

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of the Request by Joseph )  
Hauge for a Modification from the Columbia )  
County Road Standards for Pepper Lane )  
\_\_\_\_\_ )

**ORDER NO. 113-2000**

WHEREAS, on June 27, 2000, applicant Joseph Hauge requested a modification from the Columbia County Road Standards for Pepper Lane; and

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

WHEREAS, said Road Standards Modification Application was submitted by Mr. Hauge in connection with certain conditions placed upon the approval of partition file MP 00-20, which was an administrative decision appealed by the applicant to the Planning Commission; and

WHEREAS, this matter was heard before the Planning Commission on September 11, 2000, and, by Final Order APP 01-01 / MP 00-20, the Planning Commission affirmed the administrative decision to approve the partition application with conditions, including a requirement that Pepper Lane be brought up to County Road Standards. A copy of said Final Order APP 01-01 is attached hereto, labeled Exhibit "B" and incorporated herein by this reference; and

WHEREAS, the applicant's request for modification from the County Road Standards was considered by the County Transportation and Road Advisory Committee ("TRAC") on November 17, 2000. TRAC recommended that if Mr. Hauge were to make a lot line adjustment, no road improvements to Pepper Lane should be required, but if a new lot was to be added to Pepper Lane the requirement to bring the road up to County Road Standards should be affirmed. A copy of the TRAC meeting minutes is attached hereto as Exhibit "C" and incorporated herein by this reference; and

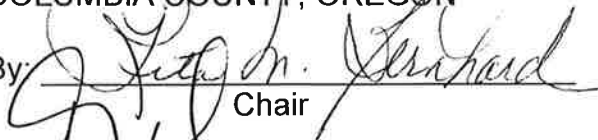
WHEREAS, Mr. Hauge has elected to proceed with a partition as opposed to a lot line adjustment; and

WHEREAS, the County Public Works Director, Dave Hill, after reviewing the request, inspecting the road and considering all relevant information, made a recommendation to deny Mr. Hauge's request for a modification to the County Road Standards. A copy of Mr. Hill's report is attached hereto, labeled Exhibit "D" and incorporated herein by this reference.

NOW, THEREFORE, IT IS HEREBY ORDERED that it is in the public's best interest to have roads brought up to County Road Standards at the time property is partitioned into buildable lots as required by the Columbia County Road Standards and, therefore, the request by Joseph Hauge for a modification from the County Road Standards for Pepper Lane is denied.

DATED this 10~~th~~ day of January, 2001.

BOARD OF COMMISSIONERS FOR  
COLUMBIA COUNTY, OREGON

By:   
Chair

By: \_\_\_\_\_  
Commissioner

By:   
Commissioner

Approved as to form

By:   
Office of County Counsel

S:\ROADS\PEPPER LN\ORDER

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: Joseph Hauge

Address of Applicant: 33100 Pepper Ln  
Warren OR 97053

Daytime Phone: (503) 730-8570 ~~(503) 283-1900~~ 366-3589

Name of Road subject to modification: Pepper Ln.

Is the Road known by other names? If so, please list: none

What is the location of the road? Aprox 1/4 mile North of intersection  
Oester, Slaven & Hazen Rds off Hazen Rd

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

Has the road been maintained? Yes By Whom? Joe Hauge 33100 Pepper Ln  
Jim Mc Neeley 33110 Pepper Ln

What modifications to the road standards are requested?  
See Attachment 1

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

M/M Herendeen  
55917 Hazen Rd  
Warren Or 97053

M/M McNeil  
55879 Hazen Rd  
Warren Or 97053

Jim Mc Neeley  
33110 Pepper Ln  
Warren Or 97053

ATTACH AN ASSESSMENT MAP SHOWING THE ROAD AND PROPERTY OWNERSHIPS.

**Land Use Information**

This information may be obtained from the County Land Development Services Department.  
What is the zoning of the property adjacent to that portion of the road to be modified?

RR-2

Is this application for a road standards modification in conjunction with a land development application (subdivision/partition, conditional use, etc.)? If so, please identify the application.

