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**MEMORANDUM**

TO: Kevin Cook, Multnomah County Land Use Planning

CC: Rich Faith, Applicant representative

FROM: Jessica Berry, AICP, Transportation Planning and Development Manager, Multnomah County

DATE: June 15, 2020

SUBJECT: **EP-2019-12704, 2326 SE Troutdale Road**

As requested, below are the requirements for this parcel along with associated Multnomah County Road Rules (MCRR) and Multnomah County Design and Construction Manual (MCDCM) references.

Access/Driveway:

1. Driveway will need to be permitted with Multnomah County (**MCRR 4.000**). Driveway permit application can be found here:
2. Driveway will need to meet standards for this type of use and location (**MCDCM 1.2.4, 1.2.5**):
  1. Rural Collector Driveway spacing is 100'. Driveway spacing is defined as the distance between driveway centerlines. the minimums apply both driveways on the same side of the street as well as driveways on opposite sides of the street.
  2. Single family residential driveway width must be between 12 and 25 feet.
3. New driveways must be paved - this is part of the permitting process (**MCRR 6.100 and 9.400**). Driveways are considered new, reconstructed, or reconfigured when they result in a transportation impact, are altered physically, or there are no records of an existing driveway

Right of way dedication/Deed Restriction:

1. Right of way dedication will be required (**MCRR 6.100**). It appears that the Right of way at this location is 55 feet. The preferred right of way width for a rural collector is 60 feet, therefore the right of way width should be 30 feet from centerline. It appears that a 5 foot dedication will be necessary to bring the width up to this standard.
2. Deed restrictions will also be necessary (**MCRR 6.100 and 9.400**). A non-remonstrance agreement, or deed restriction, will require that the property participate in standard Rural Collector road improvements along the site's frontage that are not completed as a part of the site's required interim improvements.

Again, these items can conditions of approval. However, if the applicant cannot meet the requirements

of the access spacing and width, a Road Rules Variance will be required.

Relevant codes listed here:

**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.

**MCRR 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.

**MCDCM Section 1.2.4 Private Access Driveway Requirements**

Private Access Driveway Width - Private access driveways shall conform to the following width dimensions shown in Table 1.2.4.

**Table 1.2.4  
Private Access Driveway Width Standards**

Land Use	Minimum	Maximum
Single Family Residential	3.6 m	7.5 m
Multi-Family Residential	6 m	10.5m
Commercial	6 m	10.5 m
Industrial	6 m	12 m
Agricultural	6 m	10.5 m

**Private Access Driveway Spacing - Table 1.2.5** shows the private access driveway, or access point, spacing standards on Multnomah County roadways.

**Table 1.2.5  
Minimum Private Access Driveway Spacing Standards  
As Shown in Figure 1.2.1**

Functional Classification	Minimum Access Driveway Spacing (AD)	Minimum Setback from Intersecting Street (AS)
Major/Principal Arterial	120 m	60 m
Minor Arterial	90 m	45 m
Major Collector	45 m	30 m
Neighborhood Collector	30 m	30 m
Local Residential Street	15 m <sup>(1)</sup>	15 m
Local Commercial/Industrial Street	15 m <sup>(1)</sup>	15 m

Note: (1) - 15 m spacing applies to all land uses except single family residential. There is no minimum spacing standard for single family residential driveways on local streets.

**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.

B. 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: Multnomah County Road Rules

1. Street widening/improvement 2. Utility cut restoration 3. Curb and sidewalk 4. Driveway relocation/replacement/removal 5. Traffic controls 6. Drainage facilities 7. Lighting facilities 8. Bicycle facilities 9. Signal conduit facilities 10. Street trees 11. Other appropriate facility or right of way requirements as required by applicable statutes, codes and regulations.

**9.000 Compliance Method 9.100** Once frontage or off-site improvement requirements have been established, one or any combination of the following methods must be used to satisfy those requirements:

**9.400 Non-Remonstrance Agreement:** This agreement shall be recorded in the County's Deed Records against the affected property and "runs with the land", thereby obligating the property owner and any successors in interest to share in the cost of the necessary improvements and to not remonstrate (object) against a petition or resolution for necessary improvements. In approving this method, the County Engineer may require a temporary improvement appropriate to the circumstances

## **16.000 Variance from County Standards and Requirements**

### **16.100 Variance Requirements:**

A. Multnomah County Code 29.507 provides for a variance by the County Engineer from County standards and requirements when written documentation substantiates that the requested variance is in keeping with the intent and purpose of County Code and adopted rules, and the requested variance will not adversely affect the intended function of the County road system or related facilities. A variance approval may include mitigation measures as conditions of approval.

B. All requests for a variance to these Road Rules that are part of a development that requires approval of that development as a "land use decision" or "limited land use decision," as defined in ORS 197.015, shall be submitted to the County Engineer at the time that application for the land use review is submitted to the applicable planning office having land use jurisdiction. The County Engineer' decision on the variance to these Road Rules shall not become effective until the date that the associated land use decision becomes effective.

C. For properties within unincorporated areas of Multnomah County for which Multnomah County has not contracted for planning and zoning services, the Hearings Officer shall be the final County decision maker for all applications for variances to these Rules that are in conjunction with applications for development classified as a "Type III" or an appeal of a "Type II" land use permit application under MCC Chapter 37 or the corresponding code parts in MCC Chapter 38, as applicable.