



M 522

DEPARTMENT OF COMMUNITY SERVICES
LAND USE PLANNING DIVISION
1600 SE 190TH AVENUE
PORTLAND OREGON 97233

RETURN SERVICE REQUESTED

NOTICE OF DECISION

Case File: EP-2021-14705

Permit: Road Rules Variance

Applicants: Edward Christensen, Welkin
Engineering, PC

Owners: Rip Caswell

Location: 902 E Historic Columbia River Highway
Tax Lot 1800, Section 25, Township 1 North, Range 3 East. D.C.
1N3E25DC -01800
Alternate Account: R943250300 Prop. ID: R320507

Proposal Summary: Road Rules Variance for a new access onto E Historic Columbia River Highway, a road within Multnomah County jurisdiction. The new access is to serve a proposed apartment building, which will be reviewed by the City of Troutdale, the land use authority. The Road Rules Variance is required because the proposed access does not/cannot meet access spacing standards, as there are existing neighboring accesses within the distances set out in County standards.

Decision: **Approved with Conditions**

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is July 29, 2021 at 4:00 pm.

Opportunity to Review the Record: The complete case file, including the County Engineer Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review at the Transportation Planning & Development office. Copies of all documents are available at the rate of \$0.35/per page. For further information, contact Graham Martin, Transportation Planner at 503-988-3582 or at graham.martin@multco.us

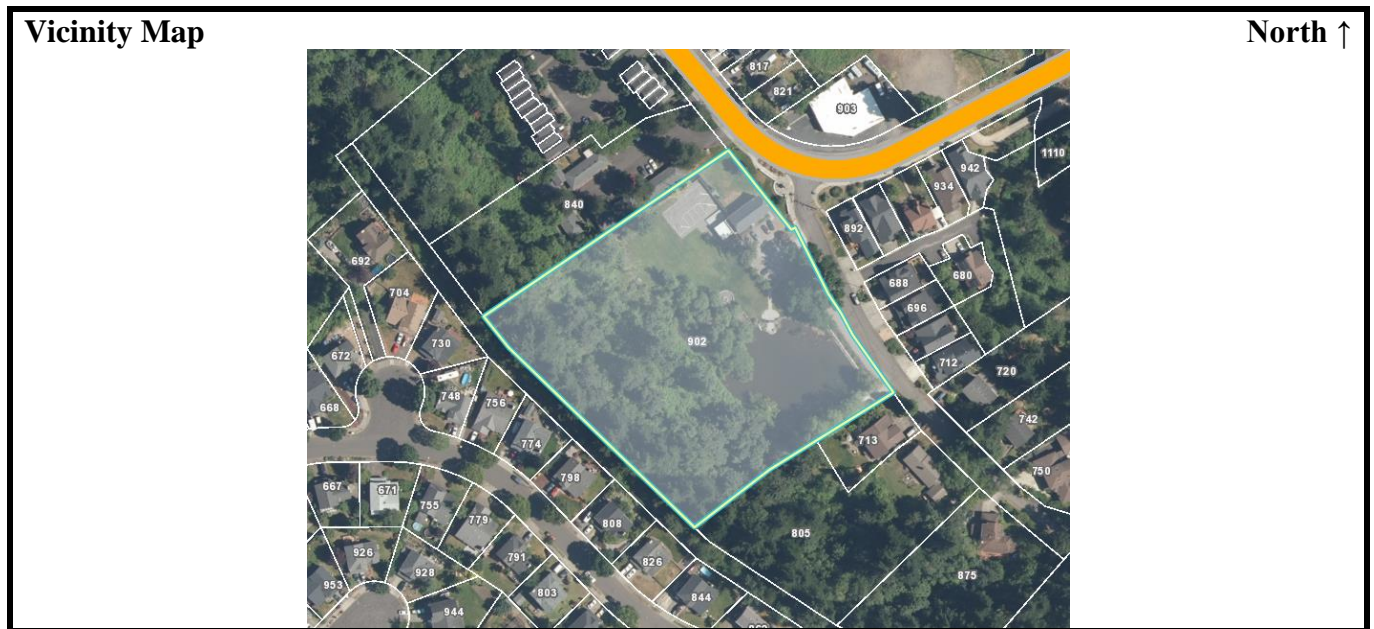
Opportunity to Appeal: An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Transportation Planning & Development office at 1620 SE 190th Avenue (Phone: 503-988-3582). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

Issued by: 

By: Graham Martin, Transportation Planner

For: Jon Henrichsen, PE, County Engineer

Date: July 15, 2021



Applicable Approval Criteria:

For this application to be approved, the proposal will need to meet applicable approval criteria below:

Multnomah County Road Rules (MCRR):

Multnomah County Road Rules (MCRR): MCRR 4.100-4.500 Access Standards; MCRR 16.200 General Variance Criteria; MCRR 16.225: A - Multiple Access Points; B - Access Spacing; C - Sight Distance; MCRR 16.300 Variance Request Procedure.

