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DEPARTMENT OF COMMUNITY SERVICES  
TRANSPORTATION PLANNING & DEVELOPMENT  
1620 SE 190TH AVENUE  
PORTLAND OREGON 97233

RETURN SERVICE REQUESTED

1620 SE 190th Ave, Portland OR 97233-5910 • PH. (503) 988-5050

## NOTICE OF DECISION

**Case File:** RRV-2024-0004

**Permit:** Road Rules Variance

**Applicants:** Dan Williams, Faster Permits

**Owners:** Morgan Smith

**Location:** 18611 Sauvie Island Rd  
Tax lot: 2N1W17 -00500  
Alternate Account: R971170130; Prop. ID: R324976

**Proposal Summary:** Road Rules Variance for retaining three accesses onto NW Sauvie Island Rd, a Rural Local Road within Multnomah County jurisdiction. The Road Rules Variance is required because more than one access exceeds the one access per property standard (MCRR 4.200) and does not meet access sight distance standard (MCRR 4.500).

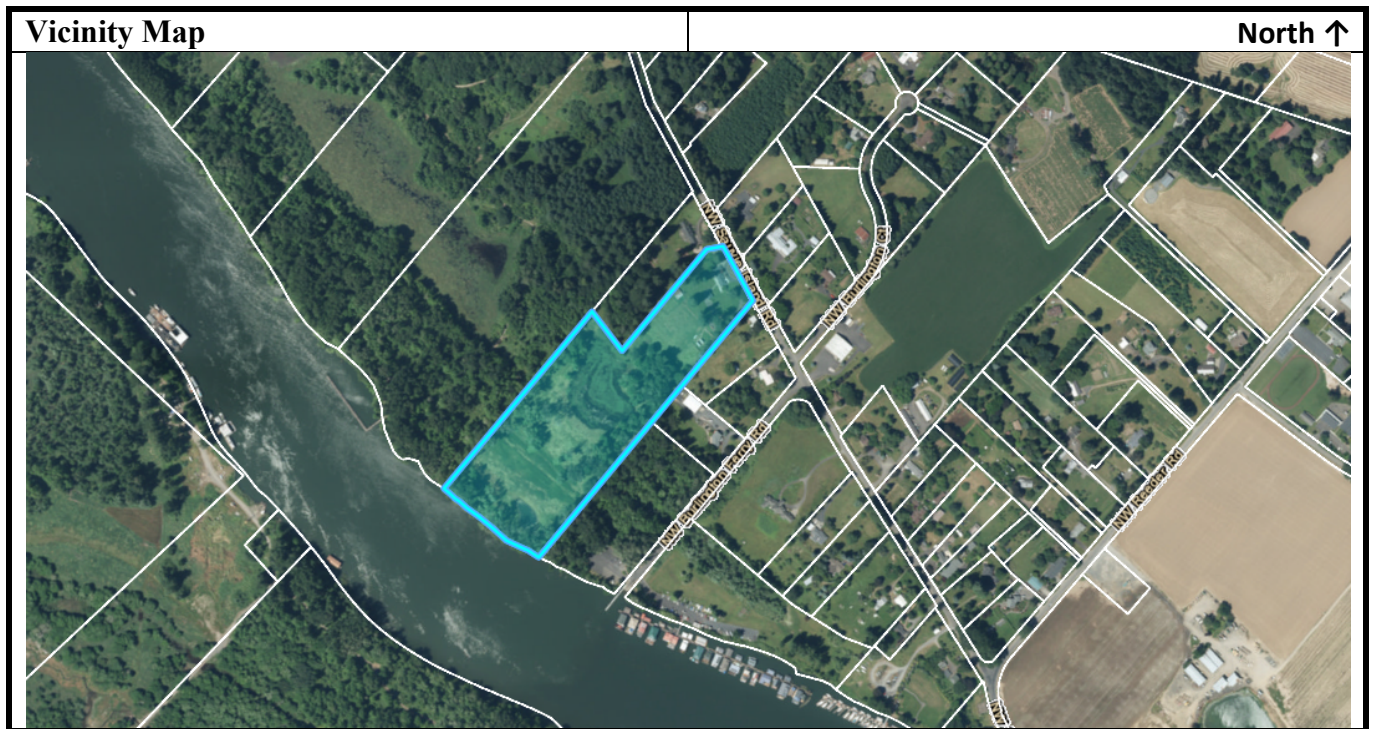
**Decision:** Denied

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is February 13, 2025 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, Senior Planner at row.permits@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.

