google Street View, April 2022)



Approximate location of Access “4” (aerial mapping and Google Street View, April 2022).



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.

For a road classified as a Rural Collector, the minimum access spacing standard is 98 feet.

Applicant will need to demonstrate that Accesses “1”, “2”, “3” and/or “4” (see above) meet access spacing standards.

MCRR 4.400 Width

The County standard for an agricultural access width is 20 to 35 feet (MCDCM Table 1.2.4). The applicant proposes a 20 ft wide access. Proposed access is within the parameters set out in County Standards.

Access “1” is shown on plan C-401 to be 25 feet wide at the ROW. Proposed access is within the width parameters set out in County Standards. Access “2” and “3” do not have a specified width on any of the submitted plans. Furthermore, access “4” is not shown on any plans and also does not have a specified width.

Applicant can meet County standards by retaining one access which meets access width standards (MCRR 4.400; DCM Table 1.2.4) and close all other access points in a permanent manner, or apply to establish these accesses through either the Existing Non-Conforming Access code (MCRR 4.700); or apply for a Road Rules Variance application (MCRR 16.000).

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.

For a road classified as a Rural Collector, with a speed limit of 40 mph, the minimum stopping-sight distance (SSD) is 305 feet (flat topography).

The applicant submitted a sight-distance memo prepared at County Transportation request in 2014 (EP-2014-3418) as part of the prior Transportation Planning Review for the agricultural dwelling (T2-2014-3377). This was prepared for “access 1” only. County Transportation was satisfied with the findings of the sight distance analysis and attached it to driveway permit 80244, issued in 2017, which is now expired.

To retain accesses “2”, “3” and/or “4”, the applicant can:

- a) Provide documentation to establish the access as an Existing Non-Conforming Access (MCRR 4.700); or
- b) Provide Sight-Distance verification from a registered traffic engineer to the County for review; or
- c) Apply for a Road Rules Variance (MCRR 16.000) – see below. A Road Rules Variance may also need a sight-distance verification to support the application (see MCRR 16.225 C).

EXISTING
NON
CONFORMING
ACCESS

Apply for an Existing-Non Conforming Access (MCRR 4.700) to retain more than one access onto NW Springville Rd. This requires the applicant to provide documentation, usually in the form of a zoning or building permit application that shows that the accesses have previously been approved via a land use/planning review.

MCRR 4.700 states:

- A. *Access locations that were previously approved through a prior land use decision but for which there is no record of an access permit having been granted by the County, are accepted as Existing Non-Conforming Accesses (ENCA). An ENCA is treated as any other accepted non-conforming use and may be subject to waiver of right if the non-conforming use is disrupted for a period of two (2) years or longer.*

It is the burden of the applicant to show prior land use approval for the ENCA, including the final approved decision of the requisite land use jurisdiction; the following must be met for a valid ENCA:

- 1. Does not qualify for any alteration, replacement or expansion of the existing conditions.*
- 2. Must be reviewed and approved for potential stormwater impacts.*
- 3. Must be reviewed and approved by the local fire district.*

An ENCA must obtain an access permit once it is determined to meet these provisions.

ROAD
RULES
VARIANCE

Apply for a Road Rules Variance (MCRR 16.000) to retain accesses to the property which have been identified as exceeding County standards (see more details above):

MCRR 4.200: more than one access to the property;

MCRR 4.400: access widths for accesses “2”, “3” and/or “4”, as these are not yet confirmed to meet County width standards;

MCRR 4.500: ensure sufficient sight-distance from accesses “2”, “3” and/or “4”, to meet County standards. A sight distance analysis should be submitted as part of the road rules variance application (see MCRR 4.150 B and C; MCRR 16.225C).

A Road Rules Variance application is equivalent to a type II land use application and requires neighbor notification.

The fee for a road rules variance application is \$1410. Contact row.permits@multco.us to obtain the necessary requirements and forms to submit a road rules variance application.

TRANSPORT.
IMPACT

Transportation Impact [MCRR 5.000]

...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. [MCRR 5.300]

A new dwelling generates 10 trips (9.52 rounded up) per day, according to the ITE Trip Generation Manual.

Applicant needs to provide County Transportation with current traffic movements from the site related to all the different agricultural uses and other permitted uses at the site to be able to make a determination about a transportation impact from addition of an agricultural swelling on the site.

IMPROVE-
MENTS

Dedication of Right of Way [MCRR 6.100A]:

The minimum County standard right of way width for a Rural Collector road is 60 feet. The ROW width of NW Springville Rd is 60 feet which meets the preferred ROW width standard. **No ROW dedication is required.**

Frontage Improvement Requirements [MCRR 6.100B]

Once the accesses have been established through an Existing Non Conforming Access or Road Rules Variance application, the applicant will be required to apply for a driveway permit (MCRR 18.250) and meet the rural access standard drawing specification (ODOT Standard Drawing RD715; MCDCM 2.1.1).

ROW
PERMITS

Access/Encroachment (driveway) Permit [MCRR 18.250]

Once the accesses have been established through an Existing Non Conforming Access or Road Rules Variance application, the applicant will be required to apply for a driveway permit (MCRR 18.250) and meet the rural access standard drawing specification (ODOT Standard Drawing RD715; MCDCM 2.1.1).

Driveway Permits: <https://multco.us/drivewaypermit>

STORM-
WATER
REVIEW

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 [MCRR [26.150](#)].

Applicant may be required to submit a revised [stormwater certificate and report](#), taking into account the requirement for paved aprons which will be required for approved accesses. Applicant should

be aware that Land Use Planning may have additional requirements, as a result of any additional or new grading being undertaken in Environmental Overlay zones, if applicable.

County Transportation will review to ensure no impacts on County Transportation facilities.

- FEES
- Road Rules Variance application (and notice fee): \$1477 (\$1200 + \$277)
 - ROW Permit application: \$300, with \$1870 refundable deposit.

Applicant will be sent an e-invoice for fees upon submission of materials to row.permits@multco.us.

- APPENDICES
- A. Email from applicant, November 23, 2021, regarding being informed by Land Use Planning that a new transportation planning review would be required.
 - B. County Transportation responses to applicant on November 24, 2021
 - C. Email from applicant, May 26, 2022, to County Transportation seeking to close out driveway permit 80244. Copy of permit 80244 provided by applicant.
 - D. Email on May 31, 2022 to applicant notifying that a new transportation planning review and permit would be required.
 - E. Email from applicant on May 31, 2022 with copy of ROW permit 80244.
 - F. Email on May 31, 2022 to applicant notifying that ROW permit 80244 was not completed and closed out per permit requirements.
 - G. Email from applicant on Jun 5, 2022 to County Transportation seeking a response about the permit.
 - H. Email on June 6, 2022 to applicant notifying that ROW permit 80244 was not completed and closed out per permit terms and provisions.

APPENDIX A



Right of Way Permits <row.permits@multco.us>

Fwd: Fw: 12424 NW Springville Road, Portland

Scott Reed <springwoodacresfarm@gmail.com>

Tue, Nov 23, 2021 at 10:45 AM

To: row.permits@multco.us



External Sender - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

ROW Permits,

I am renewing my land use approval for a single family home at [12424 NW Springville Road](#). I was told by LUP that I need to submit a "current Transportation Planning form completed by the County Right-of-way office in 2021". Attached is the previous application and permit. We completed this work in 2018. I am not sure what to apply for now that the new driveway is installed.

Let me know what you think the next steps are for getting a "current Transportation Planning form completed by the County Right-of-way office in 2021".

