

In the Matter of Amending Rules and)
Regulations for the Construction of Access)
Approaches to Public and County Roads in)
Columbia County, Oregon, and Adopting)
a New Access Approach Road Construction)
Application and Permit Form)
_____)

ORDINANCE NO. 2003-02

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2003-02.

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to ORS 203.035 and ORS 374.305 to 374.330.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to amend Ordinance No. 98-01, amending Ordinance No. 91-04, to adopt specifications and standards for access approach road construction, and to adopt changes to the Permit Application form.

SECTION 4. HISTORY.

Pursuant to Ordinance No. 98-10, amending Ordinance No. 91-4, the Board of County Commissioners may enact rules and regulations for the construction of access approaches to public and county roads in Columbia County, Oregon, and may adopt a new form of access permit. The Public Works Director has requested that changes be made to the Access Permit Ordinance, and that a new Access Approach Road Construction Application/ Permit form and Specifications be approved for use.

SECTION 5. AMENDMENT AND AUTHORIZATION.

1. The Board of County Commissioners adopts the Access Approach Road Construction Application and Permit form which is attached hereto as Exhibit "A" and is incorporated herein by this reference, as the official access approach application and permit form for Columbia County, Oregon.

2. The Board of County Commissioners adopts the Specifications for Access Approach Construction, which are attached hereto as Exhibit "B" and are incorporated herein by this reference,

as the official specifications for access approach construction for Columbia County, Oregon.

3. The following sections of Ordinance No. 98-10, Amending Ordinance No. 91-4, In the Matter of Regulating the Construction of Access Approaches to Public and County Roads in Columbia County, Oregon, are hereby amended: [additions in **bold**, deletions ~~stricken~~]:

SECTION 8. RULES AND REGULATIONS.

B. To ensure that accesses are constructed promptly, and in accord with County Standards, **except as provided below**, all applicants for a permanent access permit shall post a \$500.00 cash deposit with the Columbia County Treasurer prior to obtaining a building permit. **The \$500.00 cash deposit is not required if the permanent access approach has been constructed and approved by the Columbia County Public Works Director, or his/her designee prior to applying for a building permit, and proof of such approval is submitted to the Columbia County Building Official.** The deposit shall not be returned unless a permanent access approach is constructed in accordance with the rules and regulations adopted pursuant to this Ordinance, County Road Standards, and as approved by the Public Works Director. The deposit is in addition to the permit fee. If the access approach is not constructed, or fails to conform to the standards set by the Public Works Director within two years of posting the deposit, the \$500.00 deposit shall be forfeited to the County. Further, no Columbia County Building Official shall **approve a final inspection or** issue a Certificate of Occupancy until the Public Works Director, or designee, has approved the completed access approach and has filed written approval with the County Land Development Services Department.

Notice of forfeiture of the \$500 deposit and a description of appeal procedures described in Section 13, below, will be mailed to the last known address of the **permittee applicant** within ten(10) days of the time the Public Works Director or designee determines that the property owner failed to construct the access to the minimum standards required herein. The forfeited deposit shall be transferred to the operating accounts of the Road Department to be used for general road construction, repair, and maintenance purposes.

If the access approach is constructed in accordance with the Columbia County Road Standards and approved by the Public Works Director **or designee** within two years after posting the deposit, then the deposit shall be returned to the applicant within 30 days of the date the Public Works Director or designee approves the construction. The refund shall be issued by the **Treasurer** upon written authorization of the Public Works Director. **Applicant shall inform the County Treasurer if applicant's mailing address changes within 2 years after posting the deposit.**

D. The applicant shall ~~be responsible~~ **hold the County harmless and shall be and** liable for all accidents or damage to any person or property resulting from the **design**, construction, maintenance, repair, operation or use of said access approach. **The applicant shall further hold the County harmless and shall indemnify the County from any and all liability resulting from the issuance of an access approach permit, including any liability under the Endangered**

Species Act.

H. At all times during the design, construction, repair, maintenance, operation and use of an access approach, the applicant shall comply with all Columbia County Rules and Regulations, including, but not limited to, the Columbia County Stormwater and Erosion Control and Zoning Ordinances, as well as all State and Federal laws, rules and regulations, including, but not limited to, the Endangered Species Act.

SECTION 9. INSURANCE AND BONDING.

