

AGRICULTURAL FILL PERMIT
Case File: T1-2020-13263
MODIFIED MARCH 19, 2021

Request: Agricultural Fill Permit to add approximately 71,000 cubic yards of topsoil on 11-acres of pasture land for a future fruit orchard.

Location/Subject Property: 12424 NW Springville Road, Portland
Tax Lot 2800, Section 16D, Township 1 North, Range 1 West, W.M.
Tax Account #R961160130 Property ID #R324300
- and -
Tax Lot 600, Section 15C, Township 1 North, Range 1 West, W.M.
Tax Account #R961150770 Property ID #R501639

Applicant(s): Scott Reed

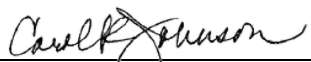
Owner(s): Scott and Stacy Reed

Base Zone: Exclusive Farm Use (EFU); Commercial Forest Use (CFU-2)

Overlays: Significant Environmental Concern for Streams (SEC-s); Significant Environmental Concern for Wildlife Habitat (SEC-h); Geologic Hazards (GH)

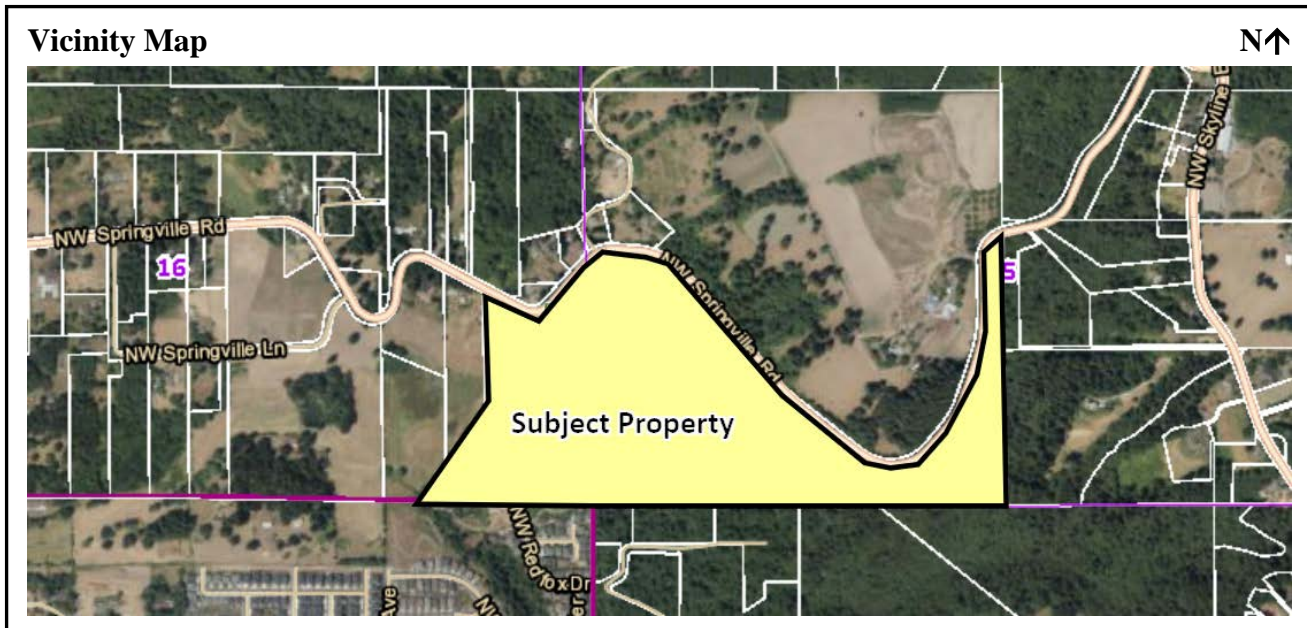
Decision: This permit is MODIFIED based on the revised memo from the Multnomah County Transportation Planning Division dated March 12, 2021 and is effective as of **March 19, 2021** with on-going responsibilities, obligations, and limitations.

