

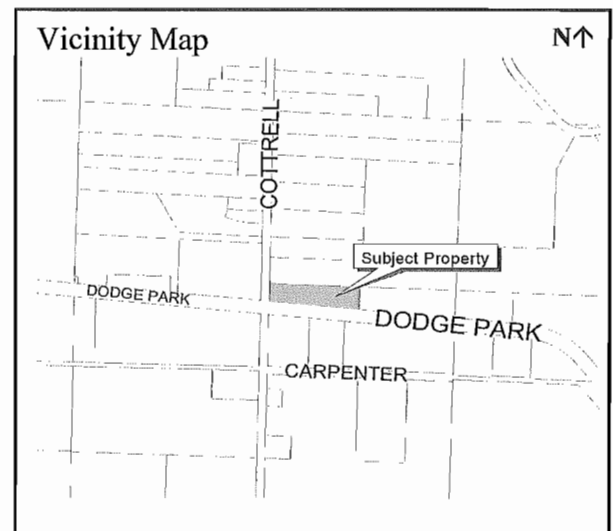
1600 SE 190th Avenue, Portland Oregon 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

NOTICE OF DECISION

This notice concerns a Decision by the County Engineer on the case cited and described below.

Application for Multnomah County Road Rules Variance

Case File: EP-2013-2859
Permit: Road Rules Variance
Location: 34931 SE Dodge Park Blvd.
Tax Lot 200 Section 22CA,
Township 1S, Range 4E, W.M.
R994220110
**Owner/
Applicant:** Kenneth and Beverly Obson/
John Riddell of JKR Construction LLC




Summary: Application for a road rules variance to permit an existing second access point from SE Dodge Park Blvd.

Decision: Approved with Conditions

Unless appealed, this decision is effective November 12, 2013, at 4:00 PM.

Issued by:

By: 
Joanna Valencia, AICP, Senior
Transportation Planner

For: Brian Vincent, County Engineer

Date: Tuesday, October 29, 2013

Opportunity to Review the Record: A copy of the County Engineer's Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use and Transportation Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The County Engineer's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Joanna Valencia, Transportation Planner at 503-988-3043 (ext. 29637) or via email at joanna.valencia@multco.us.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCRR 16.310(E)(1)(b). To obtain appeal forms or information on the procedure, contact the Land Use and Transportation Planning offices at 1600 SE 190th Avenue (Phone: 503-988-5050).

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is November 12, 2013 at 4:30 PM.

Applicable Approval Criteria: Multnomah County Road Rules (MCRR): MCRR 4.000- Access to County Roads, MCRR 6.000 – Improvement Requirements, MCRR 9.400 – Non-remonstrance Agreement; MCRR 16.000 Variance from County Standards and Requirements.

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office or are available online at <http://web.multco.us/transportation-planning/planning-documents>.

Scope of Approval

Approval of this permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit 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. Acquire a driveway permit for the site's access onto Dodge Park Blvd. Contact Alan Young at 503-988-3582 to obtain the permit. (MCRR 18.250)

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

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*.

1. 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: John Riddell, JKR Construction LLC, PO Box 2263, Gresham, OR 97030, jkrconstruction@yahoo.com

B. Property location and zoning;
Applicant: 34931 SE Dodge Park Blvd, Gresham, OR 97030. Zone: MUA-20

C. Current or intended use of the property;

Applicant: Residential with accessory structures

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

Applicant: Request for second access to the property from Dodge Park Blvd.

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: Submitted.

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

Staff: None addressed.

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

Staff: Adjacent land uses include residential and agricultural uses.

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

Staff: Property is mainly flat.

I. Drainage characteristics and problems;

Staff: None addressed.

J. Fire Department access requirements within a public right-of-way and their written

approval of the proposed modification;

Staff: None addressed.

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: None addressed.

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

Staff: None addressed.