Copies of the referenced Multnomah County Road Rules (MCRR) sections can be obtained by contacting our office or by visiting the Transportation website at: <https://multco.us/planreview/> under the tab related documents and link **Multnomah County Road Rules**

Scope of Approval

Approval of this Road Rules variance is based on the submitted written narrative(s) and plan(s). This application and approval is for the variance to Multnomah County Road Rules section 4.000. No work shall occur under this Road Rules variance other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. Pursuant to MCRR 16.100 B, this Road Rules Variance will only be effective with the approval of the corresponding City of Troutdale Land Use application for the proposed six-plex apartments and lot adjustment.
2. The applicant will be required to dedicate ROW to meet County Transportation standards (MCRR 6.100 A; MCDCM Table 2.2.2). The exact ROW dedication will be a proportionate share, to be determined by a surveyor as it is on a curve, to the centerline of the County road (40 feet is the standard). The maximum dedication required is estimated to be 7.5 feet.
 - a. On approval of the land use application, the ROW dedication must be included on the re-plat of the property with the County surveyor.
3. Obtain a Construction Permit from Multnomah County for all improvements within the County right of way. The Construction Permit is the County's mechanism for supervising and coordinating improvements within the County right of way, as well as collecting performance and maintenance guarantees for those improvements. A deposit will be required for a preparation of a Construction Permit, which may be obtained upon land use approval [MCRR 18.200]. Contact Transportation Engineer, Rick Buen (rick.buen@multco.us) to begin the construction permit process.
 - a. Stormwater will be further reviewed as part of the construction permit review process to ensure the proposed engineering works will not impact the County right of way or neighboring properties [MCRR 26.000]. The County Engineer will identify any additional stormwater solutions, if required, and incorporate these into the final construction drawings.
4. After land use approval, see condition 1, apply for a driveway permit for the proposed access/driveway onto E Hist. Columbia River Highway. As part of the driveway permit applications, the applicant shall provide
 - a. a site plan showing the driveway to the residence, roadway, and parcel lines, and provide annotation of the plans with the width of the driveways and accesses. [MCRR 18.250]

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as '**Staff:**' and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

Project Description:

Road Rules Variance for a new access onto E Historic Columbia River Highway, a road within Multnomah County jurisdiction. The new access is to serve a proposed apartment building, will require review and approval by the City of Troutdale, the land use authority. The Road Rules Variance is required because the proposed access does not/cannot meet access spacing standards, as there are existing neighboring accesses within the distances set out in County standards.

MCRR 4.000 Access to County Roads

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

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

Staff: The applicant has proposed to construct a new access onto E Historic Columbia River Highway under County Jurisdiction. The road is classified as a Major Collector. The new access is shown on the applicant's site plan (Exhibit A.3) and site distance exhibit (Exhibit A.4). All required information has been submitted.

MCRR 4.150 *Transportation Review of Existing Access:* The alteration, expansion or other change in use of any building, structure or land will require review by the County Engineer to ensure that access is consistent with these and other County rules and standards. A property owner or other party proposing an altered, expanded or other change in use of any building, structure or land may be required to provide all or some of the following:

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

Staff: *Criterion not applicable.*

MCRR 4.200 *Number of Accesses Allowed:* Reducing the number of existing and proposed access points on Arterials and Collectors and improving traffic flow and safety on all County roads will be the primary consideration when reviewing access proposals for approval. One driveway access per property is the standard for approval pursuant to the Multnomah County Code. Double frontage lots will be limited to access from the lower classification street. Shared access may be required in situations where spacing standards cannot be met or where there is a benefit to the transportation system. If more than one access is desired, a land use application must be submitted in compliance with applicable Multnomah County Codes.

