

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application of Dave)
Gutmann to Modify Road Standards for an) ORDER No. 8-2017
Unnamed Platted Right of Way off of EM)
Watts Road

WHEREAS, on October 3, 2016, Dave Gutmann submitted an application requesting modification of the Columbia County Road Standards to allow construction of an unnamed, platted right of way off of EM Watts Road to driveway standards and at a grade of 15% in some areas; and

WHEREAS, under the Columbia County Road Standards Ordinance (Ordinance No. 96-6), Mr. Gutmann's proposed right of way development is subject to a maximum grade standard of 12% and a minimum surface width of 20 feet with 3 feet of shoulder on either side; and

WHEREAS, the County Road Department has reviewed Mr. Gutmann's request and inspected the road, and based on the findings and conclusions in the Staff Report, attached hereto as Attachment 1, recommends that modifications to the maximum grade standard and minimum surface width standard be approved subject to conditions to ensure that such modifications do not compromise public safety;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS HEREBY ORDERS, as follows:

1. In support of its decision, the Board adopts the findings and conclusions in the Staff Report, attached hereto as Attachment 1 and incorporated herein by this reference.
2. Modification of the maximum grade and minimum surface width standards is hereby approved to allow construction of a local access road off of EM Watts Road near Scappoose, Oregon, subject to the following conditions:
 - a. The ROW must be surveyed and marked to show location to determine that all construction is within the ROW.
 - b. The driveway must be constructed at a grade of 15% or less.
 - c. The driveway must be grubbed out (cleared of all vegetation, trees, root wads) and graded for a width of 20 feet.


- d. The travel surface of the road must be rocked 12 feet wide, with one turnout mid-way (no more than 200 feet from EM Watts Road), and paved for the approximately 250-foot portion that is greater than 12% grade.
- e. Drainage ditches and cross culverts must be constructed/installed as required by the County Road Department.
- f. Construction of the driveway within the public ROW must comply with other agency permits requirements as applicable.

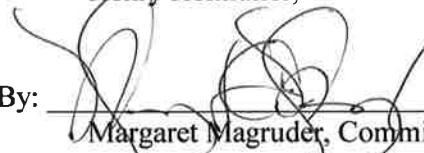
DATED this 8th day of February, 2017.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON:

Approved as to form

By: 
Office of County Counsel

By: 
Henry Heimuller, Chair

By: 
Margaret Magruder, Commissioner

By: 
Alex Tardif, Commissioner

ATTACHMENT 1



Columbia County Road Department

1054 Oregon Street, St. Helens, OR 97051

David A. Hill, PE **Public Works Director**

Ph: (503) 397-5090 Fax: (503) 397-7215

e-mail: David.Hill@co.columbia.or.us

TO: Columbia County Board of Commissioners
FROM: Dave Hill, Public Works Director
DATE: January 31, 2016

SUBJECT: Staff Report - Road Modification Application for Dave Gutmann

Columbia County received the attached application (Exhibit A) for a Road Modification Application from Dave Gutmann to construct improvements within an unnamed and unconstructed public Right-Of-Way (ROW) off of EM Watts Road near Scappoose, Oregon. Mr. Gutmann would like to develop the ROW to driveway standards to serve up to two parcels. His proposal requires modification of the maximum grade standard as well as the road surface width standard for local roads.

DESCRIPTION

Mr. Gutmann has applied to partition his property (TL 3214-010-00800) into three parcels (LDS Application No. MP 17-05) and use subject ROW as a driveway to access the proposed two parcels to the west. This may be the only feasible access to the proposed new parcels, as well as other parcels, which would be landlocked were it not for this ROW.

The 40-foot wide ROW, as shown on the attached map (Exhibit B) is undeveloped and has steep grades coming off of EM Watts Road. Mr. Gutmann has hired K.L.S. Survey to conduct a survey showing the grades. The survey shows that there is a 250-foot section of the existing ROW that exceeds 15% grade. Mr. Gutmann would like to construct a driveway within the ROW at a 15% grade. To do so would require a modification to the County Road Standard that limits grade to 12%.

