

Washington County Resources

- **For land use issues and issues related to a fill site land use (planning) application:** contact Genny Bond, Senior Planner, Current Planning Services, (503) 846-3846 or call the general Current Planning Services #, (503) 846-8761.
- **For grading permit and erosion issues:** contact Kimberly Allen, Engineering Associate, Building Services, (503) 846-6733 or call the general Building Services #, (503) 846-3470.
- **For code compliance issues:** call the Planning and Development Services Division's Code Compliance staff at (503) 846-4875.
- **For road safety/right-of-way issues:** call our Operations Division, 503-846-7623.

Other Agency Resources

- **Department of State Lands (DSL) – Wetlands**
Anita Huffman, Aquatic Resource Coordinator,
503-986-5250, anita.huffman@state.or.us
- **Oregon Department of Environmental Quality (DEQ) – Erosion Control**
Dennis Jurries, Environmental Engineer,
503-229-5937, Jurries.dennis@deq.state.or.us
- **Oregon Department of Agriculture – Natural Resources Division**
Jim Johnson, Land Use & Water Planning Coordinator,
503-986-4706, jjohnson@oda.state.or.us
- **Tualatin Soil & Water Conservation District**
Aaron Shaw, Natural Resources Program Manager,
503-334-2288 ext.103, aaron.shaw@tualatinswcd.org

Fill Projects in Washington County

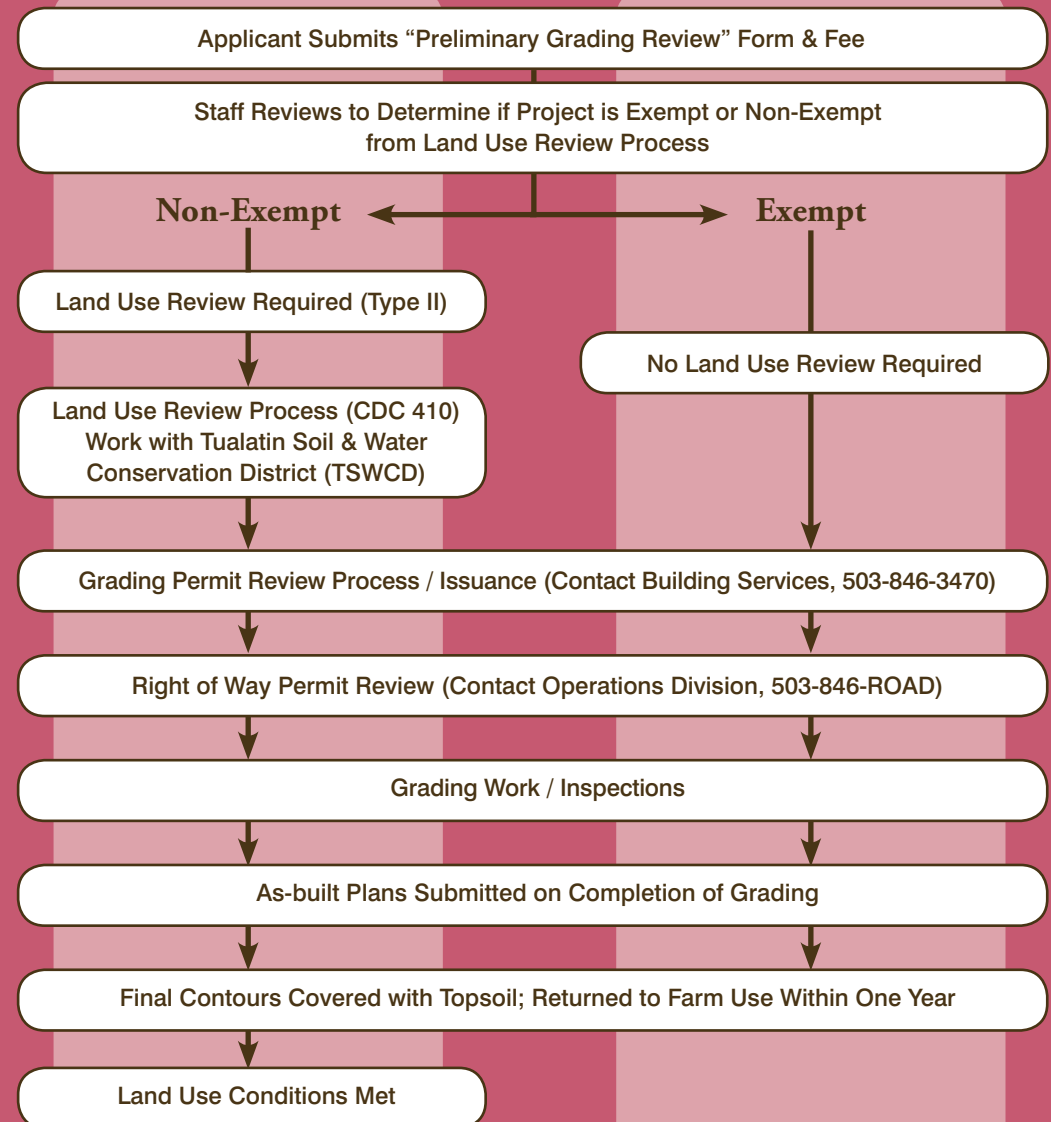
How Washington County Regulates “Fill” Placement in Rural Areas