Staff: With approval of the corresponding land use application (City of Troutdale), the subject property (parcel 2) will be served by one driveway(s). *As conditioned, criterion is met.*

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

Staff: Any accesses on E Historic Columbia River Highway will be required to meet the access spacing standards for Major Collector roads [MCRR 4.300; MCDCM Table 1.2.5]. Access spacing shall be 148 feet or greater from other accesses and shall have a setback of 98 feet from intersecting streets. An existing access to the north (840 E Historic Columbia River Highway) means the proposed access cannot meet this standard. *Criterion not met.*

Applicant has applied for a Road Rules Variance from this standard. See Section 16.000 below.

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

Staff: For a Multi Family Residential use, a new or reconfigured driveway must be 20 to 35 feet wide (MCDCM Table 1.2.4). The new driveway will be 25 feet wide (Exhibit A.3). *Criterion is met.*

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

Staff: Multnomah County Road Rules Section 4.500 states that access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the County Design and Construction Manual or AASHTO's *A Policy on Geometric Design of Highway and Streets*.

The posted speed limit on E Historic Columbia River Highway is 25mph. According to MCRR 4.500, and AASHTO standards, the access onto County roads shall have a stopping sight-distance of 155 feet or greater. Applicant provided a sight-distance analysis (Exhibit A.4) as part of the road rules variance application to show the standard can be met [MCRR 4.100C].

Criterion is met.

MCRR 4.600 *County Road Projects*: When the County conducts a public works project that includes frontage or other improvements to a County Road, the following conditions are applicable:

- A. Driveway drops will be in their existing location, or in an alternative location that can be constructed to meet the standards of the Design and Construction Manual unless the permit specifies a non-standard improvement.**
- B. Only one driveway drop per frontage will be constructed by the County unless permits for multiple driveways exist or a Variance Request for an additional driveway is granted by the County Engineer. The location of consolidated access points will be determined by the County Engineer. Undeveloped parcels will not have any driveway drops constructed by the County unless an access is already permitted or a Variance Request for a driveway is granted by the County Engineer.**
- C. Driveway drops will be constructed to meet the standards of the Design and Construction Manual unless the permit specifies a non-standard improvement.**

Staff: *Criterion not applicable.*

MCRR 4.700 *Existing Nonconforming Accesses*:

- 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.**

B. 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.**

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

Staff: *Criterion not applicable.*

MCRR 5.000 Transportation Impact

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

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

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

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

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

As established through the Transportation Planning Review (Exhibit B.1), there is a transportation impact, as the proposed development will increase the number of trips at the site by more 20%, based on the latest edition of the ITE Trip Generation Manual [MCRR 3.000; MCRR 5.100A].

Proposal generates a transportation impact.

MCRR 6.000 Improvement Requirements

MCRR 6.100 *Site Development:* All subject parties with respect to any property proposed for development, including but not limited to the owner of the site and the applicant (if different

than the owner), will be responsible for improvements to the right-of-way for any said development of the property which is found to cause a Transportation Impact, those improvements shall include:

- A. Dedication of Right of Way Requirement:** The subject parties are responsible for a pro-rata share, as determined by the County Engineer, of right-of-way and easement dedications necessary to bring the affected, existing, created or planned public streets and other facilities within and abutting the development to the current County standard. The dedication of the required easements and right-of-way may be conditions of approval of Design Review or any other development permit related to the proposal.

Staff: The County standard right of way width for a Major Collector facility is 80 feet (MCDCM Table 2.2.2). At the property's frontage of parcel 3 is on E Historic Columbia Highway, the current ROW width is 65-105 feet approximately, due to a curve in the roadway and ROW. As there is a transportation impact, per MCRR 5.000, the applicant will be required to dedicate ROW to meet County Transportation standards (MCRR 6.100 A; MCDCM Table 2.2.2). The exact ROW dedication will be a proportionate share, to be determined by a surveyor as it is on a curve, to the centerline of the County road (40 feet). The maximum dedication required is estimated to be 7.5 feet.

As conditioned, criterion is met.

- B. Frontage Improvement Requirements:** Frontage Improvement Requirements: In addition to easement and right-of-way dedication requirements, a prorata share may include half-street improvements along all of the site's County Road frontage(s). Right of Way improvements shall satisfy the standards of the County Design and Construction Manual based upon the functional classification of the road(s). The commitment to improve the affected streets or other facilities to the required standards shall be conditions of approval of Design Review or any other development permit related to the proposal. Half-street improvements can include all of the following:

- a. Street widening/improvement
- b. Utility cut restoration
- c. Curb and sidewalk
- d. Driveway relocation/replacement/removal
- e. Traffic controls
- f. Drainage facilities
- g. Lighting facilities
- h. Bicycle facilities
- i. Signal conduit facilities
- j. Street trees
- k. Other appropriate facility or right of way requirements as required by applicable statutes, codes and regulations.

