

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of the Request by Vernon Bolin and)
and Raymond and Trudy Hinds for a Modification)
from the Columbia County Road Standards for) ORDER NO. 84-2009
Bolin Drive)

WHEREAS, property owners Vernon Bolin and Raymond and Trudy Hinds requested a partition in the RR-5 zone for residential purposes; and

WHEREAS, pursuant to the Columbia County Road Standards, Ordinance No. 96-6, the standards for public road width specifies a minimum 20-foot of travel surface; and

WHEREAS, on November 18, 2009, Vernon Bolin and Raymond and Trudy Hinds requested a modification from the Columbia County Road Standards for Bolin Drive, to require only a 15.5 foot travel surface where Bolin Drive passes over a stream culvert (a copy of the request is attached hereto, labeled "Exhibit A" and incorporated herein by this reference); and

WHEREAS, the Columbia County Road Department has reviewed the request and made a recommendation with three alternatives to the Board of Commissioners dated December 8, 2009 (a copy of the request is attached hereto, labeled "Exhibit B" and incorporated herein by this reference); and

WHEREAS, the Columbia County Road Department solicited input on the proposed Road Modification with Land Development Services, and Land Development Services recommended that any road improvements deemed necessary should be required prior to final plat approval and not later, but was not opposed to a modification of the required road width of Bolin Drive over the culvert of 15.5 feet so long as widening would not be required at a later date;

NOW, THEREFORE, IT IS HEREBY ORDERED that the request by Vernon Bolin and Raymond and Trudy Hinds for a modification from the Columbia County road standards for Bolin Drive is granted, subject to the following conditions:

1. The applicants are granted a waiver from the Columbia County Road Standards requirement to allow for a road width of 15.5 feet on Bolin Drive over the above-referenced culvert. The Columbia County Road Standards, Ordinance No. 96-6, shall otherwise fully apply to Bolin Drive.

2. The travel surface modification to 15.5 feet is limited to the travel surface directly over

the above-referenced culvert.

2. This Order is not intended to contravene any conditions of approval imposed by the approval of Columbia County Partition No. MP 10-01.

6. Any necessary access approach permits to Bolin Drive shall be received and approved by the Columbia County Road Department prior to the issuance of development permits on any future development along Bolin Drive, including but not limited to any permits required for new parcels created by Columbia County Partition No. MP 10-01.

7. A copy of this order shall be filed in the Road Jacket for Bolin Drive.

DATED this 16th day of December, 2009.

BOARD OF COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 

Chair

By: 

Commissioner

By: 

Commissioner

Approved as to form

By: 

Office of County Counsel

H:\Roads\Bolin.Rd.Mod.wpd

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 (PRINCIPLE)
Name of Applicant: VERN BOLIN | RAY & TRUDY HINDES
Address of Applicant: 57497 ALDER CR. RD. | 29846 BOLIN DR.
SCAPPOOSE, OR 97056 | SCAPPOOSE, OR 97056
Daytime Phone: 503 543 5999 | 503 543 4838

Name of Road Subject to modification: BOLIN DR.

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

What is the location of the road? BOLIN DR. CROSSING (CULVERT) AT ALDER CREEK

Property Tax Account No. 4217 DO 0104

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

Has the road been maintained? YES By Whom? RAY HINDES

What modifications to the road standards are requested? _____

SEE ATTACHED LETTER & ASSESSMENT MAP.

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

RON & PENNY MERRELL
57491 ALDER CR. RD.

DELBERT & JANET LONG
57475 ALDER CR. RD.
(ON BOLIN DR.)

VERN BOLIN
29900 BOLIN DR.

RAY & TRUDY HINDES
29846 BOLIN DR.
503 543 4838

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

To:

18 Nov 2009

Columbia County; Road Master
County Commissioners

Request is made for a variance from the statute requiring a 20' roadway across Alder Creek on Bolin Drive. (present well maintained roadway is about 15'6" at culvert, rest of roadway is graded and maintained at 20' plus width).