Thanks,
Scott Reed
(914) 391-6995

--

Thanks,
Scott Reed
Springwood Acres LLC
12424 NW Springville Road
[Portland, OR 97229](#)
(914) 391-6995



Driveway Approval.pdf
5236K

APPENDIX B



Right of Way Permits <row.permits@multco.us>

Fwd: Fw: 12424 NW Springville Road, Portland

Right of Way Permits <row.permits@multco.us>
To: Scott Reed <springwoodacresfarm@gmail.com>

Wed, Nov 24, 2021 at 11:42 AM

Hi Scott

Some of our Road Rules and forms have changed since the last time we reviewed this in 2017. The driveway permit you attached is expired (it is only valid for 120 days from issue, unless it has been built per our requirements, inspected and approved). It sounds like you have done some work though - can you please clarify what you mean by installing the driveway?

To begin your review, please complete your details in the following [form](#).

We'll also need updated plans which will be consistent with the plans required for the land use application.

If you have been requested by land use to provide a new [stormwater certificate](#) and report, please also provide that along with your form and plans for us to review.

Once we have checked the above, we can begin the process for issuing an updated [driveway permit](#).

A summary of our process and fees can be found [here](#). Once we have your documents, I'll send out an e-invoice for our fees.

Let me know if you have any questions.

thanks,

Graham
Transportation Planner

Right-of-Way Permits
Multnomah County Transportation Division
Bridges: 1403 SE Water Ave | Portland, Oregon 97214 | Phone: 503.988.3757
Roads: 1620 SE 190th Ave | Portland, Oregon 97233 | Phone: 503.988.5050

Please Note: Cornelius Pass Road in Multnomah County was transferred to ODOT on March 1, 2021. Any permits for encroachment, construction, or overdimensional vehicle travel must be permitted through ODOT.

[ROW Website](#)

[Learn about the Transportation Development Review Process](#)

[Road and Bridge Permit Applications](#)

[Quoted text hidden]

APPENDIX C



Right of Way Permits <row.permits@multco.us>

ROW Permit No. 80244

scott reed <scottloganreed@yahoo.com>

Thu, May 26, 2022 at 2:07 AM

To: Right of Way Permits <row.permits@multco.us>

Cc: Eileen CUNNINGHAM <eileen.cunningham@multco.us>, scott reed <stacynicolereed@yahoo.com>



External Sender - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

Eileen,

We completed the work for the driveway (access permit #80244) in 2018 at our farm ([12424 NW Springville Road, Portland, OR 97229](#)). Is there anything else we need to do to finalize this driveway with your team?

Thanks,
Scott Reed
(914) 391-6995

[Quoted text hidden]



80244i.pdf
4034K



Date Started: _____
 Final Inspection: _____
 Approved By: Yes _____ No _____
 Remarks: _____

MULTNOMAH COUNTY, OREGON

DEPARTMENT OF COMMUNITY SERVICES LAND USE & TRANSPORTATION PROGRAM RIGHT-OF-WAY PERMIT SECTION 1620 SE 190TH AVENUE PORTLAND, OREGON 97233 503-988-3582 - FAX: 503-988-3389	APPLICATION FOR A PERMIT TO USE PUBLIC ROAD RIGHT OF WAY UNDER THE JURISDICTION OF MULTNOMAH COUNTY	(COUNTY TO FILL OUT THIS SECTION) Permit No. <u>80244</u> District: <u>1</u> County Maintained: <u>Rural Collector</u> Application Fee: <u>\$90</u> Deposit: <u>\$1,000</u> Check No.: _____ Ins. Req'd: <u>Yes</u>
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FOR APPLICANT: (Please print)

Name: SCOTT REED E-mail Address: scottloganreed@yahoo.com
 Address: 1381 NW BENFIELD DRIVE Phone/Fax: 914-391-6995 (cell)
PORTLAND, OR 97229 Contact Person: SCOTT REED

ROADS AND LOCATIONS COVERED BY THIS PERMIT:

Road	Specific Location	Side of Road	Distance from		Buried Cable or Pipe	
			Center Line	R/W Line	Depth	Size & Kind
<u>NW SPRINGVILLE RD</u>	<u>12460 NW SPRINGVILLE RD</u>	<u>SOUTH</u>	<u>18'</u>	<u>0'</u>	<u>-</u>	<u>-</u>

GENERAL APPLICATION/PERMIT TERMS:

- Upon approval of this Application by Multnomah County by the indicated signature below, this page shall become the first page of the Permit and the Applicant shall become the "Permittee."
- Permittee must notify Multnomah County at 503-988-3582, at least one business day (24 hours) before commencing work under this permit.
- Except as allowed under the Multnomah County Road Rules Section 18, Subsection 18.250, Permittee must complete any authorized demolition, installation, construction, placement, or similar work activities in the road right-of-way not later than 120 days after Permit Effective Date. Any extension of time beyond that period is subject to the sole discretion of Multnomah County.
- Any Permit issued pursuant to this Application shall be applicable only to the specific public road right(s)-of-way under the Jurisdiction of Multnomah County authorized and identified herein. Applicant must obtain an additional permit or consent from Multnomah County for the use of any other public road right(s)-of-way under the County's Jurisdiction.
- Applicant must obtain the consent from the appropriate authority for the use of any roads, highways, and streets that are not under Multnomah County's Jurisdiction.
- This Permit shall not be effective until a construction plan, specifications or other similar documentation has been reviewed and approved by the County Engineer or designate and incorporated into the Permit.
- This Permit includes the "Permit Provisions" attached hereto and which are incorporated by this reference.
 (Authority: ORS 374.305-ORS 374.330; MCC Chapters 27 and 29)

<p>APPLICANT: By the authorized signature below, Applicant (Permittee) accepts and agrees to all the requirements, terms, conditions and provisions of this Permit.</p> <p>Authorized Signature: _____ Print Name: <u>SCOTT REED</u> Title: <u>OWNER</u> Date of Application: <u>04/14/17</u></p>	<p>MULTNOMAH COUNTY DEPARTMENT OF COMMUNITY SERVICES:</p> <p>Permit Approved By: _____ Print Name: <u>Eileen Cunningham</u> Title: <u>Transportation Planner</u> Permit Effective Date: <u>6/19/17</u></p>
---	---

RIGHT-OF-WAY USE PERMIT PROVISIONS

1. (A) This Permit is issued by Multnomah County as the jurisdictional authority (hereinafter "County") over the Right-of-Way described on Page 1 of this Permit (the "Right-of-Way") to the Permittee (County and Permittee hereinafter collectively referred to as the "Parties") and controls all aspects of the Right-of-Way Use(s) set forth on Page 1, and as further provided in and subject to:

1. If applicable, **Exhibit A**, which shall consist of any plans, specifications, drawings, or other design documents (collectively referred to as the "**Plans**") attached hereto, or as the Parties agree in writing to amend or revise said **Exhibit A**;
2. If applicable, **Exhibit B to Right-Of-Way Use Permit for Construction ("Exhibit B")** attached hereto.
3. If applicable, **Exhibit C, the Consulting Engineer's Statement**, attached hereto.
4. To the extent applicable, **Exhibits A, B and C** are hereby incorporated as a part of this Permit.

This Permit does not authorize any activity on privately owned property. Should Permittee's activities encroach beyond the boundaries of the Right-of-Way covered under this Permit or otherwise exceed the jurisdictional authority of the County; Permittee shall obtain written consent from any owners of property abutting the Right-of-Way before beginning any work under this Permit.

(B) **Exhibit A** shall not be changed, altered, or modified without first obtaining the written consent of the County Engineer or the County Engineer's designate or as otherwise provided in **Exhibit 1**.