Staff: As noted by the applicant, the frontage on E Historic Columbia River Highway was recently improved during construction of neighboring developments. The applicant will be required to apply for a ROW/Encroachment permit for the access onto E Historic Columbia River Highway [MCRR 18.250]. As part of the ROW permit process, the new access will be inspected by County Transportation to ensure that the driveway access meets the specifications set out in the MCDCM and meets ADA standards.

As conditioned, criterion is met.

- C. Required Submissions by Subject Parties.** Subject parties shall submit to the County Engineer the following: engineered plans, traffic studies, traffic analysis, reports, surveys or similar documents as requested or required by the County Engineer under this Subsection 6.100 or as may additionally be required under Section 18.

Staff: The applicant has submitted sufficient information for the Road Rules Variance application to be deemed complete. *As conditioned, in conjunction with responses to other criteria, criterion is met.*

- D. Transportation Demand Management Options that address strategies to reduce travel demand generated by the proposed development.**

Staff: *Criterion not applicable.*

MCRR 6.200 Land Division:

- A. Right-of-way and easement dedications needed to meet County standards may be required as a condition of all land divisions, whether by partition or subdivision.**
- B. To the extent a land division has been lawfully approved through a land use decision of the appropriate jurisdiction, and such land division impacts a Public Road under County jurisdiction, and there was no assessment in the record of said decision regarding a Transportation Impact caused by the decision or the potential development of any affected parcel in a partition or lot in a subdivision, and further provided the County will not have the opportunity as a part of the Right of Way Use Permit Approval Process under Section 18 of these Rules to review the proposed development, the County will require improvements because of the land division as a part of the Section 18 Permit. Land Divisions that create flag lots will be required to make frontage improvements along the entire length of the parent lot.**
- C. The County Engineer may allow deferral of this improvement requirement until development of the flag lot(s) occurs. When further reviews or approvals will be necessary before development can occur, the County Engineer may allow deferral of those improvement requirements and not apply them to land division proposals.**

Staff: The corresponding land use proposal involves splitting the existing lot into two parcels. ROW dedication has been identified, as a result of the transportation impact of the proposal (see MCRR 6.100A). *As conditioned, criterion is met.*

6.250 Lot-Line Adjustments: Right-of-way and easement dedications needed to meet County standards may be required as a condition of a lot-line adjustment. Lot-line adjustments that would result in a reduction of the County road frontage of a lot planned for development or redevelopment may be conditioned to provide right of way and easement dedications, as well as deed restrictions committing the owner to improve the reconfigured lot's frontage to County standards.

Staff: *Criterion not applicable.*

6.300 Zone Change: A Transportation impact study over the 20-year planning horizon will be required for all zone changes that would allow more intensive use of a site than allowed by the

site's existing zoning. Improvement requirements for zone changes will be based upon, but not bound by, the needs identified in the transportation impact study.

Staff: *Criterion not applicable.*

MCRR 11.000 Local Access Roads

MCRR 11.100 Improvement Requirements:

A. For any proposed development where access is to be through a Local Access Road and the development is found to have a Transportation Impact, the owner, applicant or other party responsible for the development (the "Developer") shall be required to improve or cause to be improved the Local Access Road to standards as further provided in this Section.

B. Right of way and or easement dedications shall be required where the existing right of way is of a substandard width or condition.

C. The County Engineer may impose requirements for right of way improvements as necessary to address factors including but not limited to: traffic safety, traffic conditions, bicycle access, pedestrian access and vegetation.

D. Developer shall make required improvements at the County Engineer's request if the transportation impact warrants additional road improvements. Such additional improvements shall not extend beyond the nearest intersection with the publicly maintained road. Improvements will be constructed in a manner consistent with the standards provided in the Design and Construction Manual.

E. All costs relating to Local Access Road improvements shall be borne by the Developer including all administrative and other costs incurred by the County including but not limited to the oversight, review, inspection, etc[.], with respect to design, installation, and construction of any improvements on any Local Access Road under County jurisdiction. County shall not begin any work under this Section unless and until an adequate deposit as determined by the County Engineer has been received by the County to cover these costs.