<b>Issued by:</b>	Graham Martin, Senior Planner
<b>For:</b>	Jon Henrichsen, PE, County Engineer
<b>Date:</b>	January 30, 2025



**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):

- 16.200 General Variance Criteria
- 16.225: A - Multiple Access Points
- 16.225: C - Sight Distance

Copies of the referenced Multnomah County Road Rules (MCRR) sections and Design and Construction Manual (DCM) can be viewed at the following links:

MCRR: <https://multco.us/file/70143/download>

DCM: <https://www.multco.us/file/119688/download>

## **Findings of Fact**

**FINDINGS:** Written findings are contained herein. The Multnomah County Road Rules (MCRR) criteria 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 retaining three accesses onto NW Sauvie Island Rd, a Rural Local Road within Multnomah County jurisdiction. The Road Rules Variance is required because more than one access exceeds the one access per property standard (MCRR 4.200) and does not meet access sight distance standard (MCRR 4.500).

### **Transportation 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:** *Criterion not applicable.*

**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:** The applicant has proposed to retain three accesses shown on the applicant’s site plan (Exhibit A.1). Applicant has supported the application with sight distance verification (Exhibit A.4). All required information has been submitted.

**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:** The applicant has proposed to retain three accesses shown on the applicant's site plan (Exhibit A.1). Three accesses exceed the one access per property standard. *Criterion not met.*

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

**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:** For certain Road Classifications, all accesses are required to meet spacing standards set out in the DCM [Table 1.2.5]. Rural Local roads do not have access spacing requirements. *Criterion not applicable.*

**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 Residential use (single dwelling), a new or reconfigured driveway must be 12 to 25 feet wide (MCDCM Table 1.2.4). For Agricultural uses, a new or reconfigured driveway must be 20-35 feet wide. The driveways proposed to be retained are as follows (Exhibit A.5):

Access 1 (most northern) - residential: 15 feet wide. *Criterion is met.*

Access 2 (middle of the three) - residential: 18 feet wide. *Criterion is met.*

Access 3 (southern) - agricultural: 20 feet wide. *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 NW Sauvie Island Rd is 45 mph. According to MCRR 4.500, and AASHTO standards, an access onto County roads shall have a stopping sight-distance (SSD) of 360 feet or greater for speeds 45 mph. The corresponding intersection sight-distance (ISD) is 500 feet.

The applicant's traffic engineer states that intersection sight distance is as follows:

- **Access 1:**
  - North:
    - SSD: greater than 500 feet. Meets standard.
    - ISD: greater than 500 feet. Meets standard.
  - South:
    - SSD: greater than 500 feet. Meets standard.
    - ISD: greater than 500 feet. Meets standard.
- **Access 2:**
  - North:
    - SSD: greater than 500 feet. Meets standard.
    - ISD: greater than 500 feet. Meets standard.
  - South:
    - SSD: 450 feet. Meets standard.
    - ISD: 450 feet. Does not meet standard.

- **Access 3:**
  - North:
    - SSD: greater than 500 feet. Meets standard.
    - ISD: greater than 500 feet. Meets standard.
  - South:
    - SSD: 450 feet. Does not meet standard.
    - ISD: 450 feet. Does not meet standard.

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

**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. Any one of these qualifying criteria is sufficient to deem a "transportation impact."

The proposal seeks to retain access points only and does not pertain to new developments on site.

*The proposal does not generate 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:** As there is no transportation impact, per MCRR 5.000, no ROW dedication is required.  
*Criterion not applicable.*

**B. Frontage Improvement Requirements: Frontage Improvement Requirements:** In addition to easement and right-of-way dedication requirements, a prorated 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 there is no transportation impact, per MCRR 5.000, no half street improvements are required. *Criterion not applicable.*

**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. *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:** *Criterion not applicable.*

**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. The subject property has no frontage or access via 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:** There are no valid Access/Encroachment (ROW driveway) permits for the property. Once the applicant/property owner has established a compliant driveway access through compliance with the standards or through an approved Road Rules Variance, the property owner can obtain a ROW driveway permit.