(C) This Permit is subject to ORS Chapter 374 and incorporates the following rules adopted by Multnomah County pursuant to Multnomah County Code Chapter 29:

1. **The Multnomah County Road Rules (MCRR)**, dated March 23, 2004 or as the MCRR shall be amended, and
2. **The Multnomah County Design and Construction Manual (DCM)**, dated June 20, 2000; or as the DCM shall be amended.

(D) For purposes of this Permit, the term "Permittee" shall refer to all parties acting under this Permit, including the property owner, the developer (if different than the owner) and any contractor responsible for or performing the work authorized under this Permit. All such parties acting through authorized representatives with the authority to bind each party shall sign this Permit. No action or work of any kind may proceed under this Permit without the binding signatures of all the parties as Permittees. The use of the term "Permittee" or "Permittees" in this Permit shall be used interchangeably and shall not be intended to limit the number of parties that are Permittees on this Permit.

2. (A) The County contact to coordinate work activities on the Right-of-Way shall be: phone:(503) 988-3582, e-mail: ROW.Permits@multco.us.

(B) Permittee contact person shall be: (supply name, address, telephone and email contact information)

3. Prior to beginning any work or activities under this Permit, the Permittee shall confirm in writing to the County that all Permittees have obtained a commercial general liability insurance policy that provides: (i) for a combined single limit of not less than \$1,000,000 per each incident or occurrence, and with an annual aggregate limit of not less than \$2,000,000; (ii) for extended reporting period coverage for claims made within two years after the activities, work or associated work authorized under this Permit is completed; (iii) for the County, its officers, employees and agents to be named as additional named insureds for all activities, work or associated work being authorized under this Permit. This Permit is automatically revoked without further action if the insurance is permitted to lapse, is canceled, or for any other reason becomes inoperative. Insurance policy limits quoted herein are minimums set for 2014 and shall be subject to County review and adjustment annually.

4. (A) The Permittees agrees to defend, indemnify, and hold harmless the County, its officers, employees, and agents (the "Indemnitees") from:

1. All claims, demands, suits, liabilities, damages, losses, costs, or expenses including, but not limited to, attorney's fees that the Indemnitees may sustain or incur on account of any damage to or destruction of any property that the County may own or in which it may have an interest;
2. All claims, demands, suits, liabilities, damages, losses, costs or expenses including, but not limited to, attorney's fees on account of any damage to or destruction of any property belonging to any person, firm or corporation; and
3. All claims, demands, suits, liabilities, damages, losses, costs, or expenses including, but not limited to, attorney's fees on account of any damage resulting from injury to or death of any person or persons,

which arise out of or are in any way connected with the activities conducted or work performed under this Permit by the Permittees, their officers, employees, contractors, agents, or invitees.

(B) Permittees agree to defend, indemnify, and hold harmless the Indemnitees from all claims, demands, suits, liabilities, damages, losses, costs, or expenses which arise out of or are in any way connected with the use, generation, manufacture, storage, discharge, release, disposal, transportation, or possession of Hazardous Materials by the Permittee, its, employees, contractors, agents, lessees, or invitees at any time during the term of this Permit at the Permit Site. "Hazardous Materials" means: (a) any petroleum, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel, or any mixture thereof, flammable substances, explosives, radioactive materials, hazardous wastes or substances, toxic wastes, wastes or substances or any other materials or pollutants which: (1) pose a hazard to the Permit Site or to persons on or about the Permit Site, or (2) cause the Permit Site to be in violation of any federal, state, or local law, ordinance, regulation, code, or rule relating to Hazardous Materials; (b) asbestos in any form which is or could become friable, urea formaldehyde foam insulation, transformers, or other equipment which contain dielectric fluid containing levels of polychlorinated biphenyls in excess of fifty (50) parts per million; (c) any chemical, material, or substance defined as or included in the definition of "hazardous substances," "hazardous wastes," "hazardous materials," "extremely hazardous waste," "restricted hazardous waste," "waste" or "toxic substances," or words of similar import under any applicable local, state, or federal law or under the regulations adopted or publications promulgated pursuant thereto including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq.; the Hazardous Materials Transportation Act, as amended, 49 U.S.C. § 1801, et seq.; the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6901, et seq.; the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251, et seq.; and (d) any other chemical, material or substance, exposure to which is prohibited, limited, or regulated by any governmental authority or may or could pose a hazard to the health and safety of the owners and/or occupants of property adjacent to or surrounding the Permit Site.

(C) The Permittees obligations under Section 3 and Section 4 herein, shall survive the termination of this Permit.

5. Traffic control is the responsibility of the Permittee and shall be performed in accordance with the Manual of Uniform Traffic Control Devices and Oregon Supplements. The Permittee shall submit a copy of the traffic control plan for County review and approval not less than five working days prior to the date the activities or work authorized under this Permit are scheduled to begin. Work or activities shall not begin until written approval of the traffic control plan is obtained from the County Engineer or the County Engineer's designate.
6. The Permittee shall provide the name and telephone contact number for its Project inspector and a 24-hour emergency telephone number(s) for its contractor prior to beginning activities or work under this Permit.
7. ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center (the "Center"). Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. You may obtain copies of the rules by calling the Center. The telephone number for the Center is (503) 232-1987.
8. No modification shall be made to any fixture or installation as shown on Exhibit A and authorized under this Permit without prior approval from the County. Failure to comply with any term or condition of this Permit shall be cause for revocation. The County reserves the right to stop the activities or work performed under this Permit for failure to comply. All costs associated with activities or work stoppage or revocation as provided herein are the responsibility of the Permittee, and all costs shall be borne by the Permittee.

9. The Permittee shall restore the Right of Way to an equal or better condition than existed prior to the activities or work authorized under this Permit. The Permittee is responsible for quality control of all demolition or new construction made to the Right of Way. The County may perform spot inspections to monitor quality control. The Permittee shall correct all construction work that does not conform to County standards. The County may require additional work to return the Right of Way to "as good" or "better" condition.
10. The Permittee shall be in compliance with all federal, interstate, state, regional, and local laws, regulations, rules, and ordinances, pertaining to all the activities or work performed under this Permit including, but not limited to, obtaining all necessary and applicable construction and erosion control permits and approvals prior to beginning the activities or work authorized under this Permit and compliance with all applicable business licenses, OSHA rules and regulations.
11. County shall have the right, without notice, at any time including during any of Permittee's activities or work of any kind in the Right of Way, to enter and occupy the entire or any part of the Right of Way for the purpose of inspecting, maintaining, repairing, renewing, replacing or reconstructing the Right of Way, or any replacement facility thereto as County in its sole discretion shall deem necessary and appropriate.
12. County's activities described in Section 11 may require Permittee or its officers, employees, contractors, agents, vendors, lessees, sublessees or invitees (collectively "Permittee Parties") to remove any fixtures, installations or personal property including but not limited to, vehicles, machines, tools and equipment from the Right of Way. Upon entry, County shall, without liability to Permittee Parties, have the right to remove any such fixtures, installations or personal property from the Right of Way as may be necessary to accomplish the required work. County shall have no obligation to restore or repair any improvements removed or damaged in the performance of County's work. Permittee Parties agree that County shall have no obligation to restore the Right of Way or Permittee Parties' improvements and County shall have no liability to Permittee Parties for any disruption of Permittee Parties' business, for loss of Permittee Parties' real or personal property, for Permittee Parties' lost profits or for any other loss incurred by Permittee Parties as a result of such entry or as a result of Permittee Parties being required to vacate the Right of Way pursuant to the terms of this Section 12.
13. Either Subsection 13 (A) or (B) shall be applicable depending on the location. The applicable and non-applicable Subsection shall be marked where indicated.

