

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Request by William and Mary Ann
Hammerbeck for a Modification from the Columbia
County Road Standards for the Un-Named Roadway
to be Dedicated Through Minor Partition MP 04-25
_____)
)

ORDER NO. 52 - 2005

WHEREAS, in approximately August 2004, William and Mary Ann Hammerbeck requested a modification from the Columbia County Road Standards for an un-named roadway which was required to be dedicated to the public as a condition for approval of a minor partition, No. MP 04-25; and

WHEREAS, a copy of the Hammerbeck's request is attached hereto, labeled Exhibit "A" and incorporated herein by this reference; and

WHEREAS, Lonny Welter and the County Public Works Director, Dave Hill, came before this Board on December 14, 2004, with the request of the Hammerbecks for a modification to the road standards and recommended that the request be denied; and

WHEREAS, a copy of the recommendation is attached hereto as Exhibit "B" and incorporated herein by this reference; and

WHEREAS, the Board on that date denied the Hammerbeck's request for modification of the road standards; and

WHEREAS, no order was completed and approved subsequent to this decision of the Board memorializing the Board's decision;

NOW, THEREFORE, IT IS HEREBY ORDERED that the request by William and Mary Ann Hammerbeck for a modification from the Columbia County Road Standards for an un-named roadway to be dedicated to the public in connection with the approval of MP 04-25 is denied.

DATED this 27 day of July, 2005 *nunc pro tunc* December 15, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Chair

By: _____
Commissioner

By: _____
Commissioner

Approved as to form

By: Sarah Tyson
Office of County Counsel

S:\COUNSEL\ROADS\HAMMERBECK MOD ORD.wpd

ROAD STANDARDS MODIFICATION APPLICATION

EXHIBIT A

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: WILLIAM & MARY ANN HAMMERBECK

Address of Applicant: 56441 COLUMBIA RIVER HIGHWAY
WARREN, OR 97053

Daytime Phone: 503-397-5038

Name of Road subject to modification: UN-NAMED

Is the Road known by other names? If so, please list: N/A

What is the location of the road? 56441 COLUMBIA RIVER HWY, WARREN
JUST SOUTH OF WARREN COMMUNITY CHURCH

Is the road a: Private Easement Dedicated Public Road County Road

Has the road been maintained? YES By Whom? LANDOWNERS

What modifications to the road standards are requested? THE COUNTY PLANNING DEPT.
WAS REQUIRED THAT THE ROAD BE DEDICATED TO THE PUBLIC
AS A CONDITION OF APPROVAL FOR A PARTITION. (MP 04-25)
ADD 10' OF GRAVEL SHOULDER TO EXISTING 10' OF PAVED DRIVEWAY
RATHER THAN PAVE 20'.

Names and Addresses of property owners adjacent to the road (Attach additional sheets, if necessary)*:

TAX LOT 4119-040-00701
JAMES & LINDA MORUD
56445 COL. RIVER HWY.
WARREN, OR 97053

VERNON (D) TAX LOT 4119-040-01100
VERNON / ODESSA HALCOMB
56349 COL. RIVER HWY.
WARREN OR 97053

TAX LOT 4119-040-00800
SCAPPOOSE SCHOOL DIST.
33589 SE HIGH SCHOOL WAY
SCAPPOOSE, OR 97056

TAX LOT 4119-013 00702
JOHN & MISCHELE BRASHER
56461 COL. RIV. HWY
WARREN OR 97053

*ATTACH AN ASSESSMENT MAP SHOWING THE ROAD AND PROPERTY OWNERSHIPS.

**Columbia County Road Department**

P.O. Box 366, 1004 Oregon Street, St. Helens, OR 97051

Phone: 503-397-5090 Fax: 503-397-7215

E-mail: welter1@co.columbia.or.us**M E M O R A N D U M**

to: Land Development Services
from: Lonny R. Welter, Transportation Planner
subject: Road Modification for William & Mary Ann Hammerbeck
date: Nov 22, 2004

Recommend **denial** of the Road Modification Application for William & Mary An Hammerbeck. This situation does not meet the criteria for a modification of specifications / standards as specified in the Columbia County Road Standards, page 95. Topography, right-of-way issues, or other geographic conditions do not pose an economic hardship on the applicant. Even though the applicant's proposed construction will meet the private road requirements, as a construction alternative, said proposed construction will not meet public road standards.

The public road standards were designed and approved with public safety as a primary concern. Such a deviation from these established standards would pose a potential road safety issue, as well as liability issue. Whenever possible, the established standards should be followed, with exceptions only in extreme circumstances. Having inspected the location, there is no proof of any economic hardship being imposed upon the applicant due to terrain or right-of-way issues that would prohibit construction of a public road to County Standards.

History

The Road Modification Application was submitted after the Aug 24, 2004 Planning Commission Meeting. At this meeting the Hammerbecks had requested a Variance to the Public Road Frontage Standards (V 04-06), and a minor partition (MP 04-25).

At the hearing, the Planning Commission voted to tentatively deny the application for Variance to frontage on the public right-of-way (which would be necessary in order to create a new tax parcel in an RR5 zone, with no frontage on a public road), and voted to approve the minor partition with a dedication of 50 foot wide public road right-of-way to serve the partition. The Commission agreed unanimously to recommend to the Board of Commissioners that the Applicant be approved for a Standards Modification, whereby, the applicant would be able to improve the newly created public road by adding 5 foot gravel shoulders to each side of the existing 10 foot paved road, as specified by Roger Kadell of the Road Department. It was suggested that any parcels gaining access to this public road in the future would need to do additional improvements to bring the public road up to County Public Road Standards.

Road Standard Modification Application for Hammerbeck

Recommendation

Deny Application as topographic or right-of-way issues do not exist, which might prohibit construction of a public road. If the strip of property is to be dedicated for public road, the public road must be built to standards, as there is no construction obstacle prohibiting said construction.

An alternative: This property could be served by a private road, if the 50 foot frontage requirement is waived and improvements made to the existing road.

Comments

- Width of property strip allows for 50 foot right-of-way
- Grade / slope of the property is within allowable limits for a public road
- Topographic, geographic or right-of-way issues will not prohibit construction of a public road to County standards