Yes MP 00-20 Attached Attachment 2

Were the parcels which access the road legally created prior to June 4, 1991? NO?

**Road History Information**

Was this road the subject of an earlier road modification application? If so, please give the date of the application, and information regarding the Board's decision on the application:

Yes, at dedication of Pepper Ln with Partition Plat 1996-48, modification was granted. See attached copies of modification paperwork Attachment 3

**Surveyor Information**

Please have the County Surveyor initial the appropriate space below:

Is this a:      Dedicated County road OR   X   Public Road? Date:     

If this is a dedicated county road, is it      Deeded      Petitioned      Unknown

**Fire Protection Information**

Are the properties located on this road, and the road located within a Rural Fire District?

If so, which one? Scappoose

**Signature and Certification**

I certify that the information contained in this application is true and complete to the best of my knowledge.

Joseph J Hange  
Signature

6-27-00  
Date

[For staff use only.]

LDS Rec'd:      Pub. Wks. Rec'd:      Counsel Rec'd:     

LDS Comment:     

Pub. Works Comment:     

Counsel Comment:     

Date for BOC Review:

41

# NW1/4 SEC. 25 T. COLUMBIA

THIS MAP HAS BEEN PREPARED FOR  
Scale: 1" = 200' Current

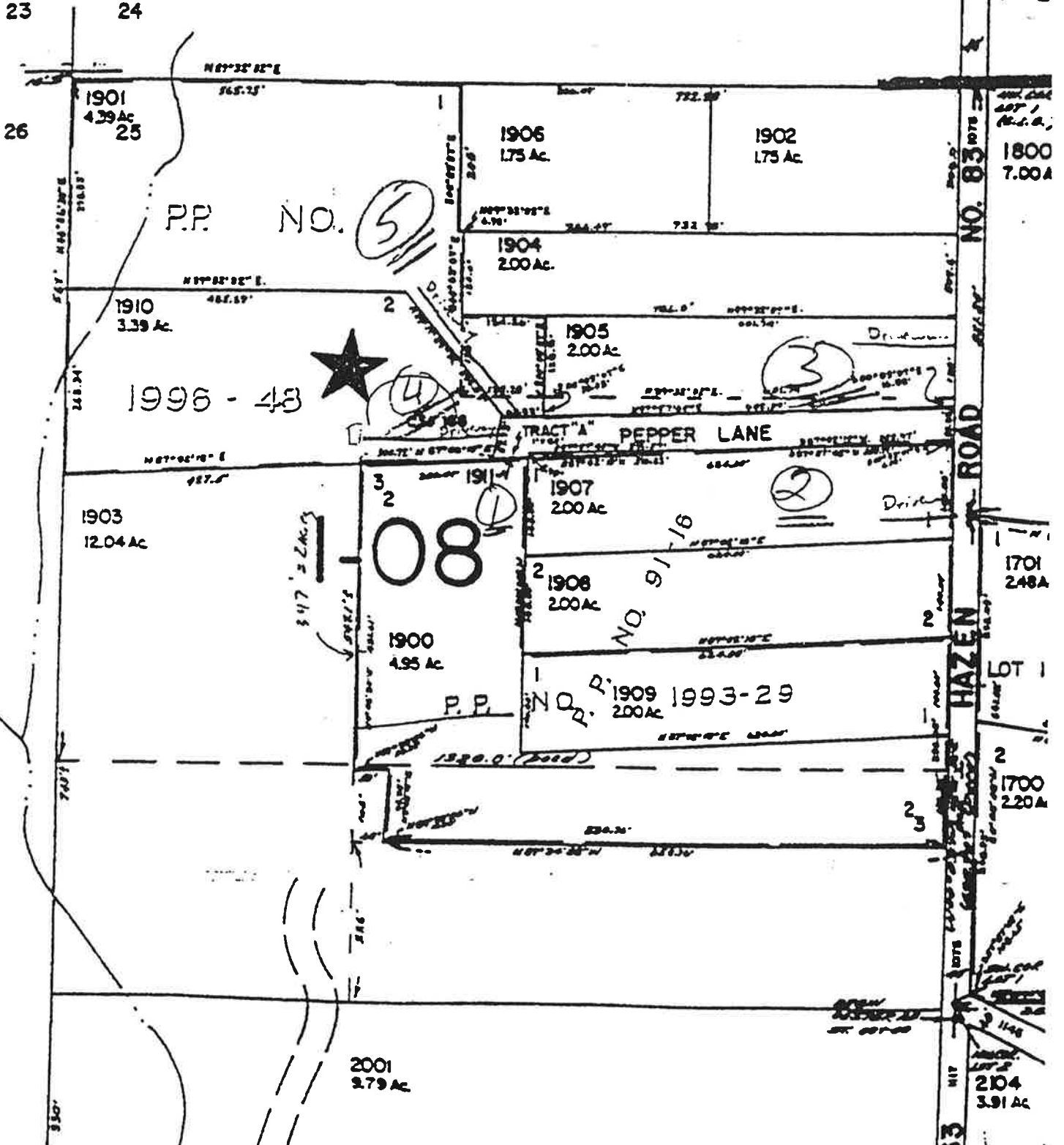


## KEY TITLE COMPANY

THIS COPY OF ASSESSOR'S MAP IS PROVIDED SOLELY TO ASSIST IN LOCATING SUBJECT PROPERTY. NO LIABILITY IS ASSUMED BY KEY FOR DISCREPANCIES IN THIS MAP AS OUR WORK AND THE ACCOMPANYING LEGAL DESCRIPTION.

MAP NO. ....

SEE MAP 4 2



SEE MAP 4 2 26 1

2001  
2.79 Ac

204  
3.91 Ac

1701  
248A

1700  
220A

1704  
2.20 Ac

1800  
7.00A

We request modification to the level of improvements to Pepper Ln. which were requested by Land Development Services as a condition of minor partition 00-20 (attached). The new parcel will front Pepper Ln.

We live on an adjacent parcel at 33100 Pepper Ln. We are purchasing the new parcel to prevent having a residence placed there. No new residence is planned for the new parcel being created. It will continue its present use of pasture/ hay field.