F. Notwithstanding any required improvements or other installations done in the public right of way of a Local Access Road under this Section 11 of these Rules, the County does not maintain such Local Access Road.

Staff: A Local Access Road is a public road under Multnomah County jurisdiction that is outside a city and is not a county road, state highway, or federal road. E Historic Columbia River Highway is a Major Collector facility and not a Local Access Road. *Criteria not applicable.*

18.250 Access/Encroachment Permit:

A. An Access/ Encroachment Permit (A/E Permit) shall be required for the following activities within the right-of-way:

- 1.** New or altered access to roads under County jurisdiction. An access is considered altered when a change in the development that it serves has a Transportation Impact as defined in section 6.000 of these rules;
- 2.** New or reconstructed driveway approaches, private road approaches, curb cuts, or sidewalks;
- 3.** Structures in the right-of-way, such as signs, posts, fences, flags, non-standard mailboxes, etc.; or

4. Any other minor physical alteration of the County right-of-way, including but not limited to any altered landscape design, vegetation planting or placement.

Staff: The applicant is proposing a new access onto E Historic Columbia River Highway, a public road under Multnomah County's jurisdiction. Therefore, the applicant will be required to obtain an Access / Encroachment Permit as a condition of approval to this road rules variance. *As conditioned, this criterion is met.*

Road Rules Variance Findings

16.3000 Variance Request Procedure: For the County Engineer to consider a variance request, it must be submitted in writing with the appropriate fee to the County prior to the issuance of any development permit. The written variance request shall be signed by a person with the authority to bind the applicant and shall include the following information as applicable:

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

Staff: The Road Rules Variance (RRV) application included the applicant's, and the applicant's representatives', details (See Exhibits A.1 and A.2). *Criterion met.*

B. Property location and zoning;

Staff: As described in Exhibit A.2, the property's location and zoning was included in the RRV application. *Criterion met.*

C. Current or intended use of the property;

Staff: The applicant described the existing use of the property as vacant. The proposal is to develop a six-plex apartment building. See Exhibit A.2. *Criterion met.*

D. The nature and a full description of the requested variance;

Staff: The applicant seeks to construct a new access onto E Historic Columbia River Highway to serve a proposed apartment building. The corresponding land use application also seeks to split the existing lot into two lots. The proposed access cannot meet County standards for access spacing due to existing accesses to the north and south (See MCRR 4.500 above). The applicant's full description can be found on page 2 of Exhibit A.2. *Criterion met.*

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

Staff: The applicant has supported the Road Rules Variance by submitting a site plan (Exhibit A.3) and site distance exhibit (Exhibit A.4), in addition to narrative responses (Exhibit A.2). *Criterion met.*

F. Existing right-of-way or improvement limitations, and utility considerations;

Staff: The applicant has provided a narrative response (Exhibit A.2) that frontage improvements were implemented with a recently completed development. *Criterion met.*

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

Staff: The applicant has provided satisfactory responses to the adjacent land uses (Exhibit A.2). *Criterion met.*

H. Topography, grade, side hill conditions, and soil characteristics;

Staff: The applicant has provided satisfactory responses to the topography and soil conditions of E Historic Columbia River Highway in Exhibit A.2. The application is further supported by a soil survey (Exhibit A.5). *Criterion met.*

I. Drainage characteristics and problems;

Staff: The applicant has provided satisfactory responses to the drainage characteristics (Exhibit A.2). The applicant further supported the application by submitting the soil survey with hydraulic conductivity information (Exhibit A.5). *Criterion met.*

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

Staff: The applicant has provided a Fire Service Agency review letter and attachments (Exhibit A.7). *Criterion met.*

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

Staff: The applicant notes that there are no historical features on the property and clarifies no other limitations of the site and its surroundings (Exhibit A.2). *Criterion met.*

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

Staff: The site is located within the City of Troutdale's land use jurisdiction. The County's Comprehensive Plan does not apply to urban areas of the County. *Criterion not applicable.*

16.310 Completeness, Timelines, Public Notice, Decision:

E. Public notice of an application for a variance to these Road Rules shall be as follows:

1. For variance applications not in conjunction with a proposed development requiring a land use decision:

a. Notice of the application and invitation to comment shall be mailed to the applicant, the applicable recognized neighborhood association, and all property owners within 100 feet within the urban growth boundary or within 750 feet outside of the urban growth boundary. The County Engineer will accept comments for 14 days after the notice of application is mailed.