Considerations:

There is a proposed removal of present culvert and replacement with a bridge by Scappoose Water Shed authority.

There is no prospective buyer of remaining property (12 ½ acres) 'left over' from pending sale of 5 acre tract with house partition.

A mechanism will be employed by Land Use Services and/or Title Co. to inform any future Prospective buyer(s) (of 12 ½ acre parcel) of circumstances and conditions of roadway requirements.

A current sale is pending for the sale of the 5 acre parcel w/house, urgency is requested so as not to interfere with that sale, in that this parcel has no direct relativity to the roadway consideration.

A requirement at this time to widen the roadway across the creek would impose an economic Hardship on the property heirs.

The Road Master has given conceptual approval of this modification.

Thank You for your consideration.

Respectfully Submitted,

Vernon Bolin
Trust Administrator





Columbia County Road Department

1054 Oregon Street, St. Helens, OR 97051

Lonny Welter, Transportation Planner

Ph: (503) 366-3963 Fax: 397-7215

e-mail: lonny.welter@co.columbia.or.us

to: Columbia County Board of Commissioners

from: Lonny Welter

date: Dec 8, 2009

reference: Request for a Road Modification

tax lot: 4217-DO-0104

location: Bolin Lane off of Alder Creek Road

To facilitate a land partition (MP 10-1), Mr. Vernon Bolin has requested a Road Modification to Bolin Lane. Partition MP 10-1, if approved, will create a new parcel, with an access location south of a stream culvert crossing. All traffic to and from this new parcel must cross over the culvert which has a road width of 15.5 ft. The modification requested is to accept the width of the road at 15.5 ft (for a short length over the culvert), until an undisclosed date. The Road Standards require as a condition to partitioning, the roadway be brought up to public road standards in proportion to the potential build-out of all the properties served by the public road. The proposed actions of MP 10-1 will be developing the only parcel served by Bolin Lane that is able to partition, therefore the burden of responsibility for improvements, which includes the requirement of a road travel surface of 20 ft in width, is upon this developer. The 20 ft road width is also a requirement in the Uniform Fire Code, which states that "all fire apparatus access roads shall be at least 20 ft wide".

This is the second Road Modification requested for Bolin Lane. The first request was in 1995 by Paul Bolin to allow a 12' wide gravel private road for partitioning. The recommendation then, was for a dedication of 50' to the public and a 20 ft wide road to the first parcel, with a 12 wide road to the remaining two parcels.

Work required to widen the road to a travel width of 20 ft will require extending the length of the stream culvert and adding fill material. This may require a permit from the Department of State Lands, the Oregon Department of Forestry, and the Oregon Department of Fish and Wildlife. If permitted, these agencies may require said work to be conducted during the in-water work season (Aug - Sep).

The Modification request states that the Scappoose Bay Watershed Council is proposing to replace the existing culvert with a new culvert or bridge. The Scappoose Bay Watershed Council has surveyed the culvert (number 84 on their list), and has found it not to be a fish barrier,

EXHIBIT B

therefore has no plans for future removal or replacement of the culvert.

Agency/Department Comments

Land Development Services: Opposes the approval of the road modification if said approval is contingent upon conditions that the roadway be improved prior to development (construction of a residence) of the newly created 12 acre parcel. That if the road improvements are deemed necessary by the County Road Department and Fire District prior to any additional residents, that the improvements to the road be made prior to the final plat approval and not at the time of development. Otherwise we have no objection to the modification of the road width from 20 ft to 15.5 ft.

Erika Owen

Scappoose Fire District: Does not object to the road modification request allowing the current road width over the culvert area to remain at 15.5 ft. since it will only serve one additional parcel. The remaining portion of Bolin Lane which will serve the new parcel \pm 12.5 acres and tax lot 103 must be maintained to a width of 20 ft. It appears that additional gravel maybe needed on the surface over the culvert of a width of 12 ft.

