

Variance Request Procedure – General

This is your application for a Variance to the Standards in the Multnomah County Road Rules, Adopted July 1, 2019.

You will need to include:

1. General Application Form with fees (\$748 Road Rules Variance Application fee + \$183 Notice Fee - Type 2, 3 & 4 = **\$931 total fees**)
2. Written narrative in this MS Word document:
 - a. Written Variance Request (**see MCRR 16.300 below**)
 - b. Response to General Variance Criteria (**see MCRR 16.200 below**)
 - c. (If applicable) Criteria for Specific MCRR Standards (**see MCRR 16.225-16.500 below**)
3. Optional: You may need to provide additional information as attachments to the document. Examples of possible attachments could be a stormwater report, sight distance analysis, etc.

It is incumbent upon the applicant to provide adequate information to make a determination. The written variance request shall be signed by a person with the authority to bind the applicant.

Written Variance Request

MCRR 16.300 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,

Applicant Response:

Applicant - Dan Williams (Faster Permits)
2000 SW 1st Ave, Suite 420
Portland, OR 97201
503-819-7754
dan@fasterpermits.com

- B. Property location and zoning;

Applicant Response:

18611 NW Sauvie Island Rd
Portland, OR 97231
Zoned: Multiple Use Agriculture (MAU20)
Alt Account Number: R971170130
State ID: 2N1W17 -00500

- C. Current or intended use of the property;

Applicant Response:

Residential with farm deferral

EXHIBIT A.2

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

Applicant Response:

Variance is intended to legalize the existing circular driveway that has been in existence since the original house was built. The neighbors to the north also have a similar configuration.

Also legalize the Agricultural entrance which is gated and only used for access to the back of the lot with farming equipment etc. The agricultural entrance would also supply fire access in case of a barn structure or grass fire. See exhibits and site plan for locations.

- 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;

Applicant Response:

NW Sauvie Island Rd at this location is very straight with good site distances for all access points. This area has no sidewalks for pedestrian access and since this existing driveway has been in existence for a very long time it will no generate any extra trips. No safety concerns are anticipated as this has been used since at least the 1970's with no issues.

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

Applicant Response:

This is a non improved frontage and no major limitations are known.

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

Applicant Response:

No added impact beyond what has already existing for many years. The AG Entrance is directly across the street from the neighbor but being that this entrance is used very rarely it does not have any great impact on the neighbors.

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

Applicant Response:

The site is fairly flat at this location no major topography concerns.

- I. Drainage characteristics and problems;

Applicant Response:

No current drainage issues or concerns for the driveway that has been existing for a very long time.

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

Applicant Response:

Fire Marshall approval provided, no concerns. Fire does prefer that we keep the ag entrance for better fire access.

See additional fire marshall letter supporting the access for fire access

- 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;

Applicant Response:

No major concerns. The driveway is out of the floodplain area

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

Applicant Response:

Not applicable

General Variance Criteria

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 use;

Applicant Response:

The circular driveway has existed since the original house was built. The neighbor to the north has the same configuration so is consistent with the surrounding area.

- 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 Response:

It would be costly to make this change. The new owner would like to maintain the existing configuration as it has always been.

- 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 Response:

It has been used for many years without issue. The surrounding properties are all zoned MAU20 or EFU which limits large developments. By maintaining the existing configuration no adverse impact is anticipated.

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

Applicant Response:

The driveways are existing and were in place at the time of new ownership.

Criteria for Specific MCRR Standards

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.

Applicant Response: The access has been existing for many years. Due to the close proximity of the house to the right of way the circular driveway is the safest configuration as it allows forward egress into the right of way instead of having to back out into the right of way. The ag entrance (rarely used) is gated so only accessed for ag purposes along with fire fighting purposes.

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.

Applicant Response:

Zoned Multiple Use Agriculture and utilized for residential and farm use.

2. The proposed access points are at least 150 feet apart on any same right of way frontage.

Applicant Response:

This is not feasible, but again due to safety and forward egress it is requested that the owner be allowed to maintain the existing driveway as it has been for many years.

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.

Applicant Response:

See exhibits and maps showing adequate site distances entering a straight level roadway.

See site distance report prepared by a licensed professional

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.

Applicant Response:

The driveway is existing and is requested to be maintained as existing.

5. Applicant must comply with all the requirements of Section 16 of these Rules.

Applicant Response:

complies

- 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 Response:

Access is existing and it would be difficult and costly to modify. The circular driveway also provides forward egress into the right of way and the ag entrance provides greater fire access.

- 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 Response:

Plenty of space for the driveways to meet AASHTO requirements.

- D. 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 Response:

Nothing is installed in the noted "clear zone"

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 Response:

Meets requirements.