Moreover, staff recommends paving because of the distance of road that would exceed maximum grade. Because the road will serve 1-2 houses, staff recommends a paved width of 12 feet. The Road Standards Ordinance requires a minimum of 20 feet of surface width for local roads. A modification to the surface width standard would therefore be necessary.

CRITERIA

The Columbia County Road Standards Ordinance (Ordinance No. 96-6) sets forth the standards for public and private roads in Columbia County. The ROW at issue here is a public local access road that is platted but undeveloped.

Road Standards can be modified in accordance with **Section V.A.4**, pages 41 & 42, which provides:

Web Page Address: www.co.columbia.or.us

“4) Modified Standards For Existing Public Roads

If the existing public road or county road cannot be constructed to new road construction standards (Section VI) or widths as described above, the developer of a lot or parcel may modify the road standards as follows if approved by the Public Works Director:

- 1) Steepen cut and fill slopes to 1 ¼:1 for cut slopes, 1 1/3:1 for fill slopes.
- 2) Pipe storm water with 12” minimum diameter smooth wall pipe and catch basins.
- 3) Reduce radius of curvature down to 50 feet minimum.
- 4) Reduce shoulder width, not road surface width, by up to 3 feet on each side.
- 5) *Increase grade to 15% and comply with the Columbia County Fire Services fire apparatus access roads and driveways standard.*
- 6) *Reduce road surface width.”* (Emphasis added.)

Finding: The Ordinance allows the County Public Works Director to review and approve minor modifications to the Road Standards. However, Section VI.G.2(c), page 95, of the Ordinance requires modifications to the grade standard and surface width standard to be reviewed by the Board. The proposed development requires modification of both grade and surface width standards and therefore, must be reviewed by the Board.

Section VI.G, pages 94-95, sets forth the process and criteria for major modifications, and provides in pertinent part:

“G) DESIGN MODIFICATIONS

1) GENERAL – REQUEST TO MODIFY SPECIFICATION/STANDARDS

To seek approval, non-compliant specifications/standards must be sent through the following process. It is to be noted that if the requested modification involves public safety, the County will rule in the direction of safety.

2) MODIFICATION PROCESS

a) SUBMITTAL

Requests to modify shall be submitted in writing to the County Public Works Director on the application form [*citation omitted*]. This written request shall state the desired modification(s), the reason(s) for the request(s) and a comparison between the specification(s) or standard(s) and the modification(s) as far as performance, etc.

Any modification or variance of these standards should be documented and reference nationally accepted specifications/standards. The use thereof shall not compromise public safety or the intent of the County’s standards.

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b) REVIEW

The request to modify shall be reviewed by the County Public Works Director, County Counsel, Land Development Services Staff, and appropriate Fire Services Officer. The Public Works Director shall make a report to the Board of County Commissioners, who shall make one of the following decisions:

Approve as is,

Approve with changes, or

Deny with an explanation.

Approval of a request shall not constitute a precedent.”

Section V.A.2 of the Road Standards Ordinance, page 40, provides that new construction of undeveloped public rights of way “must pay particular attention to alignment and grade such that future improvements can be economically made to the roadway to eventually comply with the new road constructions standards (Section VI) of this document”.

Finding: Mr. Gutmann’s proposed improvement is new development within an unimproved ROW and is thus subject to this requirement. It is unlikely that this road will ever be used to serve more than 2 dwellings, but if future improvements are required, the proposed construction will not prevent the road from being further developed.

Section V.B.2 of the Road Standards Ordinance states:

"If the developer of a partition requests to construct a road on an unopened public road, that entire road section shall be developed to new road improvement standards required in Section VI of this document subject to the following:

- a. If the partition creates a public road, the existing unopened public road shall also be paved.
- b. If the partition does not create a public road, the existing public road shall not be required to be paved."

Finding: Mr. Gutmann’s proposed partition will not create a public road; the road at issue is already platted. Paving, therefore, would not normally be required. However, as explained, below, staff recommends that the road be paved to comply with Fire Code standards.

Section VI.C.3, Width, references drawing I and II on pages 50 and 51. Because the road in question is a Local Road, the width of the road required by the standards is 20 feet of surface with 3 feet of shoulder on each side and a maximum grade of 12%.