The current 50+ foot wide dedicated road with 12 foot wide gravel surface with turnout has proven adequate for the 2 residences using it. It will continue to be adequate since there will be no additional residences using Pepper Ln. as a result of this partition. Road Dept. pointed out that there is the possibility (though it seems remote at this time) that the new parcel could be built at a later time. This would make 3 the maximum number of residences to ever potentially use Pepper Ln.

There is virtually no possibility of other residences needing to access Pepper Ln. in the future. Pepper Ln. is bordered by a total of 5 parcels; 2 use Pepper Ln., 2 use Hazen Rd., one is the new parcel. All parcels are zoned RR-2...2 acre minimum lot size (see attached plat map with parcels numbered).

- 1) New parcel being created...no residence planned for this site.
- 2) 55879 Hazen Rd., the parcel along the south side of Pepper Ln., has its access/driveway onto Hazen Rd. and is 2 acres...not further dividable. **Does not use Pepper Ln.**
- 3) 55917 Hazen Rd., the parcel along the north side of Pepper Ln., has its access/driveway onto Hazen Rd, and is 2 acres...not further dividable. **Does not use Pepper Ln.**
- 4) 33100 Pepper Ln., our residence, is on 3.39 acres, and has 57 feet of frontage on Pepper Ln. not further dividable. **Uses Pepper Ln.**
- 5) 33110 Pepper Ln., is on 4.39 acres **Uses Pepper Ln.**  
(residence of Jim McNeeley, who dedicated Pepper Ln.)  
not further dividable because :

- A. It lacks adequate frontage on Pepper Ln for two 50 foot accesses (62 feet of frontage).
- B. Due to physical constraints on the site there is not a feasible second building site...A drop off restricts the rear portion, septic easement for other property and current septic and repair areas cover all potentially buildable ground.
- C. Even if all current improvements and easements were removed, and an extension to Pepper Ln. were dedicated, there would be less than 4 acres left after dedication to divide...i.e...couldn't meet minimum 2 acre lot sizes required by zoning.