	<b>Road Rules Variance Findings</b>
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**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:** 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 (Exhibit A.2).

Exhibit A.3 (special circumstances) states:

“The circular driveway access entrance in all research seems to indicate that it has existed likely since the original house was built in 1956 which is consistent with the neighboring lot also with a circular driveway. Google maps screen shots dating back as far as 1985 showing the circular driveway. It is unknown exactly when the ag entrance was in place however there is nobody remember when it wasn’t

there. The property has always needed access to the barn and for farming the back acreage of the lot and that access is not viable per the circular driveway access.

2. The property is classified as an Agriculture property. Access is needed to be successful in carrying out farming practices and to have access to the back of the property. This is not an access that is used on a regular basis but on a very limited based.

3. See the provided letter from the fire Marshall noting the importance and benefit to maintain this agricultural access for fire fighting purposes in the case of any future fire emergency.”

**Staff:** This criterion requires applicants to demonstrate that special circumstances apply to the property that do not apply to neighboring properties in the area.

The applicant’s narrative statement mentions that the circular driveway, which does not meet current County standards, is also featured in neighboring properties. This, therefore, does not make this *non-compliant* driveway access unique or provide special circumstances. There are no “grandfathering” provisions within the County’s Transportation standards. Making the case that a non-compliant access has been present for a certain period of time does not make it an acceptable access unless it has been accepted as Existing Non-Conforming Access (MCRR 4.700) by providing evidence the access has been through an approved land use application process in the past. The applicant has not sought, or provided, documentation for an Existing Non-Conforming Access.

The applicant states that access to the rear of the property is not feasible by using “Accesses 1 and/or 2” but has not provided any evidence to support the argument. Furthermore, no case was made to support the retention of the two accesses (“1” and “2”) which form the circular driveway instead of reducing these to one access and retaining Access “3” as the access to the rear (west) of the property. While it is noted that the Fire Service supports the retention of “Access 3”, the statements made are not of the use of the property itself but for general emergency access in the community. It is not clear why “Accesses 1” and/or “2” cannot serve this purpose. The applicant has not demonstrated or justified requiring three different accesses in terms of special circumstances or physical conditions of the property. As the applicant has not demonstrated special circumstances exist for retaining two additional accesses on the property, *criterion not 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:** It would be costly to make this change. The new owner would like the maintain the existing configuration as it has always been (Exhibit A.2).

**Staff:** The right to develop the site is a substantial property right of the applicant. County Standards allow for one access per property. The requested variance to allow three existing accesses to be retained exceeds this standard. The applicant was advised during a Transportation Planning Review (Exhibit B.1) that one, with a maximum of two, accesses would enable sufficient access to different parts of the property. Consequently, closing one or two of the accesses would still allow access to the property. Strict compliance with County standards would not negatively affect property rights or create an extraordinary hardship.

*Criterion not 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:** It has been used for many years without issue. The surrounding properties are all zoned MAU20 or EFU which limits a large developments. By maintaining the existing configuration no adverse impact is anticipated (Exhibit A.2).

**Staff:** This criterion requires applicants to demonstrate that the accesses will not be unsafe for ingress/egress, the traveling public or for neighboring properties. The applicant supported their application with a Sight Distance Memorandum (Exhibit A.4), prepared by an Oregon Professional Engineer (PE). This memo states that sight distance does not meet AASHTO standards (as required by MCRR 4.500). This is reviewed in more detail in section MCRR 16.225 C below. However, in summary two of the three accesses (“access 2” and “access 3”) do not meet sight distance requirements to the south. The Memo states that removing obstructing foliage would allow the sight distance standard to be met. However, it is also acknowledged that some of the foliage is in the public ROW, some of it within neighboring private property. While mitigation could bring the second and third accesses (“2” and “3”) of the property up to sight distance standards, the property is served by an access (“Access 1”) that meets all requirements.

Applicant was provided opportunity to amend and supplement their application in order to demonstrate how vegetation removal may ensure that sufficient sight distance could be obtained for “Accesses 2 and 3” (Exhibit B.2). Despite tolling the application, and providing a narrative addition, there was no supporting documents provided to demonstrate sight distance could be met (see Exhibits A.10, C.2-C.4).