Finding: The road modification request is to make the total sub-grade width 20 feet with a rock surface of 12 feet. Staff finds that modification to the surface width standard is reasonable because the road would serve only 1-2 houses and construction of the road to any greater width is not practical. To meet Fire Code standards, staff recommends that the approximately 250-foot

portion of the road that exceeds 12% be paved at a width of 12 feet. With the conditions recommended by staff, a modification to the road surface width standard will not compromise public safety.

Section VI.D.2(d) Vertical Alignment, page 61, states: “Maximum street gradients shall be 12 percent for local roads, and 10 percent for collectors and 8 percent for arterials”. Moreover, as cited above, **Section V.A.4(5)** allows for modification to maximum grade, as follows: “*Increase grade to 15% and comply with the Columbia County Fire Services fire apparatus access roads and driveways standard.*”

Finding: The ROW here is a local road, and therefore, the maximum grade is 12%. Mr. Gutmann would like to develop a portion of the ROW for his driveway at a 15% grade. Because the road will serve 1-2 houses, staff finds that the road can be developed to driveway standards without compromising safety.

The Road Standards Ordinance provides that, “Driveway grades shall not exceed an average of 12 percent, with a maximum of 15 percent on short distances of not more than 75 feet”. (Section II.B.5, pages 26-27). This copies the Uniform Fire Code, under the Columbia County Fire Service’s authority as outlined in the Columbia County Road Standards, under Section II.A.3 (page 24): “Grade for fire apparatus access roads shall not exceed an average of 12 percent with a maximum of 15 percent on short distances of no more than 75 feet”.

After the approval of the Columbia County Road Standards (May 1996), the Uniform Fire Code was changed to include distances greater than 75 feet, and up to 17%. Today’s Uniform Fire Code specifies that if the grade is 15% or less, and the distance is less than 200 feet, paving of the driveway is not required. If the drive way exceeds 200 feet at 15% or if any section is steeper than 15% up to a maximum of 17% grade, that section shall be paved.

Mr. Gutmann’s driveway (built within an undeveloped public right-of-way) will be at 15% grade for approximately 250 feet. Because of the length of road that will be at 15% grade, staff finds that paving the road to driveway standards (12 feet wide) is necessary to comply with Fire Code requirements.

COMMENTS:

Scappoose Fire District – Fire Marshal Jeff Pricher – *The Fire District has no position on this now. Having said that, when it comes to the driveway, and distances from the ROW to the house, modifications may be required, but will be consistent with the current driveway standard.*

Columbia County Land Development Services – Planner Deborah Jacob – *Land Development Services has the following issues concerning the proposed Road Modification Application by Dave Gutmann that will allow him to construct a driveway within an unnamed and not yet constructed public 40’ right-of-way (ROW) located on the west side of EM Watts Road.*

1. The conditions listed in your Staff Report dated October 27, 2016 will need to be met and all stated improvements must be accepted by the County Road Department/Board of Commissioners prior to final partition plat approval of the preliminary Minor Partition Dave Gutmann has requested for MP 17-05.

Because these necessary improvements will be installed within the existing 40' public ROW, they do not appear to impact the minimum 25' front yard property line setback requirements in Section 705.3 for the R-10 zoned property and existing residence adjacent to the south of the ROW. The County Assessors Records show this residence was built in 1942, is addressed at 51817 EM Watts Road, and is associated with Tax Map ID Number 3213-BB-05400. This residence is considered a corner lot that must comply with the Double Frontage Lot requirements in Section 213.1 of the Zoning Ordinance since it is bordered by EM Watts Road to the east and the 40' public ROW to the north.

With the County Board of Commissioners' approval of said Road Modification Application, Land Development Services will be able to accept and process the Minor Partition Application requested for MO 17-05.

With the Board's approval of the Road Modification Application as well as their acceptance of the necessary public ROW improvements prior to Final Partition Plat approval for MP 17-05, this proposed partition will be able to comply with the minimum requirements in Section 1005.A of the County's Subdivision and Partitioning Ordinance for newly created parcels.