Staff: A 14-Day Opportunity to Comment was mailed to neighboring property owners in accordance with MCRR 16.310. Four sets of comments were received. The points raised with these sets of comments are summarized as follows:

- Traffic speeds exceed posted speed limit.

Staff: Multnomah County Sheriff is responsible for enforcing the traffic regulations and posted speed limit of E Historic Columbia River Highway. The proposed access requires a variance as it does not/cannot meet the access spacing standards. There is sufficient stopping sight distance provided by the proposed access to allow for safe ingress and egress.

- Request for speed bumps

Staff: Multnomah County Sheriff is responsible for enforcing the traffic regulations and posted speed limit of E Historic Columbia River Highway. The County does not typically install speed bumps on roads with a major collector road classification. Furthermore, there is not enough of a relationship between the proposal and creating a speed bump for it to be considered a proportionate development impact.

- Proposal will contribute to increased density and noise

Staff: Density and noise are typically land use code elements. The neighbors will have a further opportunity to comment on these factors of the development when the applicant submits their land use application. They are not related to the County's transportation standards.

- Proposal will contribute to increased traffic and congestion

Staff: The proposal was found to generate a transportation impact, according to the definition set out in MCRR 3.000 As conditions of approval, the applicant will be required to make frontage improvements and ROW dedication to meet County transportation standards (see MCRR 6.100B above). The applicant's proposal is not large enough to contribute significantly enough to require off-site improvements (MCRR 8.000) or Transportation Demand Measurement initiatives (MCRR 6.100D).

- Proposal will not provide sufficient emergency vehicle access

Staff: The proposed access has sufficient width to allow emergency vehicle access and egress to/from the property. In terms of the County's transportation standards, there are no aspects of the proposal that contravene emergency vehicle access requirements. The subsequent land use and building permits application will also consider emergency access in more detail in relation to the proposed building.

- Comment regarding city council members and conflicts of interest

Staff: This is not a matter related to County Transportation standards or the request for the road rules variance. County staff is making the decision, not Troutdale City Council members

This decision was drafted and will be mailed in accordance with MCRR 16.310. *Procedures met.*

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

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

Applicant: Of the ±40 property's both residential and commercial up to ±900 feet west of the Parcel 2 access, none of their driveways meets the 148 foot access spacing requirement. In fact, 740 and 744 East Historic Columbia River Hwy. driveways have zero feet between them. 632 East Historic Columbia River Hwy. was built in 2016 and has ±86.5 feet between it and its neighbors driveway at 648 East Historic Columbia River Hwy. This County Road Access Standard should not apply to this section of the East Historic Columbia River Hwy. For argument's sake, given most of the trips past this site happen in a 14 hour period (6 am to 8 pm) would break down into 1 trip every 24 seconds from one direction or the other. This means this access will have great gap space timing for accessing East Historic Columbia River Hwy.

Staff: Given the urban nature, and location near to the downtown area of the City of Troutdale, developments over time mean that access spacing is hard to meet, or cannot be met, as is the present case. The concurrent land use application seeks to divide the existing single lot into two parcels. Consequently, a new access point is required to serve the new parcel created and the apartment building proposed. Due to existing buildings, alternative access points are infeasible. Consequently, the County considers special circumstances to apply to the proposed parcel, subject to planning approval by the City of Troutdale.

As conditioned, this criterion is met.

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

Applicant: Troutdale needs housing. The owners are looking to build on the only portion of their property without wetland or VECO restrictions, and is that isn't already developed. Not allowing this access will be a significant hardship for the owner. In addition, this standard is in conflict with the City of Troutdale's minimum lot width standard of 60 feet for multi-family parcels; meaning two side by side 60 foot lots could not meet the 148 foot driveway nor the 98 foot intersection spacing standard.

Staff: The right to develop the site is a substantial property right of the applicant. The applicant has proposed a new access for the proposed subdivided parcel consistent with other access standards, except MCRR 4.300 access spacing. Once the concurrent land use application is approved, and new parcels are created, the access will directly serve an existing apartment building as well as the proposed apartment building. Strict compliance with the standards (requiring access from a lower classification road and a shared access point with the other parcels would be infeasible due to existing buildings and site constraints. *This criterion is met.*

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

Applicant: The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity, or adversely affect the appropriate development of adjoining properties. The adjoining Parcel 1 is fully developed and so is the Troutdale Pine Apartments. There is nothing detrimental to the public welfare or other properties in the area by granting this variance.