The Board and/or the Public Works Director, or **his/her** designee, may require an applicant to furnish ~~public liability and property damage~~ **comprehensive general liability and property damage** insurance in such amounts as determined by the Board and/or the Public Works Director, ~~not to exceed \$1 million up to the limits of the Oregon Tort Claims Act~~, for all claims out of each accident or occurrence. **If insurance is required, the applicant shall provide a certificate of insurance which shall name the County, its officers, agents and employees as additional insureds up to the limits of the Oregon Tort Claims Act, and shall agree to notify the County of any material change in the insurance policy prior to such change. Every applicant for an access permit shall** ~~Such insurance shall~~ indemnify Columbia County, its Board of County Commissioners, the Road Department, and all other county officers, agents and employees, from any claim which might arise on account of the issuance of said permit and the use of the access approach constructed pursuant to such permit, **including, but not limited to any environmental liability arising out of the Endangered Species Act.** In addition, the Board and/or Public Works Director, or designee, may require the applicant to furnish indemnity insurance or an indemnity bond in a sum fixed by the Board and/or Public Works Director indemnifying the Board and/or Road Department against any costs or damages that may be incurred by reason of the failure of said applicant to comply with the terms of any such access permit.

SECTION 10. EXPENSES BORNE BY THE APPLICANT.

All construction under any access permit issued by the Public Works Director, **or his/her designee**, shall be ~~under subject to~~ the supervision of the Public Works Director, or **his/her** designee, and **shall be** at the expense of the applicant. After completion of the construction of the access approach, **it the approach** shall be maintained at the expense of the applicant and in accordance with any rules and regulations adopted by the Board and the access permit, **as well as state and federal laws, rules and regulations.**

SECTION 12. ENFORCEMENT.

A. In addition to any other remedies which may be permitted by law, violations of this **O**rdinance are subject to the penalties provided in the Columbia County Enforcement Ordinance.

B. Upon issuance of a letter of authority signed by the Board of County Commissioners pursuant to Section 11 of the Columbia County Enforcement Ordinance, the Columbia County Public Works Director and the Columbia County Building Official shall be authorized to, have jurisdiction over, and may enforce violations of this Ordinance. The authority and jurisdiction of the Public Works Director and the Columbia County Building Official is subject to the primary authority of the Board of County Commissioners. The Public Works Director may issue a citation or warning to any person who violates this Ordinance, and the Building Official shall not **approve a final inspection or** issue a Certificate of Occupancy to any person who violates this Ordinance. [Enacted by Ord. 91-4, amended by Ord. 98-10.]

4. All other provisions of Ordinance No. 98-10, amending Ordinance No. 91-4, remain in full force and effect.

DATED this 9th day of April, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Joe Corralis
Chair
By: Gita M. Gerhard
Commissioner
By: [Signature]
Commissioner

Approved as to form:

By: Sarah Tyson
Office of County Counsel

Attest:

By: Jan Greenhalgh
Jan Greenhalgh, Recording Secretary

First Reading: 3-26-03
Second Reading: 4-9-03
Effective Date: 7-9-03

Exhibit "A"

ACCESS APPROACH ROAD CONSTRUCTION APPLICATION AND PERMIT

COLUMBIA COUNTY ROAD DEPARTMENT
1054 OREGON STREET, ST. HELENS, OR 97051 ph (503) 397-5090

A. APPLICATION PERMIT NUMBER : _____

Permit Fee: \$ 50.00

Applicant Name - Please Print: _____

declares that he/she is the owner or lessee of the real property adjoining the highway at the location described herein and has the lawful authority to apply for this permit. When approved, the application is subject to the terms and provisions of Columbia County Ordinance No. 91-4 as amended, and the attached specifications.

Access Required is: [] Permanent [] Temporary [] Low Usage

Road Name _____ Property Tax Account No. _____

Side of Road: North [] South [] East [] West []

Between/Near Landmarks (attach map if possible) _____

Applicants Signature _____ Date _____

Mailing Address _____ Phone _____

B. PERMIT: Must be received prior to beginning construction

THIS SECTION TO BE COMPLETED BY COLUMBIA COUNTY PUBLIC WORKS DEPARTMENT

Construction of the access shall be approved, or a \$500 deposit made with the County Treasurer prior to obtaining a building permit. Access construction must be completed to specified standards before the Building Inspector approves the final inspection for occupancy or issues a Certificate of Occupancy.