Michael Greisen

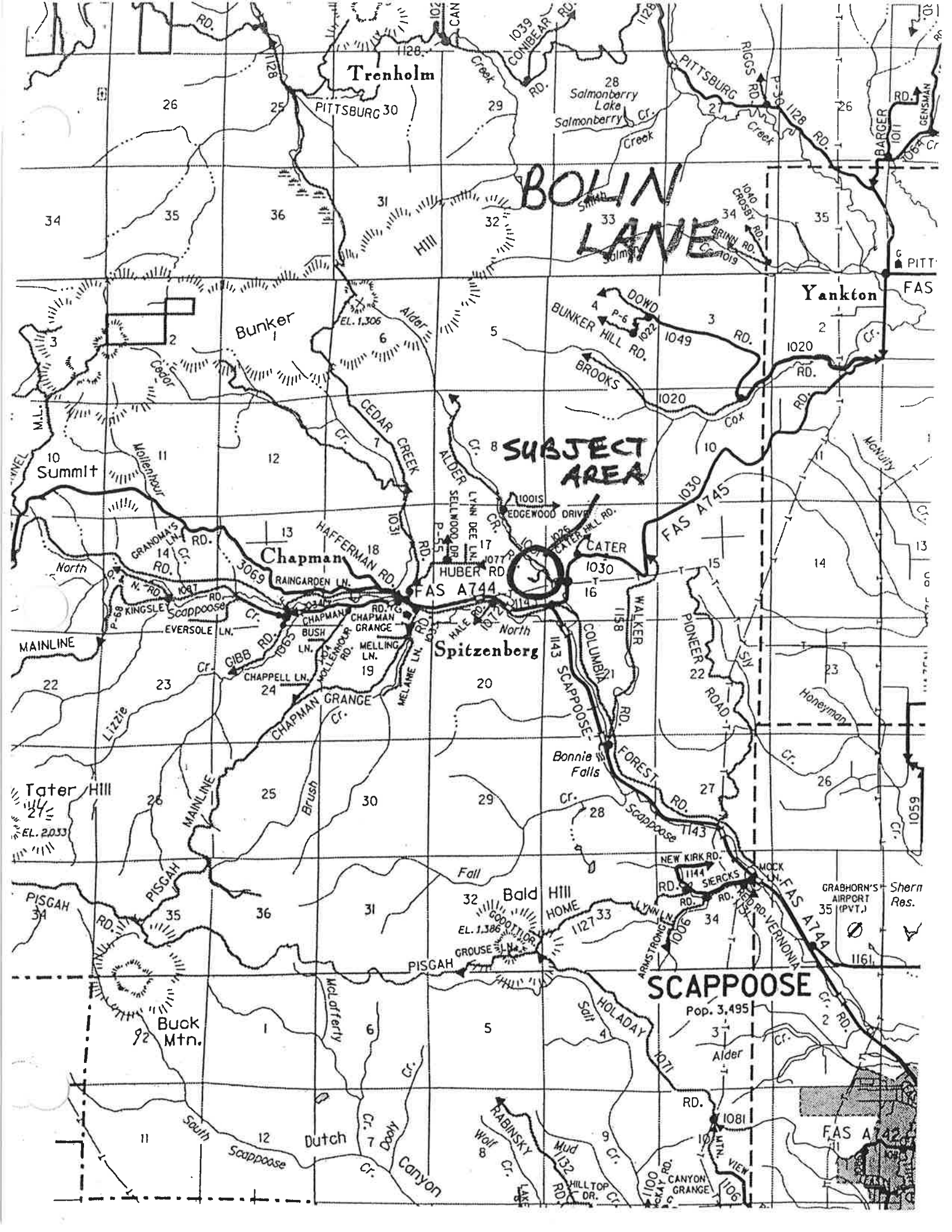
Columbia County Counsel: No response

The developer proposes that Land Development Services (LDS) and /or the Title Company inform prospective buyers of the remaining parcel(s) of the requirement to lengthen the culvert and widen the roadway. LDS can put a permit hold on the property, but is uncertain how a prospective buyer would become aware of this prior to purchase of the property.