Staff: With the exception of spacing between neighboring property access points, the proposed access point is consistent with other County access standards. Approving the Road Rules Variance would not create hazardous conditions or affect public welfare or impact the neighboring properties. Furthermore, the County will require the applicant to apply for a driveway permit and the access will also be required to meet County and ADA standards (MCRR 18.250; MCRR 6.100B). Stormwater review will also be required to ensure that the County ROW will not be adversely impacted by additional stormwater runoff (MCRR 26.000). *As conditioned, criterion is met.*

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

Applicant: The Owners are trying to develop a small portion of their 3.72 acre property. The proposed 6-plex is far short of the allowable 24-units per acre density. The proposed access location is the only location available after the partition into Parcel 1 and Parcel 2.

Staff: The existing topography is not of the applicant's making. However, the applicant has proposed an access (Exhibit A.3) consistent with the parameters set out in the County's Transportation Planning review memo (Exhibit B.1) with the exception of access spacing. Given that there is no other feasible location for a direct access to the subdivided parcel, the County considers that strict compliance with the standards to create, or facilitate, an alternative access would result in a hardship not of the applicant's making. *This criterion is met.*

16.225 Access Variance Standards: Exceptions to access standards may be made by the County Engineer when spacing or other safety considerations make non-standard access acceptable. In addition to the variance requirements of Section 16.200 of these Rules, the applicant will be required to demonstrate that the proposed variance will not negatively impact the safety or capacity of the transportation system for a variance to be granted. The following are examples of variances that may be considered along with specific criteria that must be addressed before such a variance can be granted.

A. Multiple Access Points: The County Engineer may allow multiple access points when all spacing standards can be met, or under the exceptions allowed under the criteria identified below so long as the additional access(es) will not negatively impact the safety or functionality of the transportation system and a single access point cannot reasonably serve a site. Movement restrictions, such as right-in, right-out, may be placed on accesses to protect the safety and/or functionality of the transportation system. The County Engineer may approve and allow a dual access variance if the applicant meets all of the following criteria:

1. The property in question is zoned commercial, industrial, farm or resource lands and the proposed use is in conformance with all applicable laws, planning and zoning codes and regulations.
2. Proposed access points are at least 150 feet apart on any same right of way frontage.
3. The applicant has submitted adequate traffic studies and other reports and information under Subsection 4.100 that indicate the creation of two access points will not present an unsafe condition or unduly interfere with the movement of traffic, including bicycles and pedestrians.
4. Except has provided in this subsection all other aspects of the applicant's dual access proposal are in compliance with these Rules and the DCM.
5. Applicant must comply with all the requirements of Section 16 of these Rules.

Applicant: This criterion does not apply as this is single access request.

1. The property in question is zoned commercial, industrial, farm or resource lands and the proposed use is in conformance with all applicable laws, planning and zoning codes and regulations.
2. This criterion does not apply.
3. This criterion does not apply.
4. This criterion does not apply.
5. This criterion does not apply.

Staff: While the land use proposal involves a lot-division, there is only one proposed access within County jurisdiction. *Criterion not applicable.*

- B. Access Spacing:** If it is not feasible to access a site and meet the access spacing standards, access may be located so as to provide the best access spacing possible. The County Engineer may require additional measures to mitigate sub-standard access spacing, such as a median or other restrictions.

Applicant: We do not believe additional measures to mitigate sub-standard access spacing, such as a median or other restrictions are needed. As discussed previously, the traffic volume from this site and on East Historic Columbia River Hwy. are low. The driveway is designed at 26 foot wide and allows for 2-way traffic in and out of the site. Residents will be leaving the property in a forward fashion, i.e. not backing out like 16 other properties along this section of East Historic Columbia River Hwy.

Staff: As established in MCRR 4.300, any accesses on E Historic Columbia River Highway would be required to meet the access spacing standards for Major Collector roads [MCDCM Table 1.2.5]. Accordingly, access spacing should be 148 feet or greater from other accesses and shall have a setback of 98 feet from intersecting streets. An existing access to the north (840 E Historic Columbia River

Highway), and the 85 feet (approx) setback from Sandy Rd (Jackson Park Rd), means the proposed access cannot meet this standard.