Issued by:

By: 

Carol R. Johnson, AICP
Planning Director

Date: March 19, 2021



Applicable Approval Criteria:

Applicable standards for this permit can be found in Multnomah County Code (MCC) Chapter 39 under:

Ground Disturbing Activity and Stormwater: MCC 39.6230 Agricultural Fill Permit, MCC 39.6235 Stormwater Drainage Control

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <http://multco.us/landuse/zoning-codes/> under the link **Chapter 39: Multnomah County Zoning Code**

On-Going Responsibilities, Obligations, Modifications, and Limitations:

The following requirements are necessary to ensure that proposed development complies with the Type 1 criteria for this land use permit. This permit is based on the submitted written narrative(s) and plan(s). No development shall occur under this permit other than that which is specified within this permit and its attachments. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein. Where a restriction relates to a specific criterion, the code citation for that criterion follows in brackets.

General Requirements:

1. When the agricultural fill project authorized by this permit is ready to commence, the applicant shall email staff planner, Izze Liu at Isabella.Liu@multco.us with the date of commencement and evidence that erosion control measures have been installed. Work may commence after written notice is received and installation of erosion control measures have been verified. The County's inspector will be visiting the project site on the subject property to ensure that Best Management Practices for erosion control are being actively practiced throughout the life of the permit.
2. The applicant shall print an 8-1/2"x11" Erosion Control Sign provided by the County, and either laminate it, place it in a plastic sleeve, or take other steps to protect it from the weather (Attachment 12). The sign must be posted adjacent to the access to Springville Road where the fill hauling trucks will be entering and leaving the subject property. The sign must be posted before the agricultural fill project authorized by this permit commences.

3. Prior to the commencement of the agricultural fill project, the property owners or their representatives shall establish fill boundary markers consistent with this permit. The boundary markers shall not be removed or moved until such time as the fill project is complete and the agricultural use commences on the property.
 - a. In addition, the property owners shall install an orange construction fence to prevent equipment or fill dirt from being placed, stored or using areas within the boundaries of the Significant Environmental Concern for streams overlay zone and the Geologic Hazard overlay zone or any slopes over 25% existing on the site.
4. Prior to the commencement of the agricultural fill project, the property owner(s) or their representatives shall install the erosion control measures consistent with Attachment 7. These measures shall remain in place and in good working order throughout the life of the agricultural fill project. Erosion control measures are to include the installation of sediment fences/barriers at the toe of all disturbed areas and post-fill re-establishment of ground covers to stabilize the agricultural fill. Straw mulch, erosion blankets, or 6-mil plastic sheeting shall be used as wet weather measures to provide that stock piled soils or exposed soils do not begin to erode. [MCC 39.6230(B)(10)]
5. When the agricultural fill project authorized by this permit is complete or finished due to the expiration of the permit, the applicant shall email staff planner Izze Liu at Isabella.Liu@multco.us so that a final inspection can verify that the fill site has been revegetated and stabilized, and all other conditions of this permit have been met.
6. Permit Expiration - This land use permit shall expire as follows:
 - a. This permit shall expire **one (1) calendar year** after the date the permit was issued. The fill, and the grading of the fill, shall be completed, and disturbed areas returned to farming practices, within one calendar year of permit issuance. [MCC 39.6230(B)(11)]

Ongoing Limitations:

7. Nothing in this permit authorizes fill to be placed in the Geologic Hazards overlay as shown in orange in Attachment 10 or in the Significant Environmental Concern – streams (SEC-s) overlay as shown in blue in Attachment 11. [MCC 39.6230(B)(12); MCC 39.5510]
8. The 11-acre area for the proposed Agricultural Fill permit contains two soil types according the Natural Resources Conservation Service: Cascade silt loam (7C) and Helvetia silt loam (21B). The proposed fill will come from a property that contains Cornelius and Kinton silt loam (11B), which are considered high-value soils (Attachment 1). The imported fill must be composed of topsoil only. No concrete, asphalt, subsoil or construction debris shall be brought to the property to be used as fill or stockpiled as part of this permit. [MCC 39.6230(B)(2)]
9. No compensation, monetary or otherwise, may be received by the property owner for the receipt or placement of the fill. [MCC 39.6230(B)(3)]
10. The approval of this permit does not authorize excavation within the 11-acre area identified on the submitted site plan. [MCC 39.6230(B)(4)]
- ~~11.~~ The total daily number of ~~fill haul truck~~ vehicle trips shall not exceed ~~8~~ 84 trips per day in the Spring Summer (March 20 through September 22) and 42 trips per day in the Fall-Winter (September 23 through March 19). At no point in time shall fill haul truck trips exceed 60 trips (30 loads) per day. For purposes of this condition, the term “trip” has the meaning given in Multnomah County Road Rule 3.000: “A one-way vehicular movement. A vehicle entering a property and later exiting that property has made two trips.” ~~Pursuant to the Multnomah County~~