Insurance required? Yes [] No []

Sight Distance adequate?: Yes [] No [] If no, explain: _____

Culvert Required?: Yes [] No [] Size _____ Length _____ Distance from edge of road _____

Dimensions of access apron if different then standard (Section IV D&E): _____

Paving to a Distance 20' from edge of Public Road Required?: Yes [] No []

Water diversion required on access apron?: Yes [] No []

Special Comments: _____

Permit Approved : _____ Date: _____

Title : _____

Construction Approved : _____ Date: _____

Title: _____

(When construction is approved, copy to Columbia County Land Development Services Department)

Exhibit "B"

COLUMBIA COUNTY SPECIFICATIONS FOR ACCESS
APPROACH CONSTRUCTION

- I. **Access Approach Permit Fees.** Pursuant to Columbia County Ordinance No. 98-10, amending Ordinance No. 91-4, the fee for access approach construction permits issued by the Columbia County Road Department is **\$50.00**. No work on the access approach shall commence until a permit is received by the applicant.

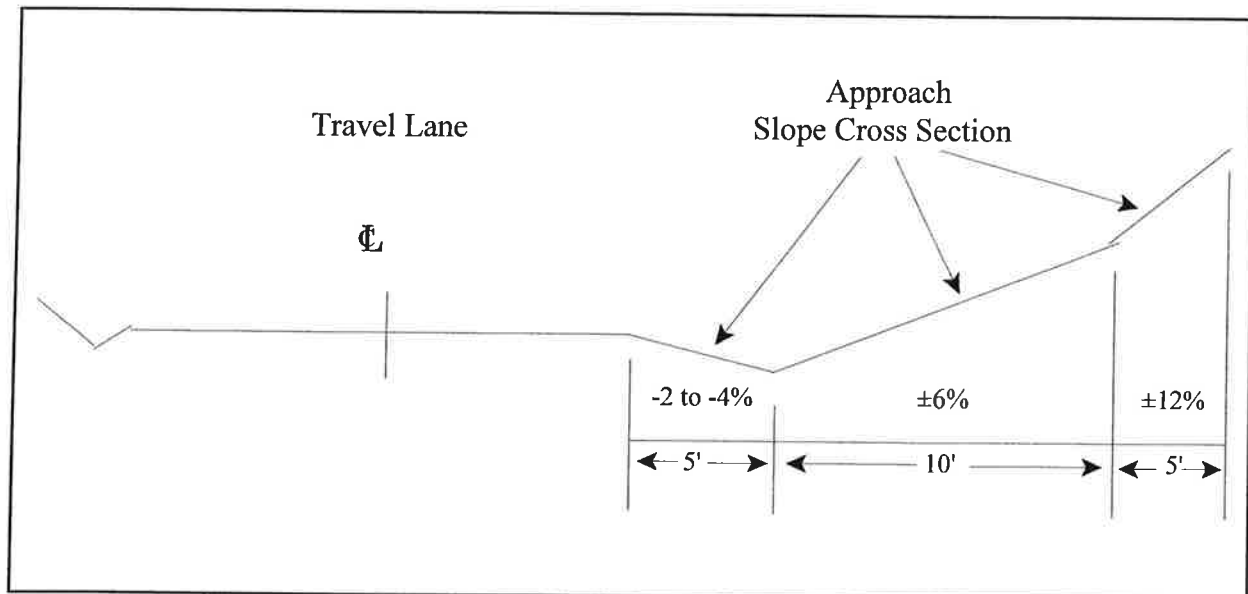
- II. **Access Approach Construction Deposit.** Pursuant to the Columbia County Access Approach Ordinance, all applicants for permanent access approach permits shall post a **\$500.00** cash deposit with the Columbia County Treasurer's Department prior to applying for a building permit, unless the permanent access is constructed and approved prior to applying for a building permit. The deposit will not be refunded until the permanent access approach is constructed in accordance with the access approach standards and specifications, and the Columbia County Public Works Director or his/her designee has approved the construction. If the access approach is constructed in accordance with the Columbia County Road Standards and approved by the Public Works Director or his/her designee, then the deposit will be returned to the applicant, by the Treasurer, within 30 days of the date the Public Works Director or his/her designee approves the construction in writing. In all cases, construction must be completed to County Standards within 2 years from the date the permit is approved, or applicant will forfeit the deposit. The Columbia County Building Department will not approve a final inspection for occupancy or issue a Certificate of Occupancy, on the effected property until the Public Works Director, or his/her designee, has notified the Land Development Services Department in writing that the access approach construction has been approved. Notice of forfeiture and a description of appeal procedures may be found in Sections 8 and 13 of Columbia County Ordinance No. 98-10. Ordinance No. 98-10, as amended, is available for review and copying at the Columbia County Road Department.

