

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 only minor grading and gravel improvement to the road surface. No road width widening is being proposed. The existing road contains approximately 12-14 feet of gravel surfacing within a 40-foot public right-of-way. 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 only minor grading and will install additional gravel to the existing road surface only, as well as to the existing emergency pull off. 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 and surfacing standards by leaving the existing width, 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, Exhibit #5. 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;

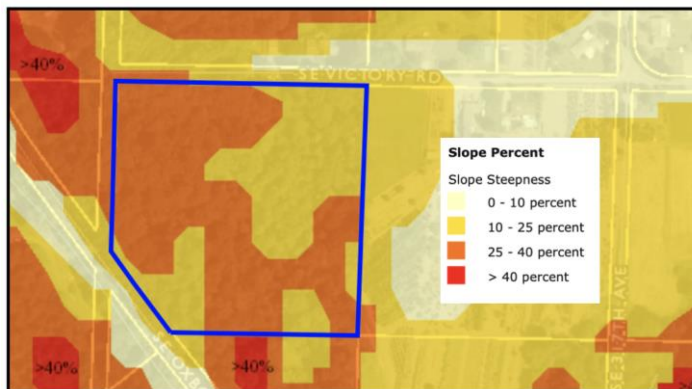
Applicant Response:

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 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 e g mki9mpromising the safety, accessibility, and compliance with the Fire apparatus standards. As designed the two proposed access point (primary access and secondary fire/emergency hammerhead 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 least 10 percent increasing to 25 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 adding gravel to enhance the existing pull-out along this road, 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 minimize improvements to the road also limits activity within these overlays. 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 is 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. 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.*

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 not opposed to doing some light grading and adding gravel to this road including enhancing the existing pull-out as necessary.

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 only minimal improvements to the existing SE Victory Road segment to include minor grading and adding gravel at the existing pull-out as needed. 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 would cause unnecessary 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 on the subject property and adjoining property to the east. Because of these conditions, the circumstances necessitating this variance are not of the applicant's making. Circumstances preventing the road widening are not of the applicant's making, and the necessity for a secondary fire/emergency turn around are not of the applicants making.