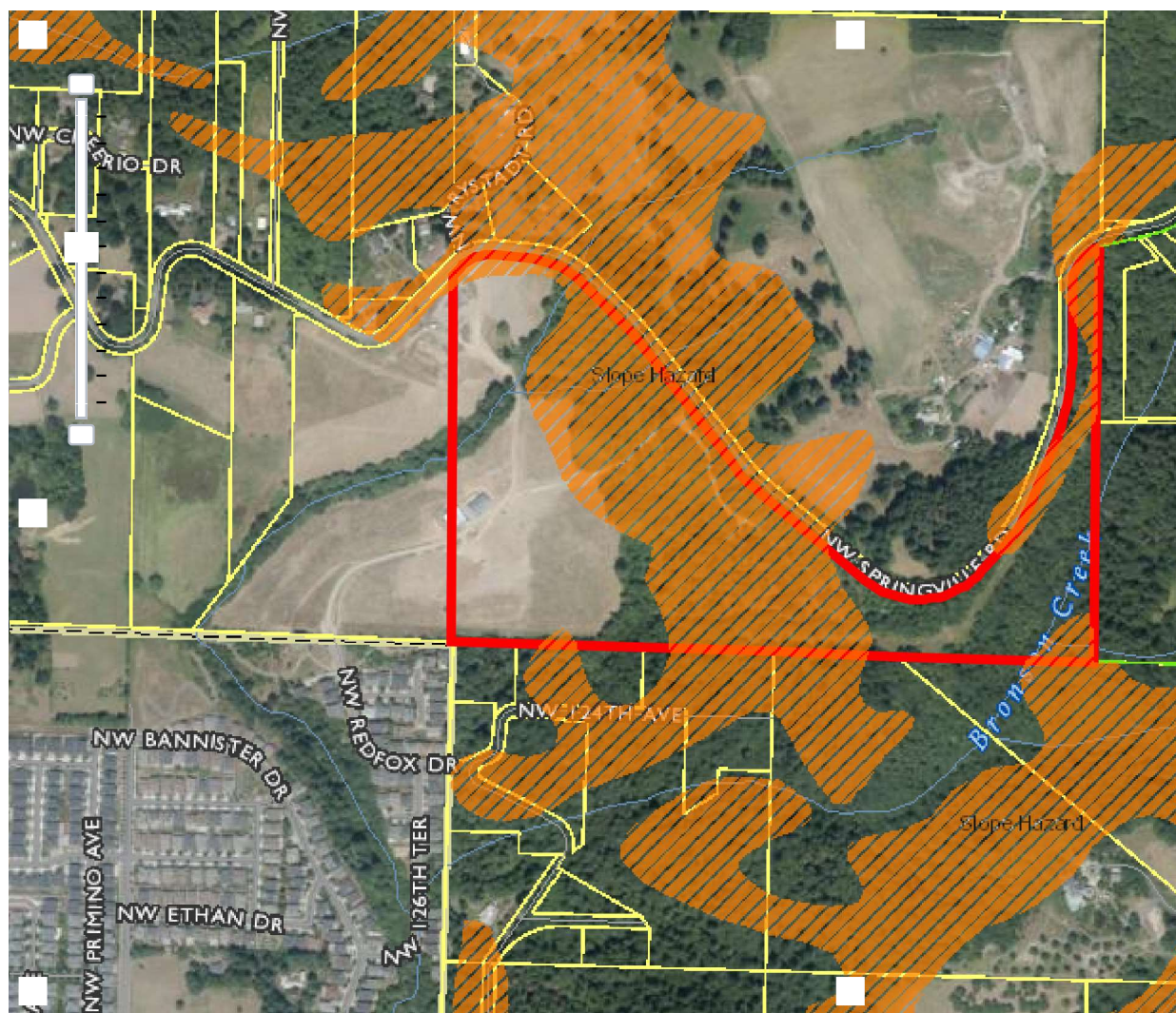
~~Road Rules, more than 8 daily fill haul truck trips will create a transportation impact. [MCC 39.6230(B)(5)]. The proposed volume of fill may not be feasible under this permit based on all of the provisions of MCC 39.6230(B). MCC 39.6230(B) does not include a volumetric cap or regulate the amount of fill that can be proposed to be brought onto the subject property, but these provisions regulate daily truck trips, hours of operation, and duration of fill activity. As a result, the applicant may need to apply for additional Agricultural Fill or other ground disturbing activity permits in the future.~~