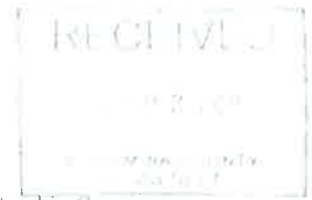
For these reasons and with the aforementioned conditions of final plat approval, Land Development Services recommends the Board approve Dave Gutmann's requested Road Modification Application.

RECOMMENDATION:

As the Columbia County Public Works Director, having reviewed the Road Standards, the survey, and having walked the ground, I believe it is possible to construct a driveway within this public ROW at a 15% grade, that will not compromise public safety.

I recommend approval of the Road Modification Application by Dave Gutmann for construction of a driveway within an unnamed and not constructed ROW off of EM Watts Road with the following conditions:

- The ROW must be surveyed and marked to show location to determine that all construction is within the ROW.
- The driveway must be constructed at a grade of 15% or less.
- The driveway must be grubbed out (cleared of all vegetation, trees, root wads and graded for a width of 20 feet.
- The travel surface of the road must be rocked 12 feet wide, with one turnout mid-way (no more than 200 feet from EM Watts Road), and paved for the approximately 250-foot portion that is greater than 12% grade.
- Drainage ditches and cross culverts must be constructed/installed as required by the County Road Department.
- Construction of the driveway within the public ROW must comply with other agency permits requirements as applicable.
- An access permit from the County Road Department will be required, and construction requirements for said permit complied with.



ROAD STANDARDS MODIFICATION APPLICATION

Note: This application with the appropriate fee must be completed and submitted to the Columbia County Department of Public Works. Incomplete applications will not be accepted.

General Information

Name of Applicant Dave Gutmann

Address of Applicant 51797 SW E.M. Watts; Scappoose 97056

Mailing address: 13715 SW Walker; Beaverton, OR 97005

Distance Phone 503-310-5812

Name of Road Subject to modification _____

Is the Road known by other names? If so, please list ⊖

What is the location of the road? 51797 SW EM Watts. Road is along north side of property, just south of Coal Creek