(A) For Certain Utility Work in Roads in Unincorporated Areas: If this Permit has been issued in connection with work done in the public road that is authorized pursuant to the provisions of ORS 758.010(1) "...to construct, maintain and operate its water, gas, electric or communication service lines, fixtures and other facilities..." along said public road; the County reserves all the rights under ORS 758.010(2) to direct the Permittee to relocate any such fixture, line or facility in the subject public road: Applicable Not Applicable

(B) For Other Uses and For Uses in Roads in Cities: The County reserves the right to **revoke this Permit at any time** in the event the County determines the permitted work or activities, including any fixtures, installations or personal properties in the Right of Way; are in conflict with a County improvement project; public need requires it, or the Permittee fails to comply with the conditions of this Permit. No expenditure of money, lapse of time, or other act or thing shall operate as an estoppel against the County or be held to give the Permittee any vested or other right. Upon revocation of this Permit, the Permittee shall within 30 days of receiving notification, remove, relocate, or abandon (if consented to by the County), all fixtures, installations or personal property in the Right of Way and restore the Right of Way as directed by, and to the satisfaction of, the County: Applicable Not Applicable

14. **(A)** The Owner of the Property that directly abuts or is adjacent to the Right of Way covered under this Permit and who has signed this Permit as one of the Permittees shall bear the responsibilities imposed under ORS 374.315 to ORS 374.320 on the "applicant" and the "owner" with respect to maintenance, repair or removal, as applicable to the type of Project authorized under this Permit, or in the alternative as the County may authorize by Code or Rule with respect to said responsibilities.

(B) As provided in the MCRR at Subsection 18.130 and consistent with ORS 374.320, the County reserves the right to revoke this Permit at any time by mutual consent; for failure of the Applicant to abide by the terms and conditions of the Permit, to protect the public safety as determined by the County Engineer or by operation of law.

(C) **Additional Indemnity.** The Permittee that is the Owner of the Property as identified in Subsection 14.A, also agrees to defend, indemnify, and hold harmless the County, its officers, employees, and agents (the "Indemnitees") from:

1. All claims, demands, suits, liabilities, damages, losses, costs, or expenses including, but not limited to, attorney's fees that the Indemnitees may sustain or incur on account of any damage to or destruction of any property that the County may own or in which it may have an interest;
2. All claims, demands, suits, liabilities, damages, losses, costs or expenses including, but not limited to, attorney's fees on account of any damage to or destruction of any property belonging to any person, firm or corporation; and
3. All claims, demands, suits, liabilities, damages; losses, costs, or expenses including, but not limited to, attorney's fees on account of any damage resulting from injury to or death of any person or persons;

which arise out of or are in any way connected with the installation, construction, alteration, placement of any object or fixture; or the planting or placement of any vegetation; or the modification of the previous existing construction in the Public Right of Way under this Permit.

15. (A) Miscellaneous Provisions.

As per the attached site distance analysis, clear and maintain vegetation near the access to provide a minimum of 350 feet of sight distance in the eastern direction.

1. This permit authorizes construction of a new 20 ft wide asphalt approach to NW Springville Road at the (descriptive location) of the property at (address). As noted in Multnomah County Design and Construction Manual (DCM), driveway must not encroach on any neighboring frontage, and the top of the driveway ramp must start at least 0.6 meters (2 feet) from the property line. The driveway location is shown on attached site plan.

2. The individual/contractor doing the work under this permit is required to notify this office (503-988-3582) for inspection 24 hours prior to any work being done under this permit. Leave message with permit number, location, name of caller, and phone number if necessary.

3. The driveway access is to be asphalt from right-of-way (ROW) to edge of road pavement. ROW width for this road is (use maps and DCM to determine width based on functional class). Asphalt approach should be paved from edge of roadway to X feet from centerline (based on ROW width)

4. The asphalt shall meet requirements provided in Multnomah County standard general detail (see attached).

5. The existing edge of the road pavement shall be sawcut as directed by the County inspector to provide a clean butt-joint between old and new asphalt pavement.

6. Immediately prior to placing the final asphalt wearing surface, the existing pavement shall be cleaned, removing all loose material, and coated with hot liquid asphalt tack coat to ensure a bond with the new asphalt surfacing. The restored pavement shall be finished to a smooth riding surface and to the grade of the surrounding undisturbed pavement. The final pavement joints are to be sealed and sanded. The County inspector shall be contacted 24 hours prior to paving the driveway connection to the County Road.

(B) Permittee's Initials for Signature: _____



(Add any specific special terms or conditions unique to the Permit Site here. Permittee must initial here to indicate acceptance of the additional special terms and conditions. Add additional sheets as necessary.)

SCOTT L REED
STACY N REED
1381 NW BENFIELD DR
PORTLAND, OR 97229-9151

3810

06/16/17 Date

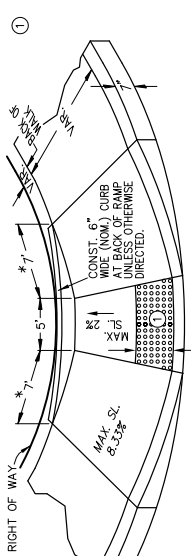
Pay To The Order Of MULTNOMAH COUNTY | \$ 1,000⁰⁰
ONE THOUSAND ⁰⁰/₁₀₀ Dollars



Bank of America

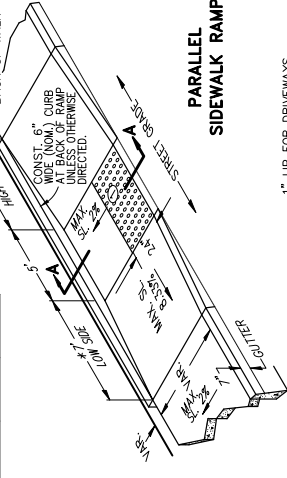
For 12460
SPRINGVILLE - ROW # 80244

DRIVEWAY AND SIDEWALK RAMP DETAILS



***SIDEWALK RAMP LENGTH TABLE**

STREET GRADE	RAMP LENGTH (1:12)
0%	7' 0"
1%	7' 0"
2%	6' 3"
3%	5' 2"
4%	4' 9"
5%	4' 5"



PARALLEL SIDEWALK RAMP



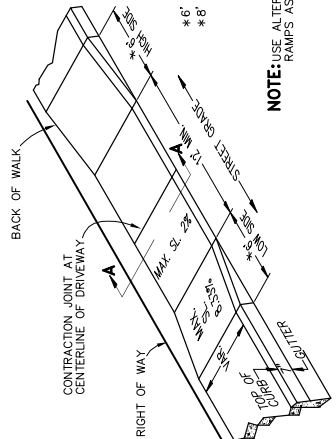
SECTION A-A

***DRIVEWAY RAMP LENGTH TABLE**

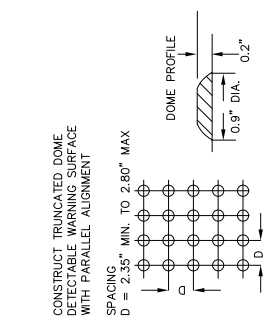
STREET GRADE	RAMP LENGTH (1:12)
0%	6' 0"
1%	6' 0"
2%	5' 10"
3%	4' 10"
4%	4' 5"
5%	3' 9"