The new access point is required to serve the new parcel created and the proposed apartment building, subject to approval of the concurrent land use application with the City of Troutdale. Due to existing buildings within the existing single parcel that will be retained, alternative access points are infeasible. The applicant has provided a narrative response that emphasizes that the access is located in the best location possible and the safety of the transportation system will be maintained. *As conditioned, this criterion is met.*

C. Sight Distance: If it is not feasible to provide enough sight distance to meet County/AASHTO standards, the site's access must be located so as to provide the most sight distance possible. The County Engineer may require additional measures to mitigate sub-standard sight distance.

Applicant: The County sight distance requirement for a 25 mph speed is 155'. The attached Sight Distance Exhibit shows that to the north east there is 323 feet, and to the north west over 1,000 feet of sight distance. At 25 mph (36.7 ft/sec), drivers leaving Parcel 2 will have 8.8 seconds to get into a west bound travel lane. The parking lot is elevated and as cars are leaving the parking lot, the sight distance because the site is skewed to East Historic Columbia River Hwy. at the upper throat of the drive aisle, the sight distance to the north east grows to ±375 feet.

The sight distance to the south east, up SE Jackson Park Rd. is over 388 feet, because the intersection was modified a few years ago for "Visionary Park," and use to run straight into East Historic Columbia River Hwy. In all directions, this driveway access location exceeds the minimum sight distance by over twice the minimum of 155 feet.

Staff: The applicant's proposed site plan (Exhibit A.2) and sight-distance exhibit (Exhibit A.4) demonstrate that sight-distance requirements can be met from the proposed access point. Given the existing and proposed conditions of the road, the proposed driveway is considered sufficient to ensure safe ingress and egress onto E Historic Columbia River Highway. *This criterion is met.*

Notwithstanding any other provision in this Section 16, no variance shall be approved in a public right of way under County jurisdiction that would allow for the installation, placement, or construction of any item of any kind in the "clear zone" of the said public right of way. For purposes of these Rules the phrase "clear zone" shall have the same definition as used and applied in the AASHTO standards.

Applicant: The proposed access driveway will not affect any "Clear Zone."

Staff: *Criterion not applicable.*

16.250 Local Access Roads Variance Standards: The County Engineer will consider a variance from the improvement standards for a Local Access Road in the Design and Construction Manual if the topography or other features of the site make compliance with the improvement standards infeasible. Any variance issued under this Section must meet the criteria of section 16.200 of these rules as well as the minimum requirements of the local police, fire and emergency service providers, any applicable Building Code Requirements, any applicable Land Use Code requirements and meet any other applicable environmental requirements.

Applicant: The proposed access driveway will exceed the minimum requirements of the local police, fire and emergency service providers, any applicable Building Code Requirements, any applicable Land Use Code requirements and meet any other applicable environmental requirements. As shown on the Site Plan exhibit, the 26' driveway throat is designed for Fire Department and Emergency vehicle access with 28' inside and 48' outside turning radiuses and meets the requirements of the City

of Troutdale for driveway access. This Partition is supported by Troutdale staff in the pre-application material.

Staff: As noted in Section 11.000, the road is not classified as a Local Access Road. *Criterion is not applicable.*

Conclusion

Based on the findings, narrative, and other information provided herein, this application, as conditioned, satisfies all applicable approval criteria required for a variance to allow the subject property access to E Historic Columbia River Highway. Any changes to the scope of the project must be reviewed for transportation impact to County facilities.

Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

‘D’ Comments Received

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File EP-2021-14705 at the Transportation Planning and Development Program office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Road Rules Variance application form	5/27/2021
A.2	8	Road Rules Variance narrative	5/27/2021
A.3	1	Site Plan	5/27/2021
A.4	1	Site Distance exhibit	5/27/2021
A.5	4	Soil Survey	5/27/2021
A.6	30	Pre-application notes - various agencies	5/27/2021
A.7	1	Fire Service Agency Review - form and letter	5/27/2021
A.8	1	Email clarifying driveway spacing	7/5/2021
A.9	1	Site plan (revised)	7/5/2021
‘B’	#	Staff Exhibits	Date
B.1	6	Transportation Memo, EP-2021-14407, dated Mar 10, 2021	3/10/2021
‘C’	#	Administration & Procedures	Date
C.1	1	Complete Letter (Day 1)	6/14/2021
C.2	2	Opportunity to Comment	6/14/2021
C.3	17	Administrative Decision	7/15/2021
‘D’	#	Comments Received	Date
D.1	1	Polito - comments	6/21/2021
D.2	1	Evans - comments	6/22/2021
D.3	1	Bourne - comments	6/23/2021
D.4	1	Spaziani - comments	6/28/2021