We request "modification" that will allow us to keep Pepper Ln. at its current, adequate level of improvement, and to keep maintaining it to this level as we have in the past. This is a reasonable request because there is no traffic increase in the foreseeable future, and very limited potential increase ever. If any residence ever was to be placed on the new parcel, Pepper Ln. could be improved to the County Road Standards in place at that time. This could be a condition of a building permit, or a condition of a road access permit.

Road Dept. also expressed concern that if this parcel was ever sold, buyers might not be aware that improvements would have to be made before building... due to buyers own lack of due diligence, their real estate agents lack of due diligence, or deceit on the part of the seller or real estate agent. In this case WE are the buyers, and are obviously aware of the situation. You have our assurance that in the very unlikely event of us selling the parcel, we would disclose everything to the buyer. In addition to assurances, a "CC&R" document noting improvements required for building permit can be recorded in the public record. If the property is sold, this will turn up as part of the title search, forcing it to buyers attention before closing the sale. This could also be noted on the plat and/or on the deed with the same effect.

EXHIBIT B

BEFORE THE COLUMBIA COUNTY  
PLANNING COMMISSION  
ST. HELENS, OREGON

In the Matter of the Application )  
of Joseph Hauge for an )  
Appal of an Administrative Decision )  
in the Rural Residential Zone (RR-2) )

**Final Order APP 01-01 / MP 00-20**

This matter came before the Columbia County Planning Commission on the application of Joseph Hauge. The applicant wishes to appeal conditions placed upon the approval of partition file MP 00-20. Specifically, the applicant is requesting to remove conditions number 2, 4, and 5 which address water, sewer, and road improvements.

The subject property is ±4.95 acres, is zoned Rural Residential (RR-2), and is located at 55811 Hazen Road, in Warren.. The site is further described on the Assessor's records as Tax Account Number 4225-020-01900. The owner of the subject property is Frank Vardanega.

Notice of the land use application was provided to the Scappoose CPAC, affected agencies, surrounding property owners within 500 feet of the property and published in the local newspapers. A public hearing was held on September 11, 2000. The Planning Commission heard testimony from the applicant and all interested parties, and considered all written materials submitted and the Planning Commission staff report.

The Planning Commission, on a 5 to 4 vote, hereby adopts the findings and conclusions in the Appeal Staff Report (APP 01-01 / MP 00-20), and affirms the Planning Director's decision to approve the partition application with conditions. Therefore, the development conditions regarding water, sewer, and road improvements must be satisfied prior to approval of the final partition plat.

COLUMBIA COUNTY PLANNING COMMISSION

  
\_\_\_\_\_  
JEFFREY VANNATTA, CHAIRMAN

9/15/00  
\_\_\_\_\_  
DATE

\*\*\*

GH/ML/mos

[h:\partition\rr2\APP01-01.Hauge.FO.ml]

cc: Joseph Hauge  
Frank Vardanega  
File

**TRANSPORTATION AND ROAD ADVISORY COMMITTEE  
Nov 17, 00 MEETING MINUTES**

**Members Present at the meeting:** Jim McBride, Rosemary Lorke, Kyle McBride,  
Dave Hill and Lonny Welter.

**Members Absent:** Jay Tappan, Don Rice

The meeting was called to order at 10:06 AM by Jim McBride.

**Minutes:**

Jim moved to review the June minutes for approval. Minutes were approved.

