

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of the Request by David Dutra )  
and Richard Otis for a Modification from the )  
Columbia County Road Standards for Chase )  
Road )  
\_\_\_\_\_ )

ORDER NO. 3-00

WHEREAS, property owners David Dutra and Richard Otis requested a partition in the R-10 zone to split a five-acre parcel into three smaller parcels for residential purposes; and

WHEREAS, in order to meet the requirement in the R-10 zone that all lots or parcels shall have a minimum of 50-foot usable frontage on a public right-of-way, the owners have decided to dedicate a new public road, to be known as "Chase Road"; and

WHEREAS, pursuant to the Columbia County Road Standards Ordinance 96-6, the standards for the creation of a new public road include, 20-feet of paving for the travel surface and three-foot gravel shoulders on each side; and

WHEREAS, on September 1, 1999, Mr. Dutra and Mr. Otis requested a modification from the Columbia County Road Standards for Chase Road, to require only a 12-foot gravel surface (a copy of the request is attached hereto, labeled Exhibit "A" and incorporated herein by this reference); and

WHEREAS, the Public Works Director, Dave Hill, has reviewed the request, and made a recommendation with two alternatives to the Board of Commissioners on November 29, 1999 (Attached as Exhibit "B"); and

WHEREAS, Dave Hill discussed both alternatives with County Counsel, and County Counsel recommended that the first alternative of requiring the current developers to build the road to full standards provided that the county require adjacent property owners to pay for half of the improvements when they desire to access Chase Road, would be difficult to enforce; and

WHEREAS, on December 10, 1999, the Transportation and Road Advisory Committee recommended the second alternative, which is to require basically a half-street improvement, which would include 12 feet of asphalt with two-foot gravel shoulders on each side, and to require the next developer requesting access to Chase Road to construct the remainder of the road to county standards; and

WHEREAS, Parcel No. 1 to the Dutra/Otis Partition (Planning File No. MP 98-11) currently has access direct to Millard Road but the Public Works Director recognizes the value of allowing Parcel No. 1 access to Chase Road in the future and recommends preservation of that right; and

WHEREAS, the applicants have completed a Waiver of Remonstrance from the formation of a future Road Improvement District, should the County determine that such a district is in the public interest, which said Waiver has been recorded as number 99-11851; and

WHEREAS, this modification is specifically intended to affect only the existing parcels subject to the Dutra/Otis Partition, and that further development or partitioning of one or more additional parcels requiring access to the road are to be required to improve the road to county road standards,

NOW, THEREFORE, IT IS HEREBY ORDERED that the request by David Dutra and Richard Otis for a modification from the Columbia County road standards for Chase Road is granted subject to the following conditions:

1. The applicants are granted a waiver from the Columbia County Road Standards requirement that a new public road be paved to a 20 foot width, with 3 foot gravel shoulders. Instead, the road shall be paved to a 12 foot (12') width, three inches of asphalt and two foot graveled shoulders on either side, to include the planned cul-de-sac or hammerhead at the end of the road, and drainage, on which to access parcels of land created by a partition approved by the Columbia County Planning Commission (Dutra/Otis Partition, Planning File No. MP 98-11).

2. This modification is intended to serve only those parcels created by this subject partition. For the next development requiring access to Chase Road, the owner/developer shall be required to make improvements to bring Chase Road up to the county road standards in effect at that time. This improvement to the road shall be a condition precedent to the issuance of any additional access permits to Chase Road.

3. The right of any current or future property owner of Parcel 1 of the Dutra/Otis Partition, to access Chase Road now or in the future is hereby specifically reserved.

4. This 50' dedicated public right-of-way to be known as Chase Road, established as a condition of the Dutra/Otis Partition, and subject to this road modification, shall be specifically described on the partition plat, be dedicated for public road and utility purposes, and be accepted by the Board of County Commissioners. After dedication, Chase Road will be a "public road" as defined by the Columbia County Road Standards Ordinance 96-6.

5. All improvements to the road, as approved by this road modification order, shall be installed prior to the issuance of development permits on the parcels created by the Dutra/Otis Partition.

6. Any necessary road approach permits to Chase Road shall be received and approved by the Columbia County Road Department prior to the issuance of development permits on the parcels created by the Dutra/Otis Partition, as well as additional lots or parcels created in the future.

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

DATED this 12th day of January, 2000.

BOARD OF COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: Jack A. Peterson  
Chair

By: John M. Steward  
Commissioner

By: [Signature]  
Commissioner

Approved as to form

By: [Signature]  
Office of County Counsel

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EXHIBIT A

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: DAVID DWIKA / RICHARD OTIS

Address of Applicant: 34977 MILLARD RD  
WARLEN OR 97056

Daytime Phone: (503) 818-3611 / (503) 281-4044

Name of Road subject to modification: CHASE ROAD - (PROPOSED) Public Row 3

Is the Road known by other names? If so, please list: \_\_\_\_\_

What is the location of the road? OFF MILLARD RD

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

Has the road been maintained?  By Whom? OWNER

What modifications to the road standards are requested? 12' FOOT GRADE ← 26'

ROAD TO BE ACCESS FOR 2 PARCELS  
Being created by MP 98-11

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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?

