

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Regulating the)
Construction of Access Approaches)
_____)

ORDINANCE NO. 2006 - 4

SECTION 1. TITLE.

This Ordinance shall be known as the Access Approach Ordinance.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to adopt rules and regulations for construction of access approaches to local access roads, county roads, private roads and driveways in Columbia County, Oregon.

SECTION 3. AUTHORITY.

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

SECTION 4. ACCESS PERMITS REQUIRED.

No person shall construct any Access Approach to any county road, local access road, private road or driveway in Columbia County, Oregon, without first purchasing and obtaining an Access Approach Permit from the Columbia County Road Department, as provided herein.

SECTION 5. ACCESS PERMIT FORMS.

The form of Access Approach Permit as shown in Exhibit A, which is attached hereto and is incorporated herein by this reference, is adopted as the official Access Permit form for Columbia County, Oregon. Each Access Permit issued shall be accompanied by the Specifications for Access Approach Construction, which is attached hereto as Exhibit B and is incorporated herein by this reference. The Public Works Director is authorized to make changes to the Access Approach Permit form provided that such changes do not conflict with the provisions of this Ordinance and provided that such changes are approved by the Office of County Counsel.

SECTION 6. ACCESS PERMIT FEES.

The fee for Access Approach Permits issued by the Columbia County Road Department shall be as provided by order of the Board of County Commissioners for Columbia County, Oregon. For the purpose of this Ordinance, and unless and until revised by order of the Board, the fees for access permits shall be as follows:

Permanent Access Permits	\$50.00
Temporary Access Permits	\$50.00
Low Usage Permit	\$50.00

The Access Approach Permit fees shall be deposited to the Road Fund.

SECTION 7. SPECIFICATIONS.

The specifications for construction of Access Approaches shall be determined by the Columbia County Public Works Director. The Specifications which are attached hereto as Exhibit B may be amended by the Public Works Director provided that such changes do not conflict with the provisions of this Ordinance and provided that such changes are approved by the Office of County Counsel.

SECTION 8. RULES AND REGULATIONS.

The following general provisions shall govern the construction of access approaches:

A. Definitions. For purposes of this Ordinance, the following terms shall have the meanings given:

1. "Access approach" shall mean the first twenty (20) feet from a public road onto a private road or driveway and the first twenty (20) feet from a private road onto a driveway.
2. "Driveway" shall mean the point of access off of a public or private road serving one or two lots or parcels.
3. "Low Usage Access Permit" shall mean an Access Approach Permit granted for accesses used primarily for agricultural or other intermittent uses less than two times per month. Low Usage Permits shall not be issued for residential uses.
4. "Permanent Access Permit" shall mean an Access Approach Permit granted for general use accesses intended to be used for more than one year.
5. "Permit Period" shall mean 2 years from the date an access approach

permit is issued by the Columbia County Road Department.

6. "Private Road" shall mean a point of access off of a public or private road serving more than two lots or parcels.

7. "Public Works Director" shall mean the Columbia County Public Works Director or his/her designee.

8. "Temporary Access Permit" shall mean an Access Approach Permit granted for an access that must be removed within one year of construction.

B. Permit.

1. No Access Approach shall be constructed until a signed copy of an Access Approach Permit is issued by the Public Works Director, whereupon the Applicant has two years to complete construction. An Access Approach Permit shall be in effect for two years from the date of issuance unless an extension is granted pursuant to Subsection C, below. The Applicant shall complete construction of the access in accordance with the Access Approach Permit and the Columbia County Road Specifications within the Permit Period or any extension thereof.

2. No building permit shall be issued to the Applicant for development of the property for which the Access Approach is required until the Applicant receives an Access Approach Permit from the Columbia County Road Department. No final inspection shall be conducted or Certificate of Occupancy issued for said property until the Public Works Director has approved the completed Access Approach and has filed written approval of said Access Approach with the Columbia County Building Official, except as provided in Subsection D, below.