8" FOR COMMERCIAL DRIVEWAYS
6" FOR RESIDENTIAL DRIVEWAYS
6" FOR RESIDENTIAL SIDEWALK RAMP

4" OF 1"-0" AGGREGATE BASE AT 95% COMPACTION ON 95% COMPACTED SUBGRADE

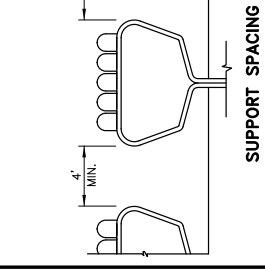


DRIVEWAY RAMP



OPTION A
CONCRETE TILE WITH INTEGRAL DOMES MAY BE INSTALLED. (RED MASON SUPPLY CIP TACTILE PANELS OR APPROVED EQUAL)

OPTION B
ON-SITE FABRICATION OF DOME SURFACE (STRONGWALL INDUSTRIES - STRONGWALL SWADA-2000 OR APPROVED EQUAL)

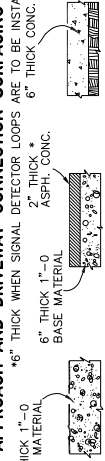


SUPPORT SPACING

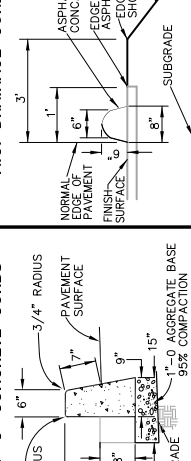


POST MOUNTING SOCKET

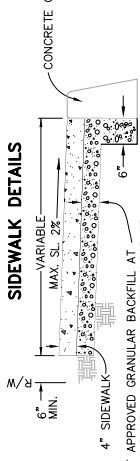
APPROACH AND DRIVEWAY CONNECTION SURFACING



TYPE 'C' CONCRETE CURBS

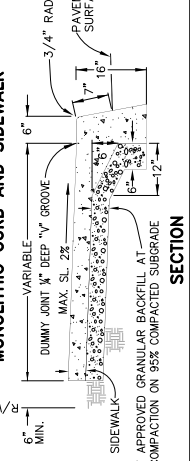


SECTION



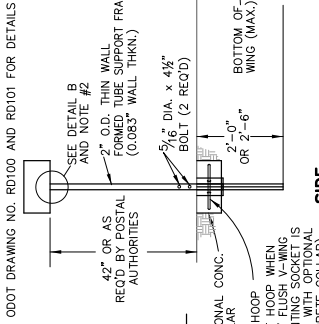
SECTION

MONOLITHIC CURB AND SIDEWALK



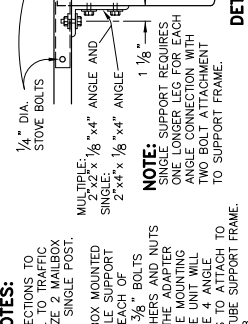
SECTION

MAILBOX INSTALLATION



FRONT SIDE

SIDE SINGLE SUPPORT



DETAIL B

GENERAL NOTES:

- ANGLE CONNECTIONS TO CURB SHALL BE MADE TO ALLOW FLOW FOR SIZE 2 MAILBOX MOUNTED ON SINGLE POST.
- SIZE 2 MAILBOX MOUNTED ON MULTIPLE SUPPORT OR A MULTIPLE SUPPORT SHALL BE MADE TO ALLOW FLOW FOR SIZE 2 MAILBOX MOUNTED ON SINGLE POST.

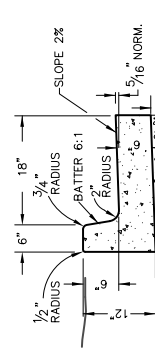
NOTE:

- SINGLE SUPPORT REQUIRES ONE LONGER LEG FOR EACH ANGLE CONNECTION WITH THE BOLT ATTACHMENT TO SUPPORT FRAME.
- CONNECTIONS TO EACH TO SUPPORT FRAME.
- SEE DETAIL B.
- ALSO APPROVED FOR INSTALLATION ARE N.D.C.B.'S TYPE I, II, III, & TYPE "B" PARCEL LOCKERS

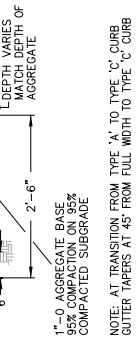
CONCRETE CURBS, WALKS, DRIVEWAYS AND RAMPS

- WALK LOCATION MAY VARY - SEE TYPICAL SECTIONS
- CURBS, WALKS AND RAMPS TO BE CLASS 3300 CONC. WALKS SHALL BE A MINIMUM OF 4" IN DEPTH
- CURB, WALK AND RAMP JOINTS SHALL BE AS FOLLOWS:
EXPANSION: EVERY 45' (MAXIMUM)
ALSO @ TANGENT POINTS AND ENDS OF DWYS
CONTRACTION: EVERY 15' (MAXIMUM)
ALSO @ ENDS OF INLETS AND RAMPS
MARKS/GROOVES: EVERY 5' - WALKS ONLY
ALL JOINTS SHALL LINE UP

TYPE 'A' CONCRETE CURB AND GUTTER



SECTION



SECTION

NOTE: ALL MATERIAL AND WORKMANSHIP SHALL CONFORM WITH CURRENT MULTNOMAH COUNTY STANDARD SPECIFICATIONS.

- FOR THE FOLLOWING DETAILS SEE DRAWING NO. MC130E
- PAVEMENT RESTORATION (PIPE BEDDING)
 - MANHOLE COVER AND FRAME
 - MANHOLE ADJUSTMENT SEQUENCE AND RING
 - PRECAST STEEL STEPS AND FIELD INSTALLED STEEL LADDER

GENERAL DETAILS

STANDARD

MULTNOMAH COUNTY
DEPARTMENT OF COMMUNITY SERVICES
1620 S.E. 190th AVE. PORTLAND, ORE. 97233-5999

IAN B. CANNON P.E.
COUNTY ENGINEER

DESIGNED BY: MLC/CO
DRAFTED BY: MLC/CO
CHECKED BY: MLC/CO

DATE:	DESCRIPTION:
MAY 20, 2002	ADDED DETECTABLE WARNING SURFACE TO RAMPS
MAY 20, 2002	DEPTH OF AGGREGATE UNDER TYPE 'A' CURB
SEPT 21, 2009	REVISED OPTION 'A' DETECTABLE WARNING SURFACE
JUNE 29, 2009	ADDED MONOLITHIC CURB AND SIDEWALK DETAIL

Drawing No. **MC100**

DATE:	
BY:	
REVISIONS:	

REED REALTY
ADVISORS, LLC.
1001 SW 5TH AVENUE
SUITE 1000
914.391.6895

THIS DOCUMENT IS NOT A CONTRACT. IT IS A PRELIMINARY DESIGN AND SHALL NOT BE USED FOR CONSTRUCTION. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