12. The fill shall not be used to physically support any building requiring a structural building permit. [MCC 39.6230(B)(7)]
13. The finished fill slopes shall not exceed the grades identified on the plans (Attachment 8) or 33 percent grade, whichever is less. [MCC 39.6230(B)(8)]
14. Finished grade of the disturbed area at property lines shall not exceed the elevation of the land at such locations that existed prior to the ground disturbing activity and any fill slopes exceeding 25% grade shall be setback from site property lines a distance equal to or greater than the maximum height of the fill. [MCC 39.6230(B)(9)]
15. Erosion control measures must be utilized such that no visible or measurable erosion or sediment shall exit the site, enter the public right-of-way, or be deposited into any storm drainage system. The applicant has proposed certain erosion control measures in Attachment 7 to satisfy this requirement, set forth in MCC 39.6230(B)(10). If those measures become insufficient to maintain compliance with MCC 39.6230(B)(10), the applicant will be required to employ additional erosion control measures to ensure that the standard is met. [MCC 39.6230(B)(10)]
16. Fill trucks shall be constructed, loaded, covered, or otherwise managed to prevent any of their load from dropping, sifting, leaking, or otherwise escaping from the vehicle. No fill shall be tracked or discharged in any manner onto any public right-of-way. [MCC 39.6230(B)(13)]
17. Fill shall not be transported on a public roadway during weekdays from 6:30 am to 9:30 am and 4:00 pm to 6:30 pm. [MCC 39.6230(B)(14)]
18. The hours of operation for motorized equipment used on site shall be limited to 7:00 am to 6:00 pm daily. [MCC 39.6230(B)(15)]
19. The fill locations that exceed a thickness of four feet must comply with the stormwater drainage control plan that was submitted based on the provisions of MCC 39.6235(B) – (E) (Attachment 7). [MCC 39.6230(B)(16)]
20. On-site disposal of construction debris is not authorized under this permit. This permit does not authorize dumping or disposal of hazardous or toxic materials, synthetics (i.e. tires), petroleum-based materials, or other solid wastes which may cause adverse leachates or other off-site water quality effects. [MCC 39.6230(B)(2)]

Attachments:

Attachment #	# of Pages	Description of Attachment	Date Received / Submitted
1	10	Soil Classifications	09.27.2020
2	1	Application Form	11.02.2020
3	5	Revised Narrative	11.02.2020

4	2	Revised Site Plan	11.02.2020
5	6	Revised Farm Management Plan	11.02.2020
6	2	Revised Truck Hauling Plan	11.02.2020
7	15	Revised Stormwater Drainage Control Plan	11.02.2020
8	36	Cross Sections	11.02.2020
9	3	Multnomah County Transportation Division Memo	01.11.2021
10	2	Geologic Hazards Overlay Map	02.18.2021
11	2	SEC-s Overlay Map	02.18.2021
12	1	Erosion Control Sign	02.18.2021
13	3	REVISED Multnomah Co. Transp. Div. Memo	03.12.2021

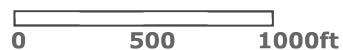


**Department of Community Services
Land Use Planning and Transportation
Program**
 1600 SE 190th Ave.
 Portland, OR 97233
 Ph 503.988.3043
 Fax 503.988.3389
 Email: land.use.planning@multco.us

This map is based on data from non county sources.
 This map is not printed to scale and should not be used for measurement.
 Multnomah County cannot accept responsibility for errors, omissions or positional accuracy.
 There are no warranties expressed or implied.

