

# NOTICE OF APPEAL

Transportation Division



www.multco.us/transportation ▪ Email: row.permits@multco.us ▪ Phone: (503) 988-5050

## APPLICANT INSTRUCTIONS

### **EVERY NOTICE OF APPEAL SHALL INCLUDE [MCRR 17.000/MCC 39.1160 / MCC 38.0640]:**

1. The county's case file number and date the decision to be appealed was rendered.
2. The name, mailing address, and daytime telephone number for each appellant.
3. A statement of how each appellant has an interest in the matter and standing to appeal.
4. A statement describing the specific reason for the appeal which includes the criteria or standard the appeal is addressing.
5. The appropriate appeal fee

**It is the responsibility of the Appellant to complete a Notice of Appeal as set forth in the Multnomah County Code. Failure to complete all of the above may render an appeal invalid. Any additional comments should be included on this form.**

## APPELLANT INFORMATION (Person or group making appeal)

### **1. Appellant:**

If several individuals are appealing together, list the additional names and addresses on a separate sheet and identify a representative in #2 below. If an organization is appealing, indicate group's name and mailing address here and identify a representative in #2 below.

Printed Name (Last First Middle): Dan Williams

Address: 2000 SW 1st Ave, Suite 420

City: Portland State: OR Zip: 97201

Daytime Phone: 503-819-7754 Email: dan@fasterpermits.com

### **2. Authorized Representative:**

Name of representative if different from the appellant indicated above. Groups and organizations must designate one person as their representative/contact person.

Printed Name (Last First Middle): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**EXHIBIT C.7**

## DECISION BEING APPEALED

### CASE INFORMATION

Road Rules Variance Decision being appealed:

Case Number: RRV-2024-0004 Date of Issuance of Decision: 1/30/25

### APPEAL INFORMATION

Answer each question as completely and specifically as you can. (Attach separate sheets if needed)

1. What is your interest in this decision? (State your interest in the matter and your standing to appeal)

Representing the property owner

2. What are your objections to the decision? (State the specific grounds for the appeal, i.e. criteria or standard)

See additional supplemental narrative related to the approval criteria

**Standing to Appeal:** Those who are entitled to appeal a decision include those who are entitled to notice under Multnomah County Code and include: owners of record of property within 750 feet of the subject tract, neighborhood associates, and persons who have identified themselves in writing as interested parties or as to be potentially aggrieved or impacted by the decision. [MCRR 17.000/MCC 39.1160 / MCC 38.0640]

Check One: ☒ Appellant ☐ Authorized Representative

Signature: Dan Williams

Printed Name: Dan Williams Date: 2/11/25

**To Submit:** Email the completed Notice of Appeal form to [row.permits@multco.us](mailto:row.permits@multco.us) An appeal requires a \$250.00 fee. We will send you an invoice for the appeal fee, which you will be able to pay online.

Appeals must be received prior to the close of the appeal deadline. Appeals are not 'received' until the invoice is paid.

## INFORMATION FOR APPEAL TO RRV-2024-0004

### MCRR 18.250

It is understood that this criteria will be met pending the decision and then actual permitting of the driveway locations. Staff notes indicate that there are no permit records for the property. The reality is that it is a known issue in Multnomah County that their records are not well kept and as such there may be historic records but the origination of their records is wildly unorganized. When pulling records for this specific site we received records for sites all over Sauvie island most of which had not relation at all to this property. The existing driveway orientation has been in place since the original house was constructed and goes to reason that it was reviewed and inspected at the time the original house was built.

Note there was a land use approval from 1998, see attached. Although the site plan from the land use does not show the driveway (very simple site plan) My understanding is that the would have reviewed the driveway as part of that review for compliance. The driveway existed in 1998 as it currently exists today.

### MCRR 16.200

**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;**

Oriented as it originally existed when the house was built. It would be difficult and expensive to expand the existing driveway on-site to provide access to the back of the property to the extent that large farming equipment and fire access would be able to access. The driveway is currently paved and large farm equipment could damage the existing pavement as it is not meant for large farm equipment. The Fire department has indicted via the letter provided that the additional AG entrance will be useful for fire access in the event of any fire access needs to the back of the property to protect this and the neighboring community. This is important especially given the increase in fire instances in our world and community.

**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;**

Can and will met site distance requirements, the original report noted by trimming foliage site distance requirements could likely be met. The owner did not want to

spend money in this effort until knowing that it could be approved and noting that this could be a condition of approval when applying for the actual driveway permit.

**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;**

The intent is to meet the site distance requirements, the original traffic site distance report noted by trimming foliage site distance requirements could be met. The owner did not want to spend money in this effort until knowing that it could be approved and noting that this could be a condition of approval when applying for the actual driveway permit. This is utilized as an in and out driveway. The site is accessed through the middle entrance (Access #2) in which site distance is met from the roadway to turn into the access and the exit is through the northern access (Access #1) for exiting the property, which meets site distance requirements for existing. In essence this meets the intent of the code in which only one access is utilized at any given time. The flow of the driveway and to be able to pull out is how the driveway is designed. We would be happy to provide entrance and exit signs at the property if needed. To modify the driveway would be extremely costly. The entering and existing in this manner limits the and adverse affect on adjoining properties. The AG entrance will be used on a limited basis for farm equipment, agricultural uses, and emergency fire access. The limited use will not adversely impact adjoining properties and will continue to satisfy the intent of the zoning and this property being utilized for farming practices. Again per the professional site distance report site distance can be achieved by trimming back some foliage as it is very close to meeting the standards as is.

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

As noted in previous sections the driveway is designed as an in and out driveway for access and entrance. To modify the driveway to effectively work with only one access as the entrance / exit would be very costly. Also the existing driveway is not design for farm equipment, trailers, etc and would be difficult to modify for those purposes.

**MCRR 16.255**

This section is all about spacing and site distance. As noted the in and out driveway orientation is such that the occupants of the house will not be entering or existing at the access point at the same time. This seems to meet the intent of the code in which the concern is safety when it comes to spacing. The Ag entrance will be used rarely for farm equipment as needed and be available for emergency fire access as previously discussed with the fire Marshall as noted through the letter provided as an important access point for the community. We are happy to put a sign on the gate stating Farm Equipment and Fire Access Only to further clarify the use and intent.