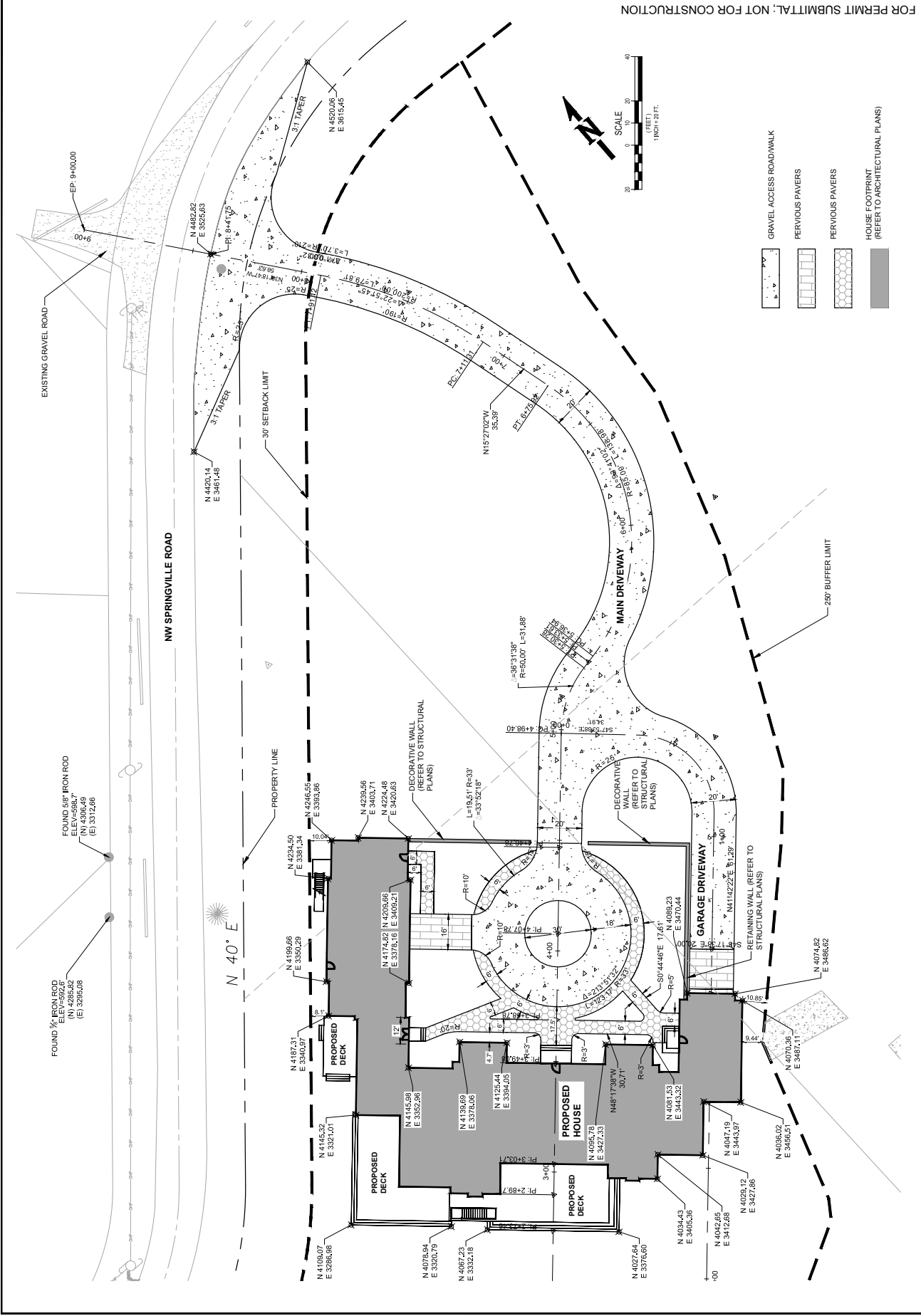
SPRINGVILLE RESIDENTIAL
12460 NW SPRINGVILLE ROAD
PORTLAND, OREGON

PROJECT NO: MARCH 2017
DRAWING NO: TN1
DATE: 03/15/17
SCALE: AS SHOWN
DO NOT SCALE DRAWINGS

SITE & ACCESS PLAN

6 of 14
C-401

FOR PERMIT SUBMITTAL; NOT FOR CONSTRUCTION



- GRAVEL ACCESS ROADWALK
- PERVIOUS PAVERS
- PERVIOUS PAVERS
- HOUSE FOOTPRINT (REFER TO ARCHITECTURAL PLANS)

DATE	BY	REVISIONS

REED REALTY
ADVISORS, LLC.
1001 SW 5TH AVENUE
SUITE 1100
914.391.6895

THIS DOCUMENT IS AN UNCONTROLLED COPY. IT MAY BE DIFFERENT FROM THE LATEST REVISIONS. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

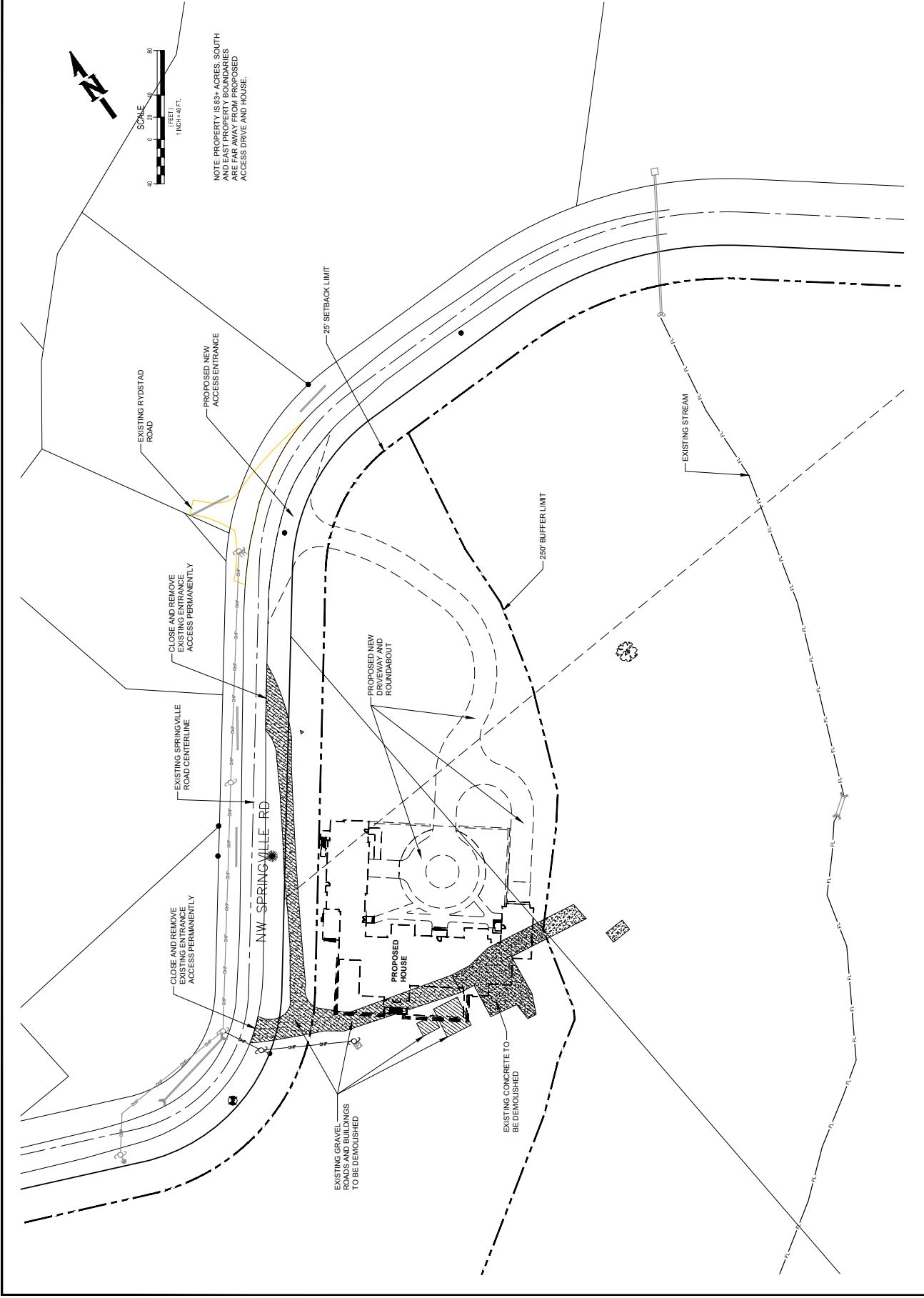
SPRINGVILLE RESIDENTIAL
12460 NW SPRINGVILLE ROAD
PORTLAND, OREGON

PROJECT NO. MARCH 2017
DRAWN BY KNT
CHECKED BY KNT
DATE OF ISSUE 03/01/2017
PROJECT LOCATION 12460 NW SPRINGVILLE ROAD

SHEET NUMBER
EXISTING ACCESS
DEMOLITION PLAN

3 of 14
C-201

FOR PERMIT SUBMITTAL; NOT FOR CONSTRUCTION



NOTE: PROPERTY IS 83+ ACRES, SOUTH AND EAST PROPERTY BOUNDARIES AND EAST PROPERTY BOUNDARIES ARE TO BE USED FOR ACCESS DRIVE AND HOUSE.