Property Tax Account No. 5745 - 1214 - 002577 - 2948

Is the road a Private Easement Road _____ Dedicated Public Road X County _____

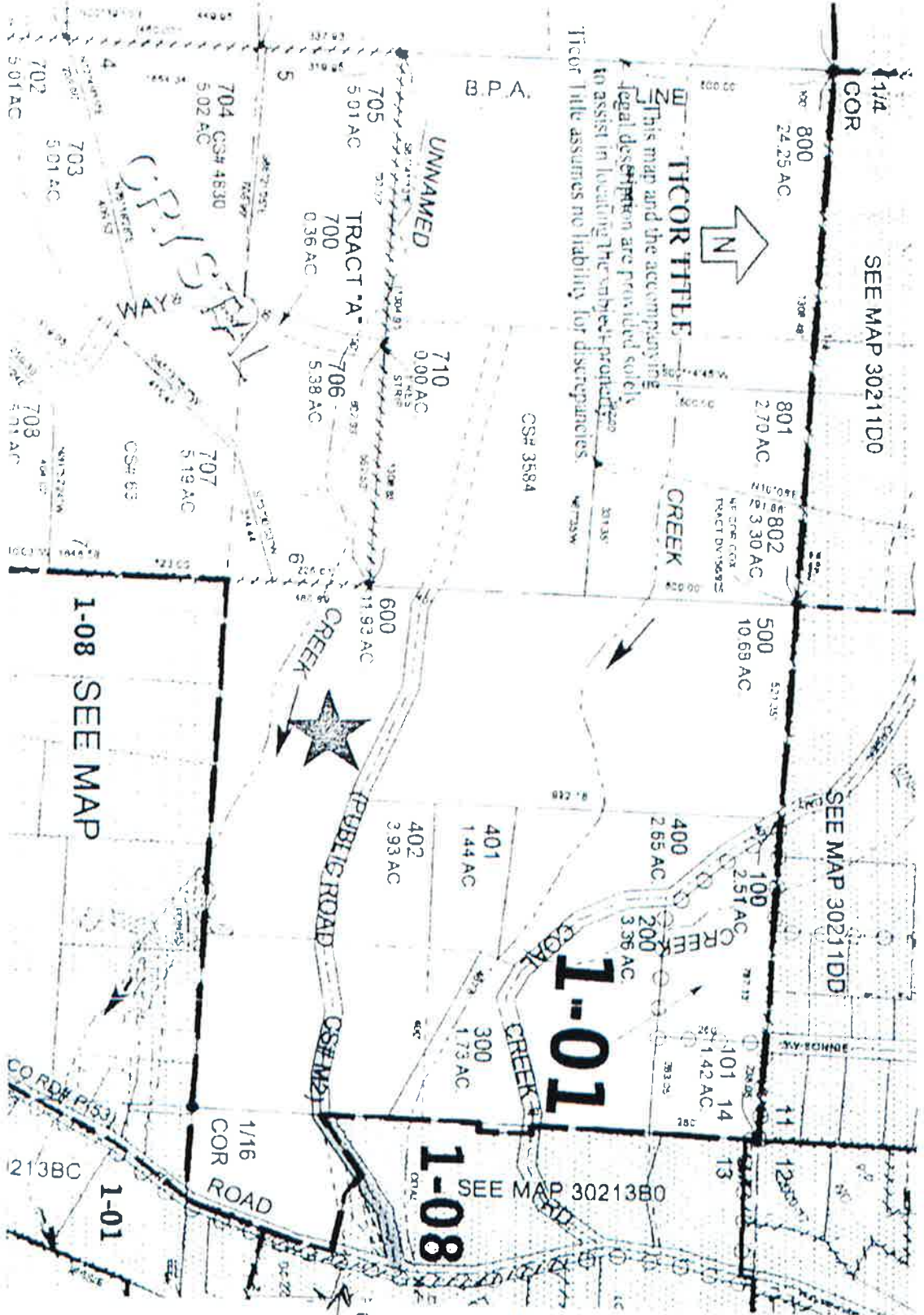
Has the road been quantified? NO By Whom? _____

What modifications to the road standards are requested? Allow 15% grade as per survey attached - over usual 12% grade. No other access feasible to building site.

Name and Address of property owners adjacent to the road (Attach additional sheets if necessary)

