

Freeland Road Rules Variance

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:

Attachments:

1. RRV General Application (previously submitted)
2. RRV General Application- updated variance requests
3. Statewide Conditions Plan - Survey
4. Statewide Site Plan- Right of way
5. Site Plan- Proposed development
6. Gresham Fire Access Review Comments (5/16/2019)- approval of existing turn around
7. Gresham Fire Access Review 3/18/20- approval of addition to existing turn around
8. Site Photos Key
9. Site Photos (#1 - #12)
10. Reference to previous logging, site photos, narrative pertaining to that
11. PGE- line plans approved with PGE

A. Applicant name, telephone/fax number(s), email address, mailing address,

Applicant Response:

*Abigail and Daniel Freeland
1014 SE 9th Street
Gresham, OR. 97080
503-907-4450
abigailfreeland27@gmail.com*

B. Property location and zoning;

Applicant Response:

*SE Victory Road
Troutdale, OR. 97060
Legal: 1S 4E 8DC tax lot 600
Zoning: Rural Residential*

C. Current or intended use of the property;

Applicant Response:

The subject property is currently vacant. The applicant proposes constructing a single family residence and a separate land use application has been submitted for this request.

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

Applicant Response:

*The applicant requests a road rules variance per Section 16.000 of Multnomah County Road Rules, to allow SE Victory Road to be used to access the subject property requiring grading, road widening to the 20' standard in all areas with except and gravel improvement to the road surface. Road width widening is being proposed to the 20ft standard and 10" of gravel from 317th to the SEC-WR zone. The existing road contains approximately 12-14 feet of gravel surfacing within a 40-foot public right-of-way within the SEC-WR zone and is being proposed to maintain that width in the environmental overlay and ensure the 8-10" of gravel depth. The applicant's property is the last (westerly) property on this portion of the right-of-way and beyond the proposed driveway access is a dead end to the road. As discussed in detail below, the applicant proposes performing grading along the entirety of the ROW to maintain/ensure the proper depth of gravel and will install additional road width to the 20ft standard in all areas of the road with a requested variance of the SEC-WR zone. As well as build and maintain an emergency turn around. This existing road has been in use for an excess of 40 years, there are only 3 current dwellings on this rural **dead end** road and the Freeland project will be the last possible dwelling development accessed by this right of way. As such the applicant is requesting a variance to the County's road widening within the SEC-WR zone, in addition the applicant is requesting a second variance to county standards to allow a second access to be used as a fire/emergency vehicle turn-around. A gravel surfaced fire apparatus turn-around designed in compliance with Fire District requirements is proposed to be constructed just east of the proposed structure. As shown on submitted plans, this secondary access (MCRR 4.200) is necessary to provide a designated emergency vehicle hammerhead turn around.*

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:

*A site plan identifying all pertinent project details is included with the submittal package, concept plan and previous site plans. Sight distance at the intersection of the SE Victory Road extension and SE 317th Ave. is adequate in both directions and sight distance along this portion of SE Victory Road is also adequate due to the straight, unobstructed nature of the alignment. Construction of a new home on the subject property will bring the total number of homes using this road segment to four (three existing homes plus a new home on the subject property). **No traffic safety concerns have been identified.***

Secondary Access for Fire/Emergency Vehicle Turn-Around response: *The proposed secondary access will provide a fire turn-around that is essential to the safety of the residents of this rural dead end road. The Fire truck turn around is required in county code for a dead end street of this nature and becomes the responsibility of the proposed development to designate and construct such access. This access is proposed to be built in an area of the site that is level and provides sufficient clearance, affording adequate sight distance. Victory road is a very low traffic, rural dead end gravel road. There is very little activity on this local access road and our driveway will most likely be the last future development beyond this turn around. The impact of traffic for this secondary access turn around will be minimal to none because it is being proposed as only a firetruck turn around and not an access to the property. This turn around is being proposed to adjoin the largest gravel surface area on the totality of victory road, with lengths of over 140ft and width of 80+ feet this is the safest and most practical placement of this turn around.*