TECHNICAL MEMORANDUM

TO: Scott Reed
FROM: William Farley, EI
Todd Mobley, PE, PTOE
DATE: April 1, 2014
SUBJECT: 12535 NW Springville Road
Sight Distance Evaluation



**LANCASTER
ENGINEERING**

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

RECEIVED
14 APR - 1 PM 3:40

This memorandum analyzes sight distance at the proposed driveway access for the property located at 12535 NW Springville Road in Multnomah County, Oregon. The proposed driveway for the property is located directly opposite of NW Rystadt Road and will be used for a single-family dwelling to access Springville Road.

LOCATION DESCRIPTION

NW Springville Road is under the jurisdiction of Multnomah County and is classified as a Rural Collector. It is a two-lane facility with a posted speed limit of 40 mph. No curbs, sidewalks, or bike lanes are provided along the length of the roadway.

The following figure shows an aerial view of the site and the immediate vicinity (Image from Google Earth).





SIGHT DISTANCE REQUIREMENTS

Section 4.500 of the Multnomah County Road Rules states that, “*all new 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.*”

Referring to the Design and Construction Manual (DCM), section 2.3.7 lists requirements for “Corner Intersection Sight Distance” within Table 2.3.2. For the posted speed limit of 40 mph, the required “Corner Intersection Sight Distance” is listed as 180 feet.

It is further stated in the Design and Construction Manual that, “*Where the minimum corner intersection sight distance shown in Table 2.3.2 cannot be met, the minimum sight distance should be no less than the stopping sight distance on the major street. Stopping sight distance requirements are shown in Section 2.4.1 of the Design portion of this manual.*” Table 2.4.1 shows that for a speed of 40 mph, the required stopping sight distance is 320 feet.

Sight distance requirements were also examined in *A Policy on Geometric Design of Highways and Streets*¹ (AASHTO Green Book). The measurements use driver's eye heights of 3.5 feet above the road for both vehicles exiting the driveway and vehicles on the main roadway with the driver's eye 15 feet behind the edge of the near-side travel lane for vehicles exiting from the site access driveway. The intersection sight distance necessary at the proposed driveway is based on the posted speed limit of NW Springville Road and represents the sight distance needed such that traffic would not have to significantly slow or stop on Springville Road to avoid conflicts with vehicles entering the roadway from the driveway.

Based on the posted speed limit of 40 mph, the required intersection sight distance is 445 feet. Stopping sight distance based on this speed and a 6% downhill grade is 333 feet. The table on the following page summarizes the sight distance requirements from both Multnomah County's Design and Construction Manual and the AASHTO Green Book.

¹ American Association of State Highway and Transportation Officials (AASHTO), *A Policy on Geometric Design of Highways and Streets*, 6th Edition, 2011.



Scott Reed
April 1, 2014
Page 3 of 3

Summary of Sight Distance Requirements

DCM Corner Intersection Sight Distance	180'
DCM Stopping Sight Distance	320'
AASHTO Intersection Sight Distance	445'
AASHTO Stopping Sight Distance	333'

SIGHT DISTANCE MEASUREMENTS

The sight distance measurements were taken in the field according to guidelines specified in the AASHTO Green Book. Due to the topography next to the roadway, sight distance for the access could only be measured at the edge of pavement. Adjustments were made in the field under the assumption that the access would be built to allow the driver to see from 3.5 feet above the road edge when positioned 15 feet from behind the edge of the near-side travel lane.

Sight distance was measured in the field to be 206 feet to the east of the proposed driveway, limited by vegetation near to the access location. If the vegetation in the area is cleared with the construction of the driveway, the available sight distance would be continuous for 341 feet limited by further vegetation on the property. While the available sight distance in this direction does not meet the minimum intersection sight distance per AASHTO's guidelines for the posted 40 mph approach speed, the available sight distance will satisfy all the requirements of the Multnomah County Design and Construction Manual as well as stopping sight distance requirements in the AASHTO manual with the vegetation at the access location cleared.

Sight distance was measured to the west to be 513 feet, limited by a horizontal curve in the roadway. The available sight distance in this direction is sufficient to satisfy all requirements for intersection sight distance and stopping sight distance in both the AASHTO Green Book and the Multnomah County Design and Construction Manual.

CONCLUSION AND RECOMMENDATIONS

Based upon the detailed sight distance investigation of the proposed driveway for the property located at 12535 NW Springville Road, sufficient sight distance is attainable in both directions for the safe and efficient operation of the site access. It is recommended that the vegetation near the access be cleared to provide a minimum of 350 feet of sight distance in the eastern direction.

If you have any questions about the contents of this memorandum or would like any additional information, please don't hesitate to call.

APPENDIX D



Right of Way Permits <row.permits@multco.us>

ROW Permit No. 80244

Right of Way Permits <row.permits@multco.us>

Tue, May 31, 2022 at 1:46 PM

To: scott reed <scottloganreed@yahoo.com>

Cc: scott reed <stacynicolereed@yahoo.com>

Hi Scott

Permit 80244 would have expired on October 17, 2017. ROW permits are valid for 120 days from the date of issue. I don't see a record of us being notified about the work being started or completed (see pg 1 terms, no. 2). Notification of completion per the permit provisions triggers the inspection and subsequent close out.

Furthermore, the most recent [google streetview](#) (showing April 2022 condition) indicates that while the driveway was started it was not completed per the requirements/provisions of issuance. Importantly, the driveway apron was required to be paved with asphalt 20 feet from the road surface into the driveway (permit provisions pg 5, section 15).

We will require you to apply for a new permit because:

- the previous permit expired;
- was not deemed complete and closed out as approved, and;
- our forms have changed.

Please:

- complete the following [form](#) (complete and sign pg 1 and initial pg 6);
- provide an up to date site plan showing the driveway or confirm that the previous plans remain accurate;
- Provide an up to date certificate of insurance for the period of work in the ROW (i.e. the paving), per this [example](#);

Because you will still be required to pave the apron of the driveway, we will also require the difference (\$870) of the deposit to be paid. Deposits increased from \$1000 to \$1870 instead of \$1000) in December 2020. I'll invoice the fee \$300 and additional deposit from the service [authorize.net](#) once I receive the form, certificate of instance and plan.

Further information about our permits, fees etc can be found here: <https://www.multco.us/roads/road-and-bridge-permit-applications>

thanks,

Graham
Transportation Planner

Right-of-Way Permits
Multnomah County Transportation Division
Bridges: 1403 SE Water Ave | Portland, Oregon 97214 | Phone: 503.988.3757
Roads: 1620 SE 190th Ave | Portland, Oregon 97233 | Phone: 503.988.5050

Please Note: Cornelius Pass Road in Multnomah County was transferred to ODOT on March 1, 2021. Any permits for encroachment, construction, or overdimensional vehicle travel must be permitted through ODOT.