Bastian Grimm 51817 EM Watts

Terry Biggs 33039 Coal Creek Rd

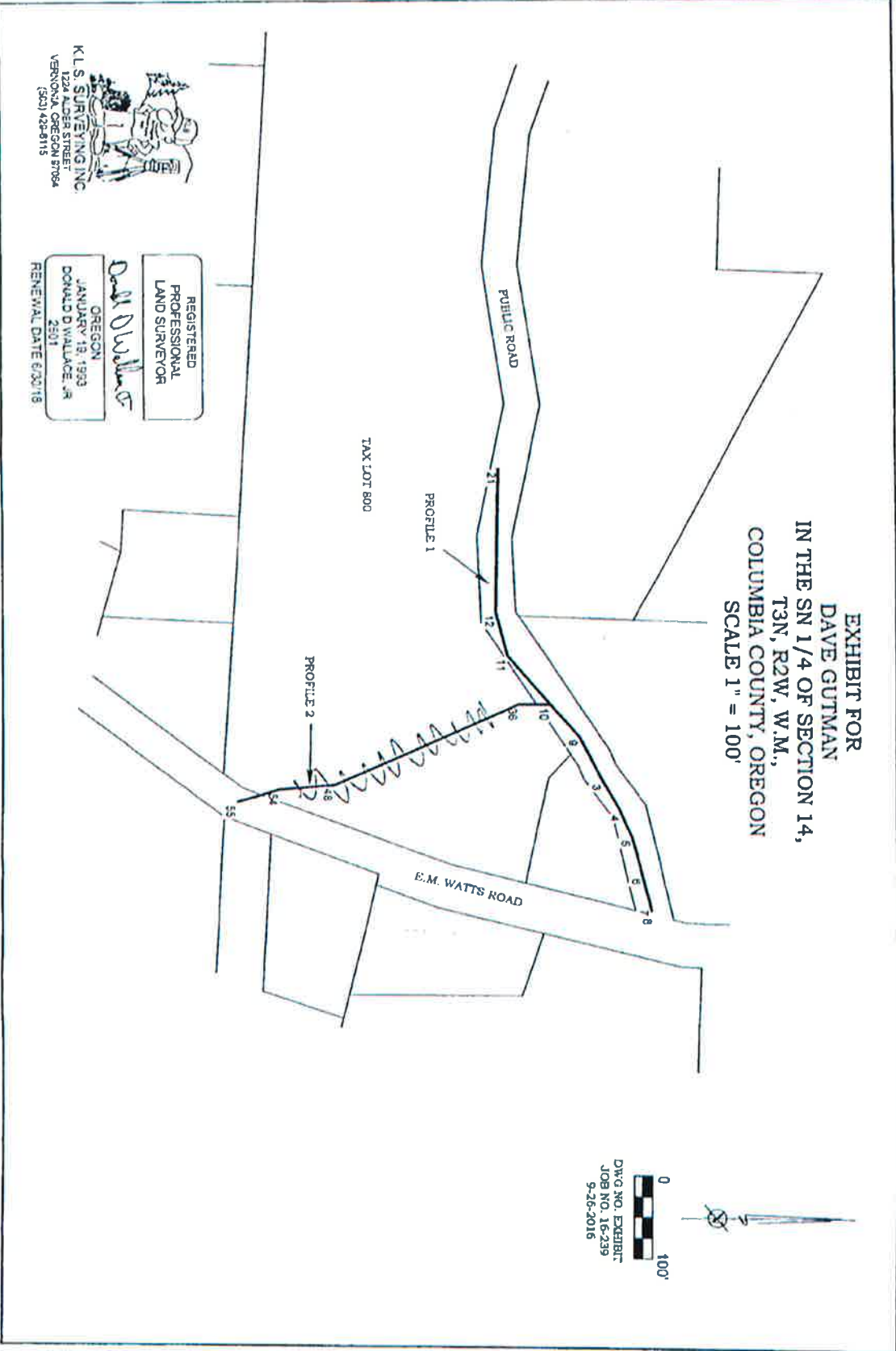


This map and the accompanying legal description are provided solely to assist in locating the subject property. Tior Title assumes no liability for discrepancies.

Yellow - my property
 Orange - Proposed
 Driveway

33053
 (041) Cr
 ←
 51517
 em warts
 ←

EXHIBIT FOR
DAVE GUTMAN
IN THE SN 1/4 OF SECTION 14,
T3N, R2W, W.M.,
COLUMBIA COUNTY, OREGON
SCALE 1" = 100'



DWG NO. EXHIBIT
JOB NO. 16-239
5-26-2016



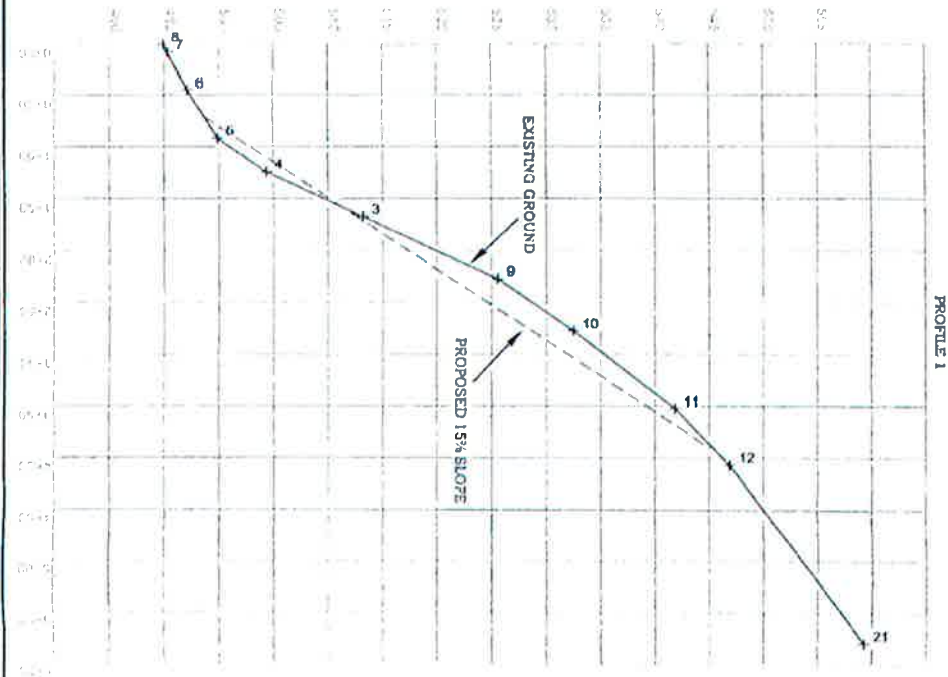
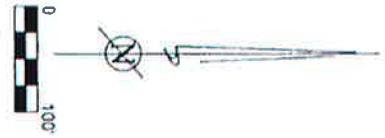
K.L.S. SURVEYING INC.
1224 ALDEN STREET
VERNONIA, OREGON 97054
(503) 422-8115