2. Project Description

Staff: The applicant is requesting a variance from the Multnomah County Road Rule 4.200 that limits one driveway access per property. The primary access to the site is Dodge Park Blvd. The applicant is requesting an additional access off of Dodge Park Blvd to serve as an access for existing accessory structures. Existing improvements on the site limits the ability to access the existing accessory structures using an internal driveway from the access point used to access the residence. The second access to Dodge Park Blvd is subject to this Road Rules Variance Permit.

3. Site Characteristics

Staff: The site is fairly level. The applicant is requesting a variance to the County Road Rules for a second access from Dodge Park Blvd. Access to the site already exists east of the proposed new access point. Existing improvements to the site include a single family dwelling with supporting infrastructure and utilities. The use of the property includes residential and accessory structures.

4. Public Comment

MCRR 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 on September 18, 2013 with the comment period ending on October 1, 2013. No comments were received.

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

5.1 The Applicant's Proposal Meets the 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 uses;

Applicant:

In the 1980's AG buildings were constructed at the above address under the AG rules governing the construction of AG buildings in existence at that time. In the course of constructing the AG buildings in the 1980's, a second access point was established. The Transportation Variance is requested for this second driveway accessing the out buildings now approved as storage buildings. These buildings are no longer considered AG structures.

Currently there are two driveways accessing Dodge Park Blvd from the Osbon property. The driveway on the east line serves the home and was approved during the construction of the home in 1977 under permit number 770602. The second point is approximately 160' to the west of the approved driveway and now serves the barns that have land use approval as well as City of Gresham building final approval.

As seen on the approved plot plan any attempt to reroute the second access point to the approved house driveway will cause it to be rerouted over the top of the house drain field in violation of state law. Additionally, any attempt to reroute the driveway to Cottrell Road would require said driveway to be installed through a wetland designation per Multnomah County. The wetland designation and the drain field location limits access to the Osbon property to the Dodge Park Blvd and specifically to the current driveway location.

Staff: As indicated by the applicant, the existing development on the site and the protected natural resources create a special condition that does not typically apply to other property in the area.

Staff finds that due to the physical improvements and uses existing on-site, the request for the second access to Dodge Park Blvd supports the residential use of the site. *This criterion is met.*

5.2 **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: This Transportation Variance is necessary to access the approved out buildings. The wetland designation and the location of the house drain field create an extraordinary hardship. There is no other way to gain access to the approved out buildings.

Staff: 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. As mentioned by the applicant, the existing improvements and natural resources located on the site limit the configuration and location of the access.

Staff finds, as supported in the findings above, that the variance request is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would potentially result from strict compliance with the standards. *This criterion has been met.*

5.3 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: Approval of this Transportation Variance will not have a detrimental impact on any neighbor or adjoining property. This second driveway has been in existence for over 30 years without any complaints or accidents. It impacts only the Osbon property. The location of the second driveway has excellent site distance in each direction and serves only the approved out buildings and storage on the Osbon property.

Staff: In reviewing the requested variance and the hardships indicated, staff finds that 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. Surrounding uses include residential uses. An opportunity to comment was issued to neighboring property owners, and no significant comments were received raising concerns for the variance. Adverse impacts to adjoining properties are not anticipated with this variance request. *This criterion is met.*

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

Staff: As indicated by the applicant, the circumstances of any hardship are not of the applicant's making. As addressed in the findings above physical improvements and uses existing limits the development of the site. *This criterion is met.*

6. 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 for a second access point from Dodge Park Blvd for a residential accessory use.

Exhibits

- 7. 'A' Applicant's Exhibits
'B' Staff Exhibits**

Copies of all exhibits referenced below can be found in the permanent case file, EP-2013-2859, available for review in the County Transportation Office.

Exhibit #	# of Pages	Description of Exhibit
A.1	15	Variance narrative and site plan
'B'		Staff Exhibits
B.1	4	Opportunity to Comment Notice and mailing labels (August 19, 2011)

RECEIVED

13 JUN 21 PM 1:38

Subject Access
for 2nd
Driveway

MULTNOMAH COUNTY/CLACK
ZONING
Use: Existing Access - 23500 Building
Access: 37, 0560(4)104-36, 2820
Date: 6/13/2013
By: K. Cook
APPROVAL

Exhibit 4