- III. **Permits.** There are three different types of access permits in Columbia County, as follows:
 - A. **Permanent.** For general use (residential, business, high usage).
 - B. **Temporary.** For short term use. Access approach to be removed within one year of construction.
 - C. **Low-Usage.** Used primarily for agricultural or other intermittent uses, where access is used less than twice per month. Not for residential uses.

- IV. **Minimum Standards For Construction or Removal of Access Approaches.** The standards for the construction or removal of access approaches shall be determined by the Columbia County Public Works Director or his/her designee subject to the minimum standards set forth

as follows:

- A. If the road surface is damaged by Applicant, Applicant shall replace or restore the roadway or traffic facilities to a condition satisfactory to the County, whether discovered at the time of inspection or at a later date. The County may have Applicant replace or restore the road to a satisfactory condition or may replace or restore on its own and the costs incurred shall be paid by Applicant.
- B. The work area during construction or maintenance performed under the permit provisions shall be protected in accordance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" as amended or supplemented by the State Highway Commission. Necessary signs shall be furnished by Applicant unless otherwise specified in the permit.
- C. The applicant may be required to submit detailed drawings of the approach and/or facilities, with respect to road improvements, right of way, and utilities.
- D. The cross-section of the approach as it leaves the edge of the Public Road will be at a -2 % to -4% slope for the first 5', not to exceed + or - 6% slope for the next 10', and not to exceed + or - 12% for the next 5' from the road edge.



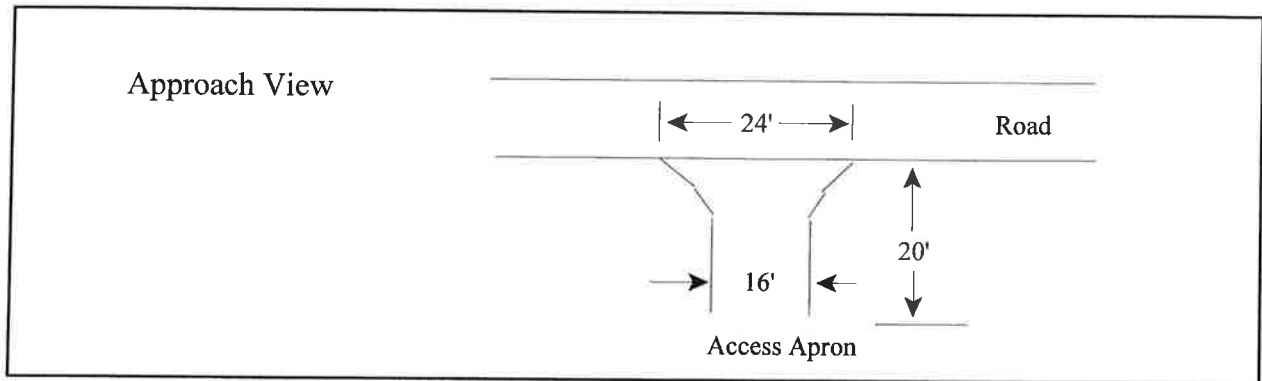
- E. Drainage:
 1. Culvert requirements. If there is a roadside drainage ditch, or evidence of water on the shoulder of the road, a culvert will be required. The minimum size for such a culvert is 12" diameter by 30' long. A larger diameter culvert

may be required depending on the quantity of water it will need to pass. The length may be required to be longer than 30', depending on how wide the access will be.

2. Water Diversion devices. On accesses that are on a slope coming down onto a road, water must be prevented from running down the apron and onto the road surface. Some water diversion methods include installing ditches along the access on both sides, sloping the access to one side, placing water bars (small chevron speed bumps), or placing a small dip in the access at the edge of the road. One or more water diversion devices may be required to be installed during construction of the access approach.

F. Construction Requirements for Access Approaches:

1. Public Road is not paved (gravel): The access approach construction requirement is a 8" depth of 4" gravel covered with a 2" depth of 3/4" gravel, for a distance of 20' form the edge of the Public Road. The access must measure 24' wide at the road surface, be 20' in length, and 16' wide at the back, unless otherwise specified by the inspector on the permit.
2. Public Road is surfaced (paved): The access approach construction requirement is 2" gravel for a depth of 6", topped with a 2" thickness of compacted asphalt, or 4" of concrete, creating an apron measuring 24' wide at the edge of the public road pavement, 20' in length, and 16' wide at the back, unless otherwise specified by the inspector on the permit.