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Donald D. Wallace, Jr.
OREGON
JANUARY 19, 1993
DONALD D. WALLACE, JR.
2501
RENEWAL DATE 6/30/18

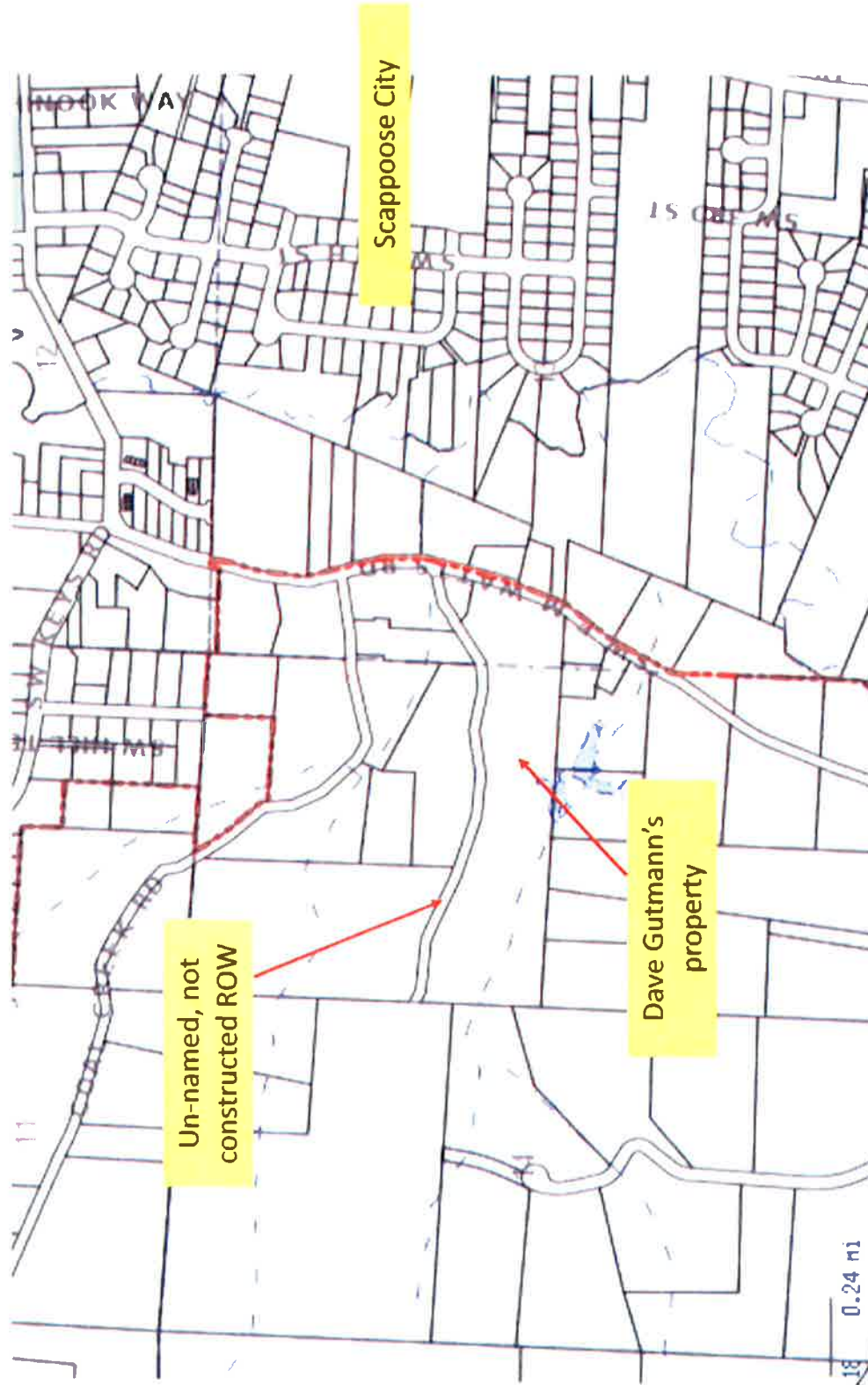
PROFILE EXHIBIT FOR
DAVE GUTMAN
IN THE SN 1/4 OF SECTION 14,
T3N, R2W, W.M.,
COLUMBIA COUNTY, OREGON
SCALE 1" = 100'