**Old Business:** None

**New Business:**

1. Appointments for the committee were reviewed, as John Odenthal's and Don Rice's terms are up. John said he would recommend Rod Bennion out of his office, and Rod contacted me and said he was interested, but would not be able to attend today's meeting. Don said he was interested in the appointment for re-enstatement, but would also not be able to attend today's meeting. Dave said he would also contact Robin Bassett (the City of Vernonia Public Works Director) to see if she was interested in an appointment to the committee.
2. Changes to the Road Standards. Dave handed out new criteria for road modifications. See attachment 1. The committee will look over the recommended criteria, and make comments at the next meeting.
3. Road Modification Request on Pepper Lane for Joseph Hauge. The committee agreed with the recommendation that Lonny Welter wrote on the July 6, 00 Referral and Acknowledgment to Land Development Services. See Attachment 2. That is, if a lot line adjustment is to be made, no improvements will be required of Pepper Lane. If this is to be a new lot added to Pepper Lane, then Pepper Lane will be required to be brought up to County Public Road Standards.
4. Outcome of November elections. The proposed depletion fee of an additional \$.10 for a total of \$.25 per ton failed. This failure was in large a result of mis-information that was sent out by opposition, and the County's failure to react with any corrections. Dave said we must respect the voters voice and let is rest for a while. Instead, we need to pursue proposals for System Development Charges. This time we need to do a good job of putting the correct information out to the Public before the opposition can shoot it down.



5. Truck load lengths. ODOT has established load length limits on HWY 47 between Mist and Clatskanie. HWY 47 on this stretch is better than Apiary or Scappoose Vernonia Road, therefore, we want to take a look at matching what ODOT feels is safe loads. Dave proposed and the committee agreed that on Scappoose Vernonia Road a max length of 65 feet for all combinations of truck and trailers would be the limit. On Apiary, he wants to look at it a bit more.

6. Scappoose Vernonia Road intersection with HWY 30 re-alignment was the number 1 project in the STIP for the County as identified by the HWY 30 Steering Committee, the City of Scappoose, and Columbia County. So why has it been pushed back from the year 2003 to 2005? We the City and County were not asked about nor notified of this change. Dave encouraged all of us to write a letter to the head of ODOT about our concerns and disappointment, and how we feel this is important and should not be pushed back to 2005. It seems ODOT encourages public input and participation, then seemingly does what it wants anyway.

7. West Lane Road intersection onto HWY 30 has been identified as a real dangerous situation for motorists when the large trucks turn south from West Lane heading towards Portland. They must cross two lanes of north bound traffic (speeds 55-70mph) and the left turn lane from HWY 30 to Wikstrom. Much of the time the trucks use the turn lane as an acceleration lane to get into the south bound lanes. This has the potential of a head on collision with vehicles coming into the turn lane to make the left turn onto Wikstrom and meeting one of these trucks.

The best solution to this is to open the old CZ ROW from West Lane to the Scappoose Vernonia Road / HWY 30 intersection. The City of Scappoose seems to be for this, now all we have to do is to encourage ODOT Rail to convert the private rail crossing at this location into a public crossing. Dave said however he does not want the heavy truck traffic coming into this bad intersection until the re-alignment is done. Again a letter to ODOT that the re-alignment will solve a couple of problems.

8. Dave said the road improvements on West Dike Road (Rainier) and Rockcrest Street is almost complete. Overall the project went well and looks good.

9. The road improvements for the Clatskanie area, Port Westward / Cascade Grain, so far everyone at this level is still in agreement that no money will be coming directly from the County Road Department for the needed improvements.

10. Other - Dave said the new requirements for environmental studies (4d rules & fish related issues) are costing more time and money. The studies will be taking money from the budget that otherwise would have gone into actual road improvements and pavement.

Dave also brought up the fact that the County has received O&C monies, but as of yet none has been provided to the Roads. The Road Department may receive some, just not known as of yet how it will be split out.

Next meeting, Dec 8, 00

Adjourned at 11:43 AM

Minutes by Lonny Welter

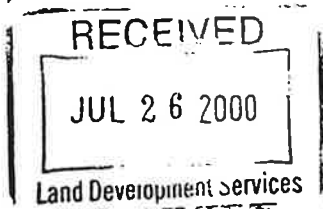
LAND DEVELOPMENT SERVICES

Planning Division  
COURTHOUSE

ST. HELENS, OREGON 97051

Phone: (503) 397-1501 Fax: (503) 366-3902

Attachment 2



July 6, 2000

REFERRAL AND ACKNOWLEDGMENT

TO: Roadmaster

**IN REFERENCE TO:** Joseph Hauge, 33100 Pepper Lane, Warren, Oregon, has Appealed (APP 01-01) the Administrative Decision made by the Land Development Services Department on a request for a Partition (MP 00-20) to reconfigure an approximately 4.95 acre parcel into one 2.75 acre parcel and one 2.2 acre parcel. The owner of the property is Frank Vardanega, 55811 Hazen Road, Warren, Oregon. The subject property is identified on the Assessor's records as tax account number 4225-020-01900 and is zoned Rural Residential (RR-5). The property address is described as 55811 Hazen Road, Warren, Oregon.