The application did not provide sufficient evidence to demonstrate that “Accesses 2 and 3” provide sufficient sight distance and egress from either of those accesses would not be a safety hazard.

*Criterion not met.*

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

**Applicant:** The driveways are existing and were in place at the time of new ownership (Exhibit A.2).

**Staff:** This criterion seeks to establish, with evidence from the applicant, that there are circumstances present on the property that would be very hard to rectify in physical and/or monetary terms. Examples include significant grading, removal of extensive tree cover or bringing a Loca Access Road up to standard. Documents verify that the property owner inherited the existing conditions and three access points when they purchased the property in 2021. It is also noted that the limited sight distance available for “Accesses 2 and 3” (see Exhibit A.4) is from off-site vegetation that is also not of the applicant’s making. However, bringing the property into compliance with the County Transportation standards is entirely reasonable and feasible at not at a cost that would be considered unreasonable and would create a “hardship”. This would require retention of “Access 1”, which meets all standards and closing the two additional access points that do not meet sight distance standards (“Accesses 2 and 3”).

*Criterion not 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 as 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:**

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.

1. Zoned Multiple Use Agriculture and utilized for residential and farm use.
2. 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. See exhibits and maps showing adequate site distances entering a straight level roadway. See site distance report prepared by a licensed professional
4. The driveway is existing and is requested to be maintained as existing.
5. Complies (Exhibit A.2)

**Staff:** As stated in the requirement wording **all** of the criteria must be met to approve and allow a dual access variance. With reference to the five qualifying criteria:

1. The property is zoned agricultural. *Criterion is met.*
2. Access must be 150 feet apart. The three accesses along the property frontage are spaced as follows:
  - a. Access 1-Access 2: 95 feet. Spacing requirement not met.
  - b. Access 2-Access 3: 75 feet. Spacing requirement not met. *Criterion not met.*

3. A Sight Distance Memorandum was submitted as part of the application (Exhibit A.4). It showed one of the three accesses met sight distance requirements, without off-site vegetation removal. As "Access 1" reasonably serves the property, *criterion is not met for all three accesses.*
4. Accesses consistent with MCRR 4.300 and MCRR 4.400. *Criterion met.*
5. Accesses are not in compliance with MCRR 16.200 General Criteria or Sight Distance (see MCRR 16.225 C below). *Criterion not met.*

Two of the five qualifying criteria have been met for this subsection. The requirement for **all** of the qualifying criteria to be met has not been satisfied. *Criteria not met.*

- 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:** 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 (Exhibit A.2).

**Staff:** Rural Local roads do not have access spacing standards. *Criterion not applicable.*

**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:** Plenty of space for the driveways to meet AASHTO requirements (Exhibit A.2).

**Staff:** This subsection requires applicants to place their driveway access in the best possible manner to provide the most sight distance possible. While not expressly stated, it is written with site frontages where a single access does not, and cannot, meet sight distance at any point. Consequently, establishing the location where most sight distance can be achieved is the principal function of this criterion. In this Road Rules Variance application, there are three existing access points to consider.

The posted speed limit on NW Sauvie Island Rd is 45 mph. According to MCRR 4.500, and AASHTO standards, an access onto County roads shall have a stopping sight-distance (SSD) of 360 feet or greater for speeds 45 mph. The corresponding intersection sight-distance (ISD) is 500 feet.

The applicant's Sight Distance Memorandum (Exhibit A.4) shows the following available sight distances:

- **Access 1:**
  - North:
    - SSD: greater than 500 feet. Meets standard.
    - ISD: greater than 500 feet. Meets standard.
  - South:
    - SSD: greater than 500 feet. Meets standard.
    - ISD: greater than 500 feet. Meets standard.
- **Access 2:**
  - North:
    - SSD: greater than 500 feet. Meets standard.
    - ISD: greater than 500 feet. Meets standard.
  - South:

- SSD: 450 feet. Meets standard.
  - ISD: 450 feet. Does not meet standard.
- **Access 3:**
  - North:
    - SSD: greater than 500 feet. Meets standard.
    - ISD: greater than 500 feet. Meets standard.
  - South:
    - SSD: 450 feet. Does not meet standard.
    - ISD: 450 feet. Does not meet standard.