3. Permanent Access, public road, paved: As stated above, within 2 years from permit approved date.

4. Permanent Access, public road, not paved: As stated above, within 2 years from permit approved date.
 5. Temporary Access, public road, no paving allowed: must be removed by applicant at termination of operation, or within one year, whichever occurs first.
 6. Low Usage Access, public road, paved: must pave as with permanent access, but only 3' instead of 20' back from the edge of the pavement, no time limit for completion.
 7. Low Usage Access, public road, not paved: same as with permanent access, but only 3' instead of 20' back from the edge of the traveled surface, no time limit for completion.
- G. Clear Vision Areas: At every road approach where traffic may enter or cross another lane of traffic to reach its destination, every affected property owner must develop and maintain adequate sight distance across their property to allow for the safe movement of the traffic in every direction. No fence, trees, structures, shrubs, natural earth mound or any other obstructions may block this clear vision area. Adequate sight distance is dependent on the speed of traffic (not necessarily the posted speed) at the location in question and according to the following table:

<u>REQUIRED</u>	<u>85 % of the Vehicles Traveling at Speeds of:</u>	<u>MINIMUM SIGHT DISTANCE</u>
	25 mph	250 ft
	30 mph	300 ft
	35 mph	350 ft
	40 mph	400 ft
	45 mph	450 ft
	50 mph	500 ft

The distance shall be measured from a point located 10 feet behind the face of curb or near edge of traveled roadway, 3.5 feet above the near edge of roadway, to a point that is 4.25 feet above the center of the travel lane in both directions. The sight distance shall then be measured along the centerline of the roadway.

- H. Accesses shall intersect a public or county road at a minimum of 75° angle, preferably 90°.
- I. Where standard warning signs, such as "Look out for Log Trucks," are required, such signs shall be furnished and placed by the applicant.

- V. **Rules and Regulations.** Pursuant to Sections 8, 10 and 11 of Columbia County Ordinance No. 98-10 amending Columbia County Ordinance No. 91-4, and as amended by Order No. 55-00, and Ordinance No. 2003-02, the following rules and regulations apply to access approach permits:
- A. The applicant shall be responsible and liable for all accidents or damage to any person or property resulting from the construction, maintenance, repair, operation or use of said access approach. The applicant shall indemnify the County its officers, agents and employees, against any claims for damage to property or injury to persons, or environmental liability, resulting from the construction, maintenance, repair, operation or use of said access approach. The Public Works Director may require the applicant to provide general comprehensive liability insurance and property damage insurance naming the County, its officers, agents and employees as additional insureds.
 - B. All construction must comply with any applicable rules under Columbia County's Ordinances, including, but not limited to the Storm Water and Erosion Control Ordinance, and Zoning Ordinance. The applicant is also required to comply with all rules and regulations of the Endangered Species Act, which among other prohibitions, prohibits the applicant from "taking" (killing, harming, etc) a protected fish or protected fish habitat.
 - C. Any subsequent improvement of the access approach shall be done only under authority of a construction permit issued by the Road Department.
 - D. The entire expense of construction and maintenance of the access approach shall be born by the applicant. No work shall be done and no equipment shall be used by the applicant on the shoulder of the County road at any time unless the applicant has first secured approval from the Columbia County Public Works Director or his/her designee. After completion of the construction of the access approach, the access shall be maintained at the expense of the applicant and in accordance with any rules and regulations adopted by the Board of County Commissioners or stipulated in the access permit.
 - E. All construction under any access permit issued by the Public Works Director, or his/her designee, shall be at the expense of the applicant, and shall be subject to the supervision of the Public Works Director, or his/her designee.
 - F. Upon failure of an applicant to construct, maintain or remove an access approach in accordance with rules and regulations and the conditions of any access permit, the County may, after the expiration of 30 days following the transmittal of a written notice to the applicant, at applicant's expense, remove the access approach or reconstruct, repair or maintain the access approach in accordance with or as required

by such rules and regulations and the conditions of the permit. This expense may be recovered from the applicant by the County in any court of competent jurisdiction.

- G. If the Board of County Commissioners or the Public Works Director, or his/her designee, determines that a traffic or pedestrian hazard is created by any noncompliance which causes imminent danger, it may:
1. Order the access approach removed, repaired or maintained to eliminate the hazard, within 24 hours after delivery of written notice to the applicant, and to the owner of the property on which the non-compliance occurred.
 2. If the hazard is not eliminated within the period set under paragraph 1 of this subsection, the County may eliminate the hazard and recover the expenses of any removal, repair or maintenance from the applicant in any court of competent jurisdiction.

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