**THIS APPLICATION IS FOR:** ( ) Administrative Review; (X) Planning Commission, *Hearing Date: 8/7/00*

**PLEASE RETURN BY:** July 20, 2000

**PLANNER:** Matt Laird

The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

1. \_\_\_\_\_ We have reviewed the enclosed application and have no objection to its approval as submitted.
2.  Please see attached letter or notes below for our comments.
3. \_\_\_\_\_ We are considering the proposal further, and will have comments to you by \_\_\_\_\_.
4. \_\_\_\_\_ Our board must meet to consider this; we will return their comments to you by \_\_\_\_\_.
5. \_\_\_\_\_ Please contact our office so we may discuss this.
6. \_\_\_\_\_ We recommend denial of the application, for the reasons below:

COMMENTS: If a lot line adjustment is to be made, no improvements will be required of Pepper Lane. If this is to be a new lot added to Pepper Lane, then Pepper Lane will be required to be brought up to Public Rd Standards.

Signed: *L R Wells*  
Title: Transportation Planner Date: 17 July, 00

EXHIBIT D



**Columbia County Road Department**  
P.O. Box 366, 1004 Oregon Street, St. Helens, OR 97051

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**Public Works Director**

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Phone (503) 397-5090  
Fax 397-7215

**TO:** County Counsel

**FROM:** Dave Hill

A handwritten signature in black ink, appearing to be 'DH' or similar initials, written over the printed name 'Dave Hill'.

**Date:** Dec 26, 00

**REF:** Pepper Lane Road Modification Request, by Joseph Hauge

**DISCUSSION:** The Road Standards require this road to be paved for the following reasons:

1. The original partition in 1996 required paving, however a modification was granted for the road to remain gravel.
2. The Planning Commission required as part of the partition to develop the road to the complete standard.
3. Page 20 of the standards requires developers of partitions to make improvements proportionate to the maximum buildout of the area. In this case, this is the last parcel to be developed and therefore the complete standard can be required. Page 42 of the standards restate the same requirement (i.e. this is the last remaining parcel to be developed, and therefore we can require the entire road to be brought up to current standards).

The Transportation and Road Advisory Committee has reviewed the application of the current Road Standards (and this request in particular), and recommends that for three parcels or more, the roads should be paved.

In 1996 when tax account 4225-020-1901 was partitioned by James McNeely, the County Road Standard was for the dedication of a 50' right-of-way and for it to be constructed to County Standards, 24' foot paved surface with shoulders and drainage as needed. Mr. McNeely submitted a Road Modification Application for the dedication of a 50' right-of-way, but for it to be constructed to gravel driveway standards.

Order number 190-96 granted a waiver from the requirement that the road be paved to a 24' width. Instead, the applicant shall gravel the length of Pepper Lane, in accordance with the specifications of the Public Works Director.

Now, four years later, Mr. Hauge, owner of tax account 4225-020-1910, the new partition off the original tax account 4225-020-1901, would like to create a new tax account lot that will front Pepper Lane. He is requesting another Road Modification, to again keep Pepper Lane as a driveway, until such time that a construction permit is requested for the new parcel.

Again this is not in accordance with the County Road Standards, and if allowed would need to be granted under the Road Modification Application. This request was presented to the Columbia County Transportation and Road Advisory Committee. Their recommendation was to deny the Road Modification Request, due to this being the second Modification Request, and that the new parcel has the potential to be developed for a dwelling. The committee strongly feels that the burden of road improvements should fall upon the developer, and not the future buyer of the property. Therefore it is my recommendation that this request be denied.