C. Extension. Notwithstanding, Subsection B, above, if the Applicant is unable to construct the access approach within the 2 year Permit Period, the Applicant may request an extension of the Permit Period, in writing. Said request shall be received by the Columbia County Road Department prior to the expiration of the Permit Period in order to be considered. The Public Works Director may approve an extension of the Permit Period for one or more additional periods, not to exceed 2 years each, upon finding that the Applicant is making progress in the development of the property for which the Access Approach is sought. The decision of the Public Works Director is final. The Applicant shall submit documentation of the reason for the extension request with the request. If an extension is granted, the Public Works Director or his/her designee shall notify the Applicant in writing of the new date by which the Access Approach shall be completed. Upon expiration of the Permit Period, or extension thereof, the Applicant must apply for a new Access Approach Permit prior to constructing the access approach.

D. Deposit. Notwithstanding Subsection B, above, if the Applicant desires to have a final inspection conducted or Certificate of Occupancy issued prior to completion of the access approach, the Applicant may deposit \$2,000.00 to secure completion of the Access Approach in accordance with the Access Approach Permit. If the Access Approach is not

constructed and approved by the Public Works Director or his/her designee, within the Permit Period, or extension thereof, as described in Subsection C, above, the Applicant shall automatically forfeit the deposit.

E. Deposit Refunded or Forfeited. If a deposit is made pursuant to Subsection D, above, and the Access Approach is constructed and approved by the Public Works Director within the Permit Period, or extension thereof as described in Subsection C, above, the Public Works Director shall notify the Columbia County Treasurer that the deposit may be returned to the Applicant. The Columbia County Treasurer shall thereafter return the deposit to the Applicant. If the access approach is not constructed and approved by the Public Works Director within the Permit Period, or extension thereof, as described in Subsection C, above, the Public Works Director or his/her designee shall notify the Columbia County Treasurer that the deposit has been forfeited by the Applicant. The Columbia County Treasurer shall thereafter transfer the deposited funds to the Columbia County Road Fund to be used for general road construction, repair, and maintenance purposes.

F. Forfeiture. If a deposit is forfeited, notice of forfeiture of the deposit and a description of appeal procedures described in Section 13, below, will be mailed to the last known address of the Applicant. The Applicant shall inform the Public Works Director and the County Treasurer of any change of the Applicant's mailing address within the Permit Period or extension thereof. If a deposit is forfeited, the Applicant shall remain responsible for constructing the access approach in accordance with the Access Approach Permit and Specifications at the Applicant's sole cost and expense.

G. Interest-Bearing Account. Each deposit shall be placed in an interest bearing account until such deposit is either returned to the Applicant or forfeited and transferred to the Road Fund. Pursuant to ORS 22.060, the interest earned on the deposits shall be allocated to the County Road Fund.

H. Indemnification. The Applicant shall hold the County, its officers, agents and employees harmless and shall be liable for all accidents or damage to any person or property resulting from the design, construction, maintenance, repair, operation or use of the Access Approach. The Applicant shall further hold the County harmless and shall indemnify the County, its officers, agents and employees, from any and all liability resulting from the issuance of an Access Approach Permit, including any liability under the Endangered Species Act.

I. Land Use. An Access Approach Permit does not authorize use of the property inconsistent with land use regulations. By issuance of an Access Approach Permit, the County does not represent that the proposed use of the property is permitted. Nor does the County represent the accuracy of property lines or ownership of property.

J. Maintenance. Once an Access Approach has been constructed and approved by the Public Works Director, the Applicant shall maintain and repair the Access Approach in a manner that will assure the safety of the public and users of the Access Approach, as determined by the Public Works Director. Any maintenance, repair or improvement of the Access Approach off of a public road shall be done only under authority of a construction

permit issued by the Road Department.

K. Expense. The entire expense of construction and maintenance of an access approach shall be borne by the Applicant regardless of whether a deposit has been forfeited. Forfeited deposits will not be used by the County to construct, reconstruct, repair or maintain Access Approaches.

L. Signs. Where standard warning signs, such as "Look Out for Log Trucks", are required to be placed as a condition of the Access Approach Permit by the Public