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

Applicant Response:

This section of SE Victory Road from SE 317th Avenue to the subject property is approximately 1,050 feet long. Portions of the SE Victory Road right-of-way is encumbered by SEC-h and SEC-wr overlays. In addition, relatively steep grades (12-17% falling north to south) just south of the existing road bed on the subject property and adjoining property to the east limit road widening in this location. A PGE public utility easement within or adjacent to the road right-of-way will be utilized to extend power to the proposed development and water service will be extended to serve the dwelling. The PGE service plans are attached in exhibit #11. The planning for the PGE was based off of the purpose of restricting development in the SEC-wr and deliberately planned to avoid that overlay completely. The Water service is planned to be directionally drilled from the top of victory road all the way past the most westerly point of the SEC-wr as to avoid disturbing that overlay completely. In every aspect of this project on the proposed development we have deliberately planned to not touch the SEC-wr overlay. The Variance for our road width standards within the SEC-WR is essential to this project and its deliberate plan to avoid disturbing the SEC-wr and restricting and limiting the need for any fill to be brought in at all. All planning and proposals for over 3 years has been deliberately avoiding this environmental overlay and we have planned to do this RRV from the point of purchase of the property.

Secondary Access for Fire/Emergency Vehicle Turn-Around response:: *As noted above, a fire-apparatus turn-around is proposed to be constructed just east of the proposed new structure as shown on submitted plans on Exhibit #5. This facility is designed in accordance with applicable standards for fire access turn-arounds.*

Utility Considerations: *The planning of this project has been heavily influenced by the plan to not disturb the SEC-WR and to prevent fill from needing to be brought in and significant grading and ground disturbance within the SEC-WR. The PGE service plans have been attached on exhibit #11. The other utility consideration is with the water service. We have planned to bring in water with directional drilling under the surface of the soil as to prevent erosion and minimize ground disturbance. The water is required to be brought from the intersection of 317th and SE Victory road, down victory road running towards the west to the Freeland property. The water main is with the Lusted Water District.*

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

Applicant Response:

Adjacent land uses include rural residential and farm uses (31325 SE Victory Rd., 31431 SE Victory Rd., 31620 SE Victory Rd., 3939 SE 317th Ave., and 31035 SE Oxbow Rd). Currently, only three homes with SE Victory Road addresses are accessed from SE Victory Road. Although access to the proposed dwelling requires travel past these homes, impacts to these structures caused by this development will be minimal to none. The safety and traffic flow to the two dwellings on the east side of the SEC-WR will be significantly improved and the impact would be none, this development is planned within the ROW and would not impact these surrounding property's negatively.

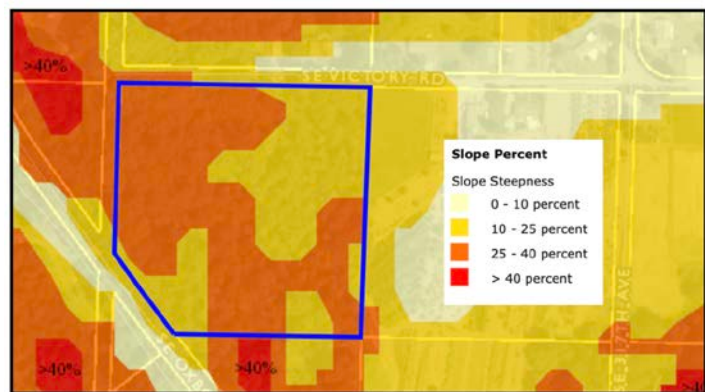
Secondary Access: *The access requirements for the fire truck turn around are being met and have been approved and signed off on by the city of Gresham fire department (Samantha*

Chandler). The flare to the entrance to this turn around access is designed in compliance with the safety standards of an emergence vehicle turnaround of this type. Due to the terrain of the site and the location of the existing electrical transformer in the right of way to the east this placement is the most optimal. The proposed fire turn-around has been sited in the most optimally accessible and level grade of this portion of Victory Road and cannot be moved without compromising the safety, accessibility, and compliance with the Fire apparatus standards. As designed the two proposed access point (primary access and secondary fire turn-around access) are proposed to be 125ft apart on center.

