

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Authorizing the County Road                     )  
Official to Perform Road Grading on                                 )  
Chapman Grange Road, a Local Access Road                     )  
in Columbia County   )

ORDER NO. 53-2012

WHEREAS, pursuant to ORS 368.031(1), the County is not liable for failure to improve a local access road or to keep it in repair, and

WHEREAS, pursuant to ORS 368.031(2), the County may only spend County moneys on a local access road if the work is an emergency, or if the County Road Official recommends the expenditure, the public use of the road justifies the expenditure proposed, and the County governing body enacts an order or resolution authorizing the work and designating the work to be either a single project or a continuing program; and

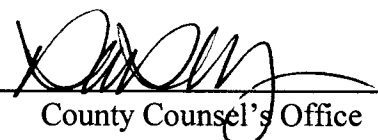
WHEREAS, the County Road Official has recommended that the County grade a portion of Chapman Grange Road that is a local access road within the County's jurisdiction, as shown on the map accompanying the Road Official's recommendation, which is attached hereto as Exhibit A, and is incorporated herein by this reference.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The County Road Department is authorized to grade the portion of Chapman Grange Road, as shown on the attached Exhibit A, as may be necessary. Work done pursuant to this order is a single project.
2. Chapman Grange Road shall remain a local access road, and shall not be a county road, unless and until it is accepted by the County as a county road.

Dated this 5<sup>th</sup> day of December, 2012.

Approved as to Form

By:   
County Counsel's Office

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Chair

By:   
Commissioner

By:   
Commissioner

**EXHIBIT A**

**From:** David Hill  
**To:** Fisher, Earl; Heimuller, Henry; Hyde, Tony  
**CC:** Greenhalgh, Jan; Hanson, Sarah; McIntyre, Robin  
**Date:** 11/29/2012 10:29 AM  
**Subject:** Chapman Grange Road

Board of County Commissioners;

Recently there has been logging activity and log trucks coming out Chapman Grange Road. Many of the residents have complained about the log trucks and they insist that the road be graded.

The first section of the road to the bridge ( quarter mile or so) is a County Road. The next 1.7 miles of the road is a public road under our jurisdiction, but not a County Road for us to maintain.

I issued a permit to Lanny McDonald who paid the fee to haul on the road (\$452), and part of my requirements on the permit was that he would need to cause the road to be graded after the hauling was complete. I also put in the permit that he could pay the Road Department \$500 to have us grade the road if he did not have the ability.

I believe the logging operation is complete, and we are now getting complaints from the residents in that there has not been any grading activity. I have a call into Lanny McDonald but I have not had a response. I believe that Mike Pihl was the logging operator but not certain.

If I am not able to have Lanny McDonald or another timber company cause the road to be graded, I believe the responsible thing to do is to have the Road Department grade the road, and then perhaps deal with Lanny McDonald on future issues.

Any future hauling on Chapman Grange Road would need to require an advance deposit.

Therefore, since this is not a County Road, I would like the Board of Commissioners to authorize the Road Department to grade the road pursuant to ORS 368.031:

368.031 County jurisdiction over local access roads. A local access road that is outside a city is subject to the exercise of jurisdiction by a county governing body in the same manner as a county road except as follows:

(1) A county and its officers, employees or agents are not liable for failure to improve the local access road or keep it in repair.

(2) A county governing body shall spend county moneys on the local access road only if it determines that the work is an emergency or if:

(a) The county road official recommends the expenditure;

(b) The public use of the road justifies the expenditure proposed; and

(c) The county governing body enacts an order or resolution authorizing the work and designating the work to be either a single project or a continuing program. [1981 c.153 §7]

I recommend that the expenditure to grade this road is justified since there are a number of residents that live on this road and the road is used periodically for log hauling operations.

The residents are anxious to have the road graded.

Thank you

Dave

# Chapman Grange Local Access Road