[ROW Website](#)

[Learn about the Transportation Development Review Process](#)

[Road and Bridge Permit Applications](#)

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APPENDIX E



Right of Way Permits <row.permits@multco.us>

ROW Permit No. 80244

Right of Way Permits <row.permits@multco.us>

Tue, May 31, 2022 at 3:53 PM

To: scott reed <scottloganreed@yahoo.com>, scott reed <stacynicolereed@yahoo.com>

Hi Scott

Here's the email from 2017 with the attached permit.

thanks

Graham

Right-of-Way Permits

Multnomah County Transportation Division

Bridges: 1403 SE Water Ave | Portland, Oregon 97214 | Phone: 503.988.3757

Roads: 1620 SE 190th Ave | Portland, Oregon 97233 | Phone: 503.988.5050

Please Note: Cornelius Pass Road in Multnomah County was transferred to ODOT on March 1, 2021. Any permits for encroachment, construction, or overdimensional vehicle travel must be permitted through ODOT.

[ROW Website](#)

[Learn about the Transportation Development Review Process](#)

[Road and Bridge Permit Applications](#)

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80244i.pdf

4034K

APPENDIX F



Right of Way Permits <row.permits@multco.us>

ROW Permit No. 80244

scott reed <scottloganreed@yahoo.com>

Tue, May 31, 2022 at 7:08 PM

To: Right of Way Permits <row.permits@multco.us>

Cc: scott reed <stacynicolereed@yahoo.com>, "Garrett H. Stephenson" <gstephenson@schwabe.com>



External Sender - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

Graham,

Thanks for the quick turn around on the copy of the previous driveway permit.

I looked back on our notes and we coordinated the start of driveway work with Eileen Cunningham (Transportation Planner). Please loop Eileen into this conversation. She allowed us to start construction of the driveway with our site grading permit in February 2018 (T1-2017-9729). We gave both Eileen and Rithy Khut notice on the start of construction.

The site plan for the driveway (Sheet C-401) shows "gravel access road/walk". No asphalt was proposed for the driveway. The Multnomah County "General Details" are included in the permit. The "Approach and Driveway Connection Surfacing" shows that "8" thick 1"-0 Base Material" (no asphalt) is allowed and that is why we included in the site plan.

Additionally, no where in the traffic study by Lancaster Engineering does it recommend the driveway be in asphalt.

We have coordinated and given notice to Eileen Cunningham on the start of construction and we have built the driveway per the approved site plan within the approved timeframe. We do not believe we have any work left to do on the driveway. The driveway has been finished for 4 years and is used daily.

Let me know a good time to give you a call to discuss further.

Thanks,
Scott Reed
(914) 391-6995

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]



80244i.pdf
4034K

APPENDIX G



Right of Way Permits <row.permits@multco.us>

ROW Permit No. 80244

Scott Reed <scottloganreed@yahoo.com>

Sun, Jun 5, 2022 at 8:38 AM

To: Right of Way Permits <row.permits@multco.us>

Cc: scott reed <stacynicolereed@yahoo.com>, "Garrett H. Stephenson" <gstephenson@schwabe.com>



External Sender - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

Graham- I wanted to follow up on my email (below) from last Tuesday because I have not heard back from you. Let me know a good time to call you to discuss. Thanks, SCOTT

Scott Reed

On May 31, 2022, at 7:08 PM, scott reed <scottloganreed@yahoo.com> wrote:

[Quoted text hidden]



80244i.pdf

4034K

APPENDIX H



Right of Way Permits <row.permits@multco.us>

ROW Permit No. 80244

Right of Way Permits <row.permits@multco.us>

Mon, Jun 6, 2022 at 9:40 AM

To: scott reed <scottloganreed@yahoo.com>

Cc: scott reed <stacynicolereed@yahoo.com>, "Garrett H. Stephenson" <gstephenson@schwabe.com>

Hi Scott

Eileen doesn't work for the County anymore. I don't have access to any communications you would have had directly with her.

Nonetheless, the terms and provisions of the permit require you, or the contractor, to contact row.permits@multco.us or call/leave a voicemail at the number specified in pages 1 (term number 2); page 2 (provision 2 A) and page 5 [provision 15 (A)2]. As I mentioned in my previous email (May 31, 2022), there is no record of this. Coordination of ROW permits after issuance is done via different people, including our inspectors. Hence the reason for the ROW permit provisions specifying where and how to make contact with the County.

To clarify: the scope of the driveway on your property and the driveway approach/apron fall to different County Divisions. The driveway on the property itself is within the scope of Land Use Planning. The driveway at the property line to where it connects to the existing road pavement of NW Springville Rd, at/within the County's ROW, is within County Transportation remit.

The site plan, which was principally drawn up for the Land Use application for the proposed house, is attached to the ROW permit to show the location of the driveway. The attached sight-distance analysis was required to demonstrate sufficient stopping-sight distance can be attained from the location of the driveway. These would have been assessed at the Transportation Planning Review stage pursuant to County Road Rules (2004 version) 4.100-4.500. It was not within the scope of Lancaster Mobley's sight distance evaluation to determine driveway apron surface materials or requirements.

Specific to the ROW permit, it was County Transportation's requirement for the apron to be paved, and this was included in miscellaneous provisions (page 5, 15 A, no.s 1, 3, 5, 6). Although not explicitly mentioned, the reason we require the paved apron is to prevent deterioration/wear and tear of County assets (i.e. road pavement of NW Springville Rd).

While the driveway has been constructed according to the approved location, the apron has not been completed per the permit provisions. Furthermore, there is no record that you informed County Transportation that the work had been complete and that inspection was required (see provisions 15 (A) 6). This would have notified our inspector to visit and determine whether the construction was completed per the terms and provisions of the permit. If our inspector had undertaken inspection, and closed out the permit, your driveway would be considered complete and the permit would remain valid.

County Transportation still requires the apron to be paved to prevent pavement deterioration on NW Springville Rd. As the previous permit has expired for the purposes of construction (see pg 1, term 3). We are unable to extend this permit, as it is outside of the 120 day window specified (pg 1, term 3), and the ROW form and Road Rules have since been updated. We require you to apply for a new permit to complete the driveway per our current requirements and have this inspected and closed out.

To apply for the new permit, please:

- complete this [new ROW form](#) with your contact details and sign the bottom left of page 1 and initial page 6;
- provide a new certificate of liability insurance for the period of paving the apron, per the endorsements of this [example](#);
- provide a revised site plan showing the area you intend to pave per the specifications of [ODOT drawing 715](#). We will require the apron to be paved from the pavement edge of NW Springville Rd 20 feet south towards/into the driveway on your property.

- Provide payment for the fees and deposit. An e-invoice will be issued on receipt of the application.

I trust this clarifies why permit 80244 is no longer valid and the need for the new permit.

thanks,

Graham
Transportation planner

Right-of-Way Permits

Multnomah County Transportation Division

Bridges: 1403 SE Water Ave | Portland, Oregon 97214 | Phone: 503.988.3757

Roads: 1620 SE 190th Ave | Portland, Oregon 97233 | Phone: 503.988.5050

Please Note: Cornelius Pass Road in Multnomah County was transferred to ODOT on March 1, 2021. Any permits for encroachment, construction, or overdimensional vehicle travel must be permitted through ODOT.

[ROW Website](#)

[Learn about the Transportation Development Review Process](#)

[Road and Bridge Permit Applications](#)

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