As noted above, “Access 1” meets sight distance (SSD and ISD) standards. “Access 2” can meet SSD but “Accesses 2 and 3” do not meet ISD standards. Applicant’s Sight Distance Memorandum (Exhibit A.4) notes that sight distance could be achieved by trimming and/or removing off-site vegetation along neighboring frontage to the south. As established in previous sub-sections, the additional Accesses (“Accesses 2 and 3”) do not meet other key variance qualifying criteria, mainly the General Criteria (MCRR 16.200). “Access 1” provides satisfactory and reasonable access to the property and complies with all other MCRR and DCM standards. “Accesses 2 and 3” would require off-site mitigation to ensure sight-distance is achieved and maintained.

Opportunity was granted to the applicant to provide additional materials to demonstrate available sight distance through vegetation removal, with agreement, if necessary, from the neighboring property owner to the south of “access 3” (Exhibit B.2). Despite the toll on the application (Exhibits C.2), and subsequent email communication with the applicant (see Exhibit C.4), County was instructed to proceed with the application with a narrative addition (Exhibit A.10). No further supporting documents were provided to support the narrative or supplement the application plans and sight distance memo. As no evidence of cooperation with neighbors for ensuring vegetation removal, on, in front or adjacent to their property, was provided from the applicant or from public comment (see Exhibit C.5), nor any plans showing how removal of vegetation (identifying which plants or shrubs would need to be removed) amending or supplementation the applicant’s sight distance memo (see Exhibit A.4), the application is insufficient to demonstrate sight distance can be met.

As the General Variance Criteria (MCRR 16.300 and dual access requirements (MCRR 16.250 B) “Accesses 2 and 3” have not met all the Variance requirements to satisfy approval with conditions. *Criterion partially met (“Access 1” meets this criterion; “Accesses 2 and 3” do not meet this criterion).*

**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:** Nothing is installed in the noted “clear zone” (Exhibit A.2).

**Staff:** Rural Local roads do not have a Clear Zone standard. *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:**

**Staff:** *Criterion is 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.

**Staff:** No public comments were received.

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

<b>Conclusion</b>
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Based on the findings, narrative, and other information provided herein, this application **does not satisfy applicable approval criteria** required for a variance to allow retention of three accesses onto NW Sauvie Island Rd.

Compliance requirement after the appeal period:

Within 6 months of the expiration of the appeal period, Applicant must bring the property into compliance with County Standards by retaining “Access 1” as the primary, and single, access to the property (MCRR 4.200). “Accesses 2 and 3” must be closed permanently. Applicant must obtain a ROW-General-driveway permit for “Access 1” (MCRR 18.250). Closure of “Accesses 2 and 3” should be shown on the ROW application site plan. Inspection will take place to ensure compliance and that County Standards are met.



Exhibits
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‘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 RRV-2024-0004 at the Transportation Planning and Development Program office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application Form	7/25/2024
A.2	7	Road Rules Variance narrative	7/25/2024
A.3	2	Special Circumstances narrative - with fire service comment	7/25/2024
A.4	17	Sight Distance Verification	7/25/2024
A.5	1	Site Plan	7/25/2024
A.6	1	Survey - Existing Conditions plan	7/25/2024
A.7	3	Fire Service Provider Form	7/25/2024
A.8	1	Copy of County Transportation Letter notifying applicant Road Rules Variance EP-2023-17262 was incomplete	7/25/2024
A.9	1	Copy of County Transportation Planning Review Form EP-2020-13400, dated 7/7/2020	7/25/2024
A.10	1	Narrative addition dated 12/26/2024	12/26/2024
‘B’	#	Staff Exhibits	Date
B.1	4	Transportation Planning Review Memo, EP-2020-13400	7/7/2020
B.2	1	Email to applicant providing opportunity to revise application	9/25/2024
‘C’	#	Administration & Procedures	Date
C.1	1	Complete Letter (Day 1)	8/16/2024
C.2	1	Toll (on Day 72)	10/10/2024
C.3	1	Email from Applicant ending Toll and instructing to proceed	12/28/2024
C.4	1	Email County confirmation toll ended and review continued (from Day 72)	12/31/2024
C.5	3	Opportunity to Comment	1/7/2025
C.6	16	Administrative Decision	1/30/2025
‘D’	#	Comments Received	Date