Washington County Department of
Land Use & Transportation

This brochure provides an overview of how Washington County regulates the placement of fill in rural areas - through both its land use application process and grading permit process. All fill projects in Washington County's rural areas go through some level of review. To review proposed fill projects, the county's Department of Land Use and Transportation (DLUT) follows the county's Community Development Code (CDC) and Title 14 of the County Code, which contains Washington County's Grading Ordinance. DLUT also coordinates with other agencies: the Department of State Lands, the Oregon Department of Environmental Quality, the Oregon Department of Agriculture – Natural Resources Division, and the Tualatin Soil and Water Conservation District.

Agricultural Fill Placement Permit Process Overview



I. Land use application process (administered by Current Planning Services)

Depending on its size and other criteria, a proposed fill placement project may be exempt from the county's land use application process or it may be subject to a land use decision. Staff determines the correct review procedure based upon information submitted by the applicant on a "Preliminary Grading Review" form.

- **Non-exempt fill projects:** Placing of fill material of 5,000 cubic yards or greater requires a "Type II" land use application addressing CDC section 410, "Grading & Drainage." This activity is listed in the resource districts (EFU, EFC, AF-20) as a "Land Use Review of Fill as a Farming Practice," and the applicant must demonstrate the fill is for farming. In the AF-5 and AF-10 Districts these actions are listed as "Clean-Fill Sites." All of these types of fill projects are referred to as "non-exempt" fill projects.
- **Exempt fill projects:** Placement of fill material under 5,000 cubic yards may be exempt from the county's land use application process. (Note: if the fill is for a nursery, there is no limit on volume). The nine criteria for "exempt" fill projects are listed in CDC section 201-2.12 G. In addition to the 5,000 cubic yard threshold criteria, other criteria include:
 - ✓ The fill site is proposed on land outside of 100-year floodplains, drainage hazard areas, and significant natural resource areas.
 - ✓ All material is topsoil, or in the case of land utilized for nursery purposes, the material is commonly used to grow nursery crops.



- ✓ Fill material does not contain hazardous or contaminated substances, putrescibles or material such as asphalt, concrete or tires.
- ✓ All grading activities must be completed within one calendar year of commencing grading, and the graded area must be returned to farm use.
- ✓ Charging a fee to place fill is not allowed.

Staff reviews the geographic characteristics of the land and the information provided on the Preliminary Grading Review form to determine whether the proposed fill meets the criteria for exempt fill projects or whether it requires a Type II land use application (is a non-exempt fill project). **A key criterion for both exempt and non-exempt fill projects is that the graded (fill) area must be returned to farm use.** The Oregon Department of Agriculture determines whether the proposed activities are consistent with the Agricultural water quality management plan adopted for the area. The Tualatin Soil and Water Conservation District is available to provide technical assistance to landowners to ensure their agricultural practices are consistent with the area's Agricultural Water Quality Plan.

The land use application process.