R-10

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.

MP 98-11

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:

NO

**Surveyor Information**

Please have the County Surveyor initial the appropriate space below:

Is this a:        Dedicated County road OR        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?       

**Signature and Certification**

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

Daniel D. Dyer  
Signature

9-1-99  
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:




12/8

**Columbia County Road Department**

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

**M E M O R A N D U M**

**to:** Board of Commissioners  
**from:** Dave Hill   
**subject:** Road Modification Request  
**date:** November 29, 1999

David Dutra and Richard Otis submitted a road modification request to the Road Department for Chase Road located off of Millard County Road.

They received a final order for a partition (MP 98-11) to split a 5 acre parcel into 2 one acre parcels, one 2.5 acre parcel, and a public road. The existing house on parcel 1 has access to Millard Road, therefore the public road would be constructed for 2 home sites.

Our original recommendation on this issue was to allow the applicants to construct a 26 foot wide gravel road base and if his adjacent property owners ever wanted to access the public road then we would require the adjacent property owners to pave it.

The Board of Commissioners reviewed our recommendation and asked that I discuss this issue before the County Transportation and Road Advisory Committee.

I discussed this with the Committee and their recommendation was to require the applicants to build the road to the County standards, provided that we could require adjacent property owners to pay for half of the improvements at the time they desire access to the public road. This may be 20 years in the future, however I spoke with Todd Dugdale about this and we concluded that the only feasible way to control this is to require a one foot reserve strip along the east side of the road dedicated to the County. Therefore, I recommend we require the applicants to build the road to public road standards (i.e. 20 feet of pavement and 3 foot gravel shoulders) but allow a 49 foot right-of-way and a 1 foot reserve strip dedicated to the County.

The applicants must also file the road costs with the County and at the time other property owners want to access the right-of-way, we will require payment to the applicants.

The second option recommended by the committee was to require basically a half street improvement with paving within the 50 foot right-of-way. This would include 12 feet of asphalt with 2 foot gravel shoulders (the minimum for a paved road). Future developers would then be required to construct the remainder of the road. Most of the committee members thought there should be at least some paving on the road.

Please review this information so we can have a decision at your next available meeting.



## Columbia County Road Department

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

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Transportation Planner

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Phone (503) 397-5090

Fax 397-7215

**TO:** County Commissioners

**FROM:** Lonny R. Welter

**DATE:** 2 Sept 99

**REF:** Request for Road Standards Modification Application, Chase Road, created by MP 98-11, Applicants - David Dutra and Richard Otis

**LOCATION:** 4107-040-00100, north side of Millard Road, about ½ mile west of HWY 30

**DISCUSSION:** The applicants, David Dutra and Richard Otis, have requested a road modification for development of the above property.

A 50' public right-of-way has been established, as a condition of MP 98-11. County Standards are that this right-of-way would have to be developed into a road to public road standards, i.e., a 20' wide paved road with shoulders and ditches.

Mr. Dutra and Mr. Gtis request the standards be reduced to that of a 12' graveled driveway, because this "Chase Road" will only be the access for only two residents.

My recommendation is: Accept the request for modification with the following change. Chase Road be constructed as a gravel road with a surface 26' wide. Parcel 1 to be required to access Chase Road also, thus reducing accesses coming onto Millard.

If adjacent property owners wish to access Chase Road, they will be required to bring the road up to County Standards, i.e., paving. Using this process allows the creation of a public road to full width, with a good gravel base, which is all that is required of driveway usage. With additional properties wishing to access this public road, they will be required to do the paving (the current property owners will have already dedicated the right-of-way, and established a full width gravel base).

  
Lonny R. Welter

COUNTRY ROAD No. 583  
ADDN

PAGE 502

INST 1997-57

INST 1997-57

61N 59°51'21" E 1128.80'  
N 59°48'24" E 1128.40'

100 YEAR PLANNED PLAIN AND  
WETLAND EASEMENT AREA

S 00°52'06" E 1190.75'  
4(S 00°46'30" E 1186.95'  
S 00°52'44" E 1181.30'

BOOK 189, PAGE 785

1.9(S 00°48'30" E 1812.8'  
N 00°53'21" W 1286.77'

PARCEL 1  
1.00 acres

PARCEL 2  
1.00 acres

282.13'  
A = 270°00'00"  
K = 50.00'  
LH = N 41°00'36" W  
70.71'

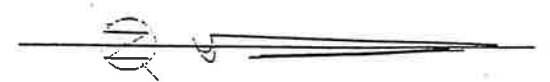
206.83'

CHASE ROAD

INST No. 95-7108

INST No. 99-2636

10' ADDITIONAL  
RIGHT OF WAY  
DEDICATOR



N 00°30'46" W 700.46'  
173.77'  
173.02'  
N 80°30'46" W 159.06'  
1160.07'  
100.00'  
116.90'

S 00°36'00" E  
111.00'  
(5117.00')

S 00°51'08" E 1892.50'  
16.00°46'30" E 1282.88'

(14)

(14)

180.00'

121.00'