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

Applicant Response:

The majority of the SE Victory Road contains grades averaging one to three percent with a portion of this road near the subject property's eastern property line at seven to nine percent. The average grade of this road at the intersection with SE 317th Ave. is about two percent. Grades to the south of the road at the subject property are at minimum 12% percent increasing to 17% percent or greater further south. The three existing dwellings accessed by this road were constructed in 1920, 1980, and 1990, respectively moving east to west along the road and this road has served these dwellings for many years. Soil conditions are suitable to support this road as constructed.



I. Drainage characteristics and problems;

Applicant Response:

No problems associated with drainage have been identified.

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

Applicant Response:

As noted above, the applicant proposes constructing a new fire apparatus turn-around in compliance with Fire Department standards and has received Fire Department approval of this proposal. In addition, as noted in the May 16, 2019 Fire Access Review Comments included with this application, the Oregon Fire Code requires residential access roads to be a minimum of 12-feet wide with two feet of clearance on each side. The existing road complies with this standard. The applicant proposes widening the road as traveled from 317th down to the beginning of the SEC-WR zone. Adding gravel to enhance the driving surface and maintain the 10" of gravel, as well as a designated hammer head turn around for the Fire Department apparatus.

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:

The road alignment does not contain any natural features listed in this section. A portion of the existing road traverses the SEC-h and SEC-wr overlays on the site. The applicant's proposal to leave the current road width within this brief section of the road encumbered by the SEC-WR and enhance and ensure the required depth of 8" of gravel. The road falls near a sloped area within this SEC-WR overlay and limits development activity within these overlays. The area of the ROW that falls south to the road as traveled within the SEC-WR has a naturally occurring slope of 12%-17%. This slope is not enough for a slope hazard however it is significant enough that the grading and fill required to widen the road in this section to the 15' required standard would require a significant amount of fill, grading, and financial resources. The applicant has been assured on many occasions by multiple transportation planners that this width deviation would be reasonable and primarily approvable with the local fire districts approval of the width. A series of photos showing the current road condition and alignment of this road are included with the application package.

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

Applicant Response:

The policies of the Comprehensive Plan are not applicable to this request.

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 Response:

Due to site conditions and the configuration of the subject property and adjacent properties, the proposed dwelling is likely to be the last residence accessed by this section of SE Victory Road. This portion of SE Victory from SE 317th Avenue is 1,050 feet long and functions more as a private access drive more than it does as a public road because of the limited number of homes currently served by this road (three existing residences). The road right-of-way also traverses both SEC-wr and SEC-h overlay areas and while the grade of this road, east to west is gradual, grades to the south of the road on the property and adjacent property to the east increase significantly. Most of the other properties accessed by this road do not contain these same constraints. For these reasons the proposal complies with this criteria.

Secondary Access for Fire/Emergency Vehicle Turn-Around response: *the special circumstances that apply to this project in relation to the secondary access and fire truck turn around is due to the fact that this development it proposed at the end of a rural dead end road and a fire apparatus turn around is required to be the responsibility of the applicant and their development. We are proposing this secondary access to be in an area where the clearances and accessibility is best utilized. No other location on the entire length of victory road is better for this access and turn around than where it is being proposed.*

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:

