

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending Condition)
2(E)(ii) of MP 01-09 in Order No. 9-2003) ORDER NO. 27-2003
Regarding Required Road Improvements) AMENDING ORDER NO. 9-2003

WHEREAS, on December 28, 2000, Rich Morton filed three applications for three partitions; MP 01-08, MP 01-09 and MP 01-10, in the Rural Residential (RR-2) Zone; and

WHEREAS, on appeal from a decision of the Columbia County Planning Commission, the Board of County Commissioners held a de novo hearing on MP 01-08 and MP 01-09 on January 29, 2003, and tentatively approved the applications on February 5, 2003; and

WHEREAS, the Board of County Commissioners signed Order No. 9-2003, on February 26, 2003, approving MP 01-08 and MP 01-09 subject to several conditions of approval; and

WHEREAS, condition of approval number 2(E)(ii) for MP 01-09 required that the Applicant "make road improvements to Sykes Road fronting lot 03202, to include road overlay, drainage, bike lane, curb and sidewalk."; and

WHEREAS, after signing the final order, the Board was informed that the Road Department did not intend the road improvements to Sykes Road fronting lot 03202 to include construction of curbs and sidewalks because the development is in a rural area, and curbs and sidewalks are associated with urban development. The Board was also informed that there is not adequate space between the existing road and the power poles to safely require that the Applicant construct bike lanes;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board of Commissioners amends Order No. 9-2003, to delete the curb and sidewalk construction requirement in MP 01-09, Condition 2(E)(ii), such that the condition shall hereafter read,

2(E)(ii) " Make road improvements to Sykes Road fronting lot 03202, to include road overlay, drainage, widening to 12 feet from centerline, and a 5 foot gravel shoulder. Prior to construction in the right-of-way, a permit is required from the Road Department."

2. The Board of Commissioners finds that because the proposed partition is outside of an urban area, the Columbia County Road Standards do not support a requirement that the Applicant build curbs and sidewalks (See Road Standards, Section VI, Drawing II, Collector Road,

discussed below). The Board of Commissioners further finds that the power poles adjacent to Sykes Road along tax account 03202 are very close to the existing road. Therefore, if bike lanes were required to be built along the Road, public safety would be compromised. In order to avoid the public safety concerns, the County would have to require the Applicant to remove the power poles and relocate them to another location. However, the Board does not find that the impact from the proposed partition is sufficient to justify the possible expense of relocating the poles. The Columbia County Road Standards Section V(B) Partitions, states that partitions will not be allowed to access any public road where it is not feasible (as determined by the Public Works Director) to construct that public road to the new road improvement standards required in Section VI of the Road Standards. Section VI, Drawing II Collector Road, shows that bike lanes may be designated, and aggregate will be required if bike lanes are not designated in a rural setting. The Drawing also shows that curbs and sidewalks are not required improvements to a rural collector road. Therefore, the Board finds that 5 foot gravel shoulders are sufficient to allow pedestrians and bicyclists to avoid the road surface, and is proportionate to the impact caused by the development, while also conforming with the Road Standards, and that the curb and sidewalk requirement should be deleted.

3. Except as expressly amended herein, Final Order No. 9-2003, shall otherwise remain in full force and effect.

Dated this 22ND day of April, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Joe Corsiglia
Joe Corsiglia, Chair

By: Not Present
Rita Bernhard, Commissioner

By: Anthony Hyde
Anthony Hyde, Commissioner

Approved as to form

By: Sarah Toon
Office of the County Counsel