K.L.S. SURVEYING INC.
1224 ALDER STREET
VENONA, OREGON 97064
(503) 426-0115

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Donald D. Wallace, Jr.
OREGON
JANUARY 19, 1953
DONALD D. WALLACE, JR.
2531
RENEWAL DATE 6/30/18



7-2018-02



F) STRUCTURAL DESIGN

1) GENERAL

Structures not included in the Standard Drawings of this document shall be designed and constructed in accordance with the requirements of the Structural Design Section of the Oregon State Highway Division of ODOT. These Standards are referenced in ODOT's BRIDGE DESIGN MANUAL AND ACCOMPANYING STANDARD DRAWING, STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, and STANDARD DRAWINGS FOR DESIGN AND CONSTRUCTION.

The project special provisions shall specify the APWA or ODOT requirements for bridges and other structures that apply to the specific project.

G) DESIGN MODIFICATIONS

1) GENERAL - REQUEST TO MODIFY SPECIFICATIONS/STANDARDS

To seek approval, non-compliant specifications/standards must be sent through the following process. It is to be noted that if the requested modification involves public safety, the County will rule in the direction of safety.

2) MODIFICATION PROCESS

a) SUBMITTAL

Requests to modify shall be submitted in writing to the County Public Works Director on the application form (Exhibit 5). This written request shall state the desired modification(s), the reason(s) for the request(s) and a comparison between the specification(s) or standard(s) and the modification(s) as far as performance, etc.

Any modification or variance of these standards should be documented and reference nationally accepted specifications/standards. The use thereof shall not compromise public safety or the intent of the County's standards.

b) REVIEW

The request to modify shall be reviewed by the County Public Works Director, County Counsel, Land Development Services Staff, and appropriate Fire Services Officer. The Public Works Director shall make a report to the Board of County Commissioners, who shall make one of the following decisions:

Approve as is,

Approve with changes, or

Deny with an explanation.

Approval of a request shall not constitute a precedent.

c) CRITERIA FOR MODIFICATION OF SPECIFICATIONS/ STANDARDS

The County Public Works Director may grant a minor modification to the adopted specifications or standards, without requiring the process of steps a and b above, when any one of the following conditions are met:

The specification or standard does not apply in the particular application.

Topography, right-of-way or other geographic conditions impose an economic hardship on the applicant and an equivalent alternative which can accomplish the same design is available.

A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an undue hardship.

Minor modifications include modifications to the requirement for plan submittals, cut or fill slopes, minor shoulder narrowing if other delineation is provided, and alternative drainage facilities and designs. Major modifications not subject to appeal by the Public Works Director include pavement width, design speed, grade, engineering requirements, right of way, or drainage capacity.



51850 SW Em Watts Rd

Exit Street View

Not constructed ROW
Not Named

EM Watts Rd

© 2016 Google
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lat 45.747607° lon -122.887047° elev 75 ft eye alt 76 ft

4 ft

Google Earth