The requested variance to the road width standards *to allow use of SE Victory Road without completing extensive widening or surfacing improvements will also allow the applicant to construct the proposed dwelling. Because of the length of this road (1,050 feet), strict adherence of County rules will be financially burdensome to the applicant and will likely prevent them from developing their Single family dwelling.. To be held in strict compliance would require road engineering, another SEC permit, as well as significant amount of fill and gravel to be brought in. The applicant*

has gone out of their way in the planning of this development to plan the least amount of cut and fill for this project. **Additionally see newly submitted mediation agreement , there is a covenant recorded on behalf of the Hentges that restricts any road work in front of their frontage. We are complying with this public recorded covenant .** The development is planned to be significantly conservative in the placement of the development and the proposed improvements to the property and right of way. Requiring the applicant to complete these improvements constitute an extraordinary hardship for the applicant and cause significant environmental impact to the SEC overlays that the applicant has gone out of their way to avoid completely.

Secondary Access for Fire/Emergency Vehicle Turn-Around response: to be held in strict compliance of the one access standard would prevent the development of an approved fire apparatus turn around the applicant will not be able to move forward with the project at all, this variance is essential to the enjoyment and development of the property as well as being important for the safety of the emergency services. Denying this secondary access variance and the accompanied dimensional standard variances would cause a financial hardship and may make the property unbuildable. This emergency hammerhead turnaround is a very vital requirement to this property and the proposed development. Denial of the listed variances would constitute extreme hardship for the property owner. Additionally, if these variances are not approved the property owner will be forced to take a significant financial loss and give up on their dream home and their hope of ever living on Victory Road. Not to mention the significant time and finances that have already been poured into this project. The applicant requests approval of these variances as submitted.

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:

Approval of this request will allow the applicant to construct their dream home on property they purchased for this purpose in 2017. As noted above, this section of SE Victory Road has adequately served three existing single-family residences who have used this road for a number of years. The applicant's proposal to construct a new single-family at the end of this road (1,050 feet from SE 317th Avenue) will marginally increase traffic along this road section and is not expected to impact the use of this road enjoyed by these property owners or adversely affect development of these properties. The applicant is proposing to meet the county dimensional standards of 20ft wide gravel driving surface with 10" of gravel in all areas of the ROW with exception to the SEC-WR zone where we propose to meet and maintain the county standard of 8-10" of gravel depth with a variance to the road width standard in this section of road only. Additionally, there is a recorded mediation agreement that no road work be done along the frontage of the Hentges property. We are proposing to do the road width widening from 317th to immediately after the Hentges driveway as required for safety and traffic requirement, however we ask to keep this covenant intact for the frontage to the west of the Hentges driveway access as to not encroach upon their property as stated in their comments of concern.

Secondary Access for Fire/Emergency Vehicle Turn-Around response: A secondary access has been proposed for the sole purpose of designating a specific area for the fire truck/emergency vehicle turn around. This variance will not be materially detrimental to the public welfare. In the contrary, approval of the requested variance and construction of this facility will actually increase the safety and usage of victory road for all residents and potential emergency resources.

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

Applicant Response:

The applicant proposes completing required improvements to the existing SE Victory Road segment to include road widening, grading and adding gravel as needed to maintain the 10" of gravel with exception to the SEC-WR zone being widened, but only assured of the county code gravel depth. As

*shown on the figure below, this portion of SE Victory Road is encumbered by the County's SEC-h and SEC-wr overlays for approximately one-half of its length. County requirements to widen this road within the SEC-WR would cause unnecessary significant environmental impacts within these overlays and to the resources intended to be protected by these overlays. In addition as noted above, the grade of the terrain to the south of the road is relatively steep (12%-17% found by statewide land survey) on the subject property and adjoining property to the east within this SEC-WR zone. Because of these naturally occurring conditions, the circumstances necessitating this variance are not of the applicant's making and is a unique only to the Freeland property and the Charley property. Mr. Charley is in favor of this proposed variance request and development. Circumstances preventing the road widening are not of the applicant's making, but of the circumstances of a water resource area with a slope that would result in an extensive grading and fill. we have aimed to protect **in every aspect** of development and the necessity for a secondary fire/emergency turn around are not of the applicants making.*