The Type II land use application process required for non-exempt fill projects enables staff to review the purpose of the fill project. The applicant must demonstrate that it is an acceptable farm practice to enhance soil quality and not a demolition landfill. In the staff report that responds to the application, staff's conditions of approval address erosion impacts of the fill (important in prime farm land areas) and ensures the land is returned to farm use within a year of the completion of the fill project. The Type II application process provides for written notification of the project to all property owners within 1,000 feet of the project site and a public notice sign posted at the property. Adjacent property owners often have concerns with the placement of large fill volumes on agricultural land because of its potential to impact drainage patterns in the area.

After the land use application process.

After the land use process is completed, the applicant then needs to get an agricultural grading permit from Building Services (see next section). At the agricultural grading permit stage of review, Building Services staff assess drainage issues. In addition, road safety issues, such as mud-tracking onto public roads, are addressed by incorporating practices such as truck wheel washes and monitoring access to public roads. Road access and safety issues are addressed by DLUT's Operations Division.

II. Agricultural grading permit (administered by Building Services)

Regardless of whether a fill project is determined to be exempt or non-exempt (by Current Planning staff from the "Preliminary Grading Review" form), a site-specific drainage analysis may be required from the Building Services section. The purpose of this site-specific drainage analysis is to substantiate that the proposed grading alteration will not cause the site's drainage characteristics to have a negative impact on adjacent properties. Building Services reviews this form of grading submittal (the analysis) by means of a grading permit application. This review ensures compliance with the county's Grading Ordinance (Ord. 689, specifically, County Code section 14.12.310(A)(1)).

Further review and additional permit requirements may be applicable if a project involves life safety issues (such as a fire access road), slope stability issues, or drainage structures.

III. Access issues/right-of-way permits

In addition to the review of proposed fill projects by Current Planning and Building Services staff described above, county Right-of-Way Permits are required to address road safety issues occurring at the point a private driveway meets a County road. Inspectors from DLUT's Operations Division review the access point to the fill site and determine whether vegetation must be managed or road ditches sloped to improve sight visibility of drivers to and from fill and construction sites. The property owner is then required to construct any required improvements and Operations staff inspect for compliance with County Road Standards.

IV. Relevant codes

- Community Development Code (CDC) Section 410, "Grading & Drainage" details the information that must be included on a Grading Plan. The process for the review of a fill grading project, including the criteria for approval, is found in CDC 410-3.
- CDC Section 201-2.12 G lists the nine criteria that must be met for a fill project to be considered exempt.
- Title 14 of the County Code pertains to "Buildings and Construction." Chapter 14.12 pertains to "Grading"; it contains Grading Ordinance 689.

The CDC can be found at:
www.co.washington.or.us/devcode

The County Code can be found at:
www.co.washington.or.us/CountyCounsel/
Click on the "County Charter & Code" link in the left hand navigation column.

V. Coordination with other jurisdictions

In their work regulating fill sites, County staff coordinates with the following agencies:

- **Department of State Lands (DSL) - Aquatic Resource Management Program (ARM)**
The ARM is responsible for implementing the Oregon Removal/Fill Permit law through a permitting process applicable to jurisdictional wetlands and waterways. This office reviews sites to determine whether wetlands or waterways may be impacted by a project and whether a DSL removal-fill permit may be required.
- **Oregon Department of Environmental Quality (DEQ)**
This agency develops and implements the standards to control erosion and sediments at construction sites to ensure clean water. DEQ may recommend erosion control methods on farm and forestry operations of one acre or more via the NPDES 1200-C permit when the operation has the potential to discharge stormwater to surface waters.
- **Oregon Department of Agriculture – Natural Resources Division**
This agency provides technical assistance to farmers and local governmental staff on practices which ensure the preservation of agricultural land. The Oregon Department of Agriculture determines whether the proposed fill activities are consistent with the Agricultural water quality management plan adopted for the area and oversees best management practices on agricultural land to protect water quality.
- **Tualatin Soil and Water Conservation District (TSWCD)**
TSWCD provides technical assistance to farmers and forestry operators in natural resource management. TSWCD reviews grading project proposals to help determine whether the proposed fill constitutes an accepted farming practice.