Options for consideration include:

1. Construction/improvements to the road, to include lengthening the culvert and widening the road, be made prior to acceptance of the partition.
2. The developer could post a bond, for the cost of doing all necessary construction /improvements prior to a specified date.
3. A deed restriction could be placed on the parent parcel to run with the land, and any subsequent parcels created from the parent parcel, to the effect that no additional residents will be permitted until the necessary road improvements are made to Bolin Lane.

We believe it is important to put the responsibility for improvements on the developer, and to be certain that future property owners are not "blind-sided" by a condition to lengthen a major culvert and widen the road as a condition of constructing a residence. Road improvements are required prior to approval of a partition. The difference in this application is that the partition



Trenholm

BOLIN LANE

SUBJECT AREA

Yankton

Spitzenberg

SCAPPOOSE

Pop. 3,495

GRABORN'S AIRPORT (PVT.)

FAS A742

PITTSBURG 30

26

25

29

26

34

35

36

31

32

34

35

10

12

8

10

11

14

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31

32

34

35

11

12

5

3

3

11

12

9

10

10

JMBIA COUNTY

PREPARED FOR ASSESSMENT PURPOSES ONLY

200' Current Revision Date: 11/18/05

IP 4 2 17-040

104
17.00 AC.

5 ACRE PARCEL
BEING SOLD
(BUYER WAITING)

MP 41-90
MP 38-95

REMAINDER OF
PROPERTY (± 12 1/2 ACRES)

HANDES

MP 38-95

NO.
P.P.
16-97

BOLIN

LONG
1991-026

MERRELL

1/4 COR

P.P. NO. 1995-049

ALDER CREEK ROAD NO. P-138

Most W.L. Cor.
P.P. 1, P.P. 91-26

NO.
P.P.
16-97

NO.
P.P.
16-97

- SEE MAP 4 2 16'
1. N 88° 24' 10"
 2. S 31° 13' 21"
 3. S 78° 44' 43"
 4. S 51° 41' 46"
 5. S 62° 07' 52"
 6. S 53° 05' 21"
 7. S 15° 44' 18"
 8. S 51° 34' 15"
 9. N 57° 43' 54"
 10. N 4° 49' 49"
 11. R=2400' L=40'
C=529' 21"
 12. N 45° 11' 30"
 13. N 45° 11' 30"
 14. R=2400' L=40'
C=N 17° 39"
 15. R=2400' L=40'
C=N 17° 39"
 16. R=2400' L=25'
C=544' 25"
 17. S 52° 58' 29"
 18. S 52° 41' 46"
 19. S 45° 10' 41"
 20. N 44° 49' 19"
 21. R=2400' L=24'
C=N 4° 43' 21"
 22. S 31° 27' 22"
 23. S 30° 27' 22"
 24. S 27° 07' 35"
 25. S 27° 07' 35"
 26. S 20° 15' 23"
 27. S 20° 15' 23"
 28. S 20° 15' 23"
 29. S 20° 15' 23"
 30. S 20° 15' 23"
 31. S 20° 15' 23"
 32. R=222.50' L=34'
C=N 40° 43'
 33. R=172.50' L=34'
C=N 40° 43'
 34. N 70° 17' 03"
 35. N 70° 17' 03"
 36. N 63° 05' 48"
 37. N 63° 05' 48"
 38. N 63° 05' 48"
 39. N 63° 05' 48"
 40. S 5° 54' 25"
 41. S 77° 49' 19"
 42. N 77° 49' 19"
 43. SOUTH 25'

3298
2653.80

SPITZBERG C S #

(N 2° 05' 57" E)

SPITZBERG C S #

(N 2° 05' 57" E)

SPITZBERG C S #

(N 2° 05' 57" E)

AL-5

Sec 05 2692

S 90° 49' N

SPITZBERG C S #

(N 2° 05' 57" E)

SPITZBERG C S #

(N 2° 05' 57" E)

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Thank You for your consideration.

Respectfully Submitted,

Vernon Bolin
Trust Administrator

A handwritten signature in black ink, appearing to read 'Vernon Bolin', is written over the typed name. To the right of the signature, the date '11/18/09' is handwritten.