Map Comments:

[Web Layout](#)



Map Legend

EnvZoning

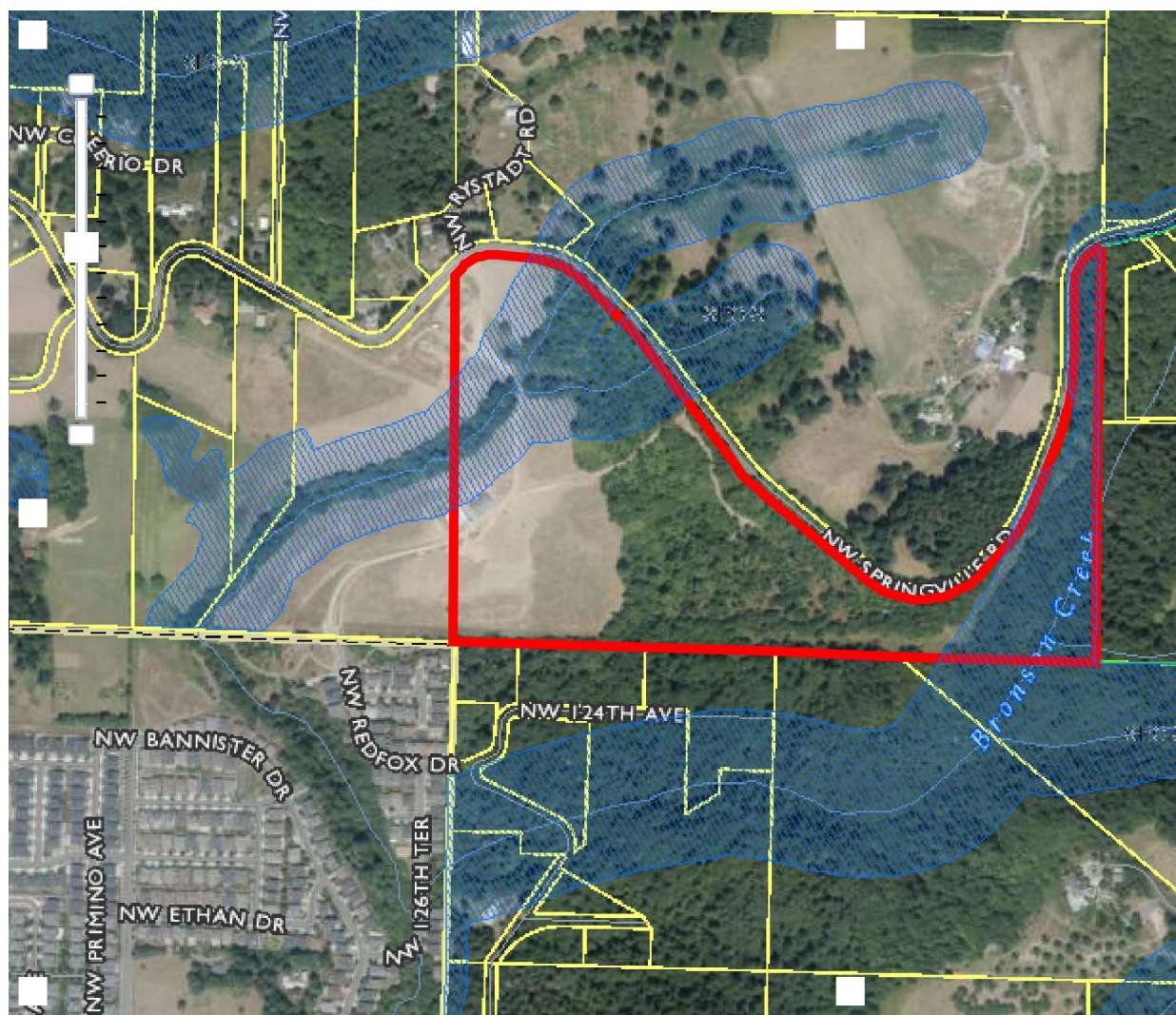
Slope Hazard



Taxlots

Taxlots



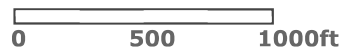


**Department of Community Services
Land Use Planning and Transportation
Program**
1600 SE 190th Ave.
Portland, OR 97233
Ph 503.988.3043
Fax 503.988.3389
Email: land.use.planning@multco.us

This map is based on data from non county sources.
This map is not printed to scale and should not be used for measurement.
Multnomah County cannot accept responsibility for errors, omissions or positional accuracy.
There are no warranties expressed or implied.

Map Comments:

[Web Layout](#)



Map Legend

EnvZoning

Sig. Env. Concern - Stream

 SEC-S

Taxlots

Taxlots





Land Use Planning Division
1600 SE 190th Ave, Ste 116
Portland OR 97233

Ex. B.6, Pg.10

EROSION OR SEDIMENTATION CONCERNS?

CALL 503-988-3043

PERMIT#/ADDRESS _____

THIS DEVELOPMENT HAS BEEN REVIEWED BY MULTNOMAH COUNTY LAND USE PLANNING AND IS REQUIRED TO KEEP EROSION AND SEDIMENTATION TO A MINIMUM. IF YOU ARE CONCERNED ABOUT THE CONDITION OF THE EROSION AND SEDIMENT CONTROL MEASURES, PLEASE CONTACT THE ABOVE NUMBER WITH THE FOLLOWING INFORMATION: PERMIT # OR ADDRESS OF PROJECT AND A GENERAL DESCRIPTION OF YOUR CONCERNS.

1620 SE 190th Avenue, Portland, Oregon 97233-5910 • Phone (503) 988-5050 • Fax (503) 988-3321

MEMORANDUM

TO: Multnomah County Land Use Planning

FROM: Multnomah County Transportation Division

DATE: January 11, 2021; revised March 12, 2021

ADDRESS: 12424 NW Springville Road (R324300)

SUBJECT: **Truck hauling plan for agricultural fill permit - transportation impact review**

This memo consists of reviewing the proposed truck hauling plan for a transportation impact, in relation to an agricultural fill permit application. The subject property is located at 12424 NW Springville Rd, which is under the jurisdiction of Multnomah County and is functionally classified as a Rural Collector road.

On the following pages, all references to *Multnomah County Design and Construction Manual* (MCDCM) use the acronym "MCDCM" and all references to *Multnomah County Road Rules* (MCRR) use the acronym "MCRR".

SUMMARY OF STAFF FINDINGS (REVISED)

The applicant's truck hauling plan will result in a transportation impact if the number of new daily trips exceed 14 per day. This is the maximum number of trips allowed that will not exceed a 20% increase in total trips to the site (See MCRR Transportation Impact definition).

The 20% increase is based on peak season operations where there are currently 70 trips per day (see Table 1). Multnomah County Transportation Division used the maximum existing daily trips as that is a standard approach to trip generation rates.

It is assumed that the 14 additional trips per day will be applied to the existing daily trips as noted by the applicant, which results in the following maximums:

- In Fall/Winter the maximum existing daily trips is 35 (as provided by the applicant), with the additional allowance of 14 trips, the new total number of daily trips can be 49.
- In Spring/Summer the maximum existing daily trips is 70 (as provided by the applicant), with the additional allowance of 14 trips, the new total number of daily trips can be 84.

MCRR DEFINITIONS USED IN THE REVIEW (3.000)

Transportation Impact: The effect of any new construction or alteration which increases 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.

Trip: A one-way vehicular movement. A vehicle entering a property and later exiting that property has made two trips. "Trip" can also be applied to bicycle or pedestrian movements in the same way.

PROPOSAL AND SCOPE OF REVIEW

Land Use Planning requested the Transportation Division evaluate the proposed number of trips in the applicant's truck haul plan, according to the definitions within the MCRR to determine whether the proposed trips would cause a transportation impact. To determine new trips generated by a site, MCRR 5.100 clarifies calculations will be derived from the latest edition of the ITE's Trip Generation Manual (A) or a site development transportation impact study conducted by a professional engineer (B). However, as the Agricultural Fill Permit is a Type I permit, County Transportation requested the applicant provide an estimate of existing trips (Truck haul plan – review section below) in lieu of a formal, professional study, required by MCRR 5.100B. The estimates of existing trips provided by the applicant provided a baseline to calculate whether the proposed truck haul trips caused a transportation impact, according to the definition in MCRR 3.000 (see section on definitions below).

To clarify the scope of the findings presented in this memo:

- The review of transportation impact is based on the applicant's stated number of trips (existing and proposed). The findings are not based on a transportation impact study by a professional engineer.
- The tables have been revised and consolidated from the original memo (dated January 11, 2021) for clarity.
- The findings presented in this memo do not constitute the full scope of a "Transportation Planning Review" conducted by County Transportation, as this was not requested by either the applicant or Land Use Planning.

TRUCK HAUL PLAN – REVIEW

The applicant's Truck Haul Plan stated: "Daily number of fill haul truck trips: 20-30 (min-max)." As noted in the Scope of the Review section above, County Transportation could not determine whether there would be a transportation impact based on this information alone. At the request of County Transportation, the applicant provided the following estimate of existing trips to the land use planner via email:

Hard to calculate existing trips to the farm because I do not count them. But we have seven people working on the farm each day that drive. I would say each person on average during fall and winter makes about 4 to 5 trips a day. My estimate on existing trips in fall and winter would be 28 to 35 trips. In spring and summer I think the trips would double to 56 to 70 trips per day. The trip count will be higher once we start delivering to homes in about a year.

According to the three qualifying criteria to determine whether there is a transportation impact, the applicant's proposed fill haul truck trips:

- **generates an increase in daily trips by more than 20%. Under the applicant's truck haul plan, there is a transportation impact.** See table 1 for the calculations, and discussion, below;
- are 100 trips per day or lower, for both the applicant's stated minimum (20) and maximum (30). *For this qualifying criterion, the proposal does not generate a transportation impact.*
- includes no peak hour trips. *For this qualifying criterion, the proposal does not generate a transportation impact.*

Table 1, below, shows the number of new trips that would constitute a twenty percent (20%) increase of trips between the applicant's lower and upper existing site traffic estimates. The applicant's truck haul plan proposes 20 (low) or 30 (high) new daily trips. As shown in table 1 (% change), no matter which range is used, the number of new trips generated at the site under the applicant's truck haul plan would exceed the 20% threshold, thus generating a transportation impact (MCCR 3.000). **The applicant's proposed daily trips provided in the truck haul plan would generate a transportation impact.**

TABLE 1 Number of new trips that constitute a twenty percent (20%) increase of trips between the applicant's existing daily trips (low and high per season).

Season (trip range no.)	Existing daily trips	New daily trips (no.) required for a 20% increase
Fall-Winter (low)	28	5.6
Fall-Winter (high)	35	7
Spring-Summer (low)	56	11.2
Spring-Summer (high)	70	14

In accordance with the 20% thresholds set out in Table 1, **new daily trips will need to be limited to no more than fourteen (14) total new trips per day in order to avoid generating a transportation impact, according to the season with the highest existing daily trips (Spring-Summer). Limiting new trips to no more than fourteen (14) trips per day avoids a transportation impact. Multnomah County Transportation Division used the maximum existing daily trips as that is a standard approach to trip generation rates.**

This revises the findings set out in the previous memo. The previous findings stated that the previous recommendation of "no more than 8 trips per day" would be lower than the "minimum increase of 10 new trips per day...to find a transportation impact" stated in the MCCR 3.000 transportation impact definition. The revised findings take into account the Spring-Summer scenario with higher existing trip estimates and generating a 20% threshold number (14) greater than 10, as set out in the bottom row of table 1.

SCALED SITE PLAN



LEGEND

- EXISTING CONTOUR
- - FINISH CONTOUR
- PROPERTY LINE
- UTILITY LINES
- SILT FENCE (Erosion Control)
- AGRICULTURAL FILL AREA (GROUND DISTURBANCE)
- 500' EXISTING TOPO CONTOURS
- 500' FINISHED TOPO CONTOURS
- PASTURE FARMING PRACTICE

NOTES

ALL AGRICULTURAL FILL TO BE IN COMPLIANCE WITH MULTNOMAH COUNTY ZONING CODE CHAPTER 39 SECTION 39.6230

- BUILDINGS, ETC.
- WOODED AREAS
- WATER BODIES
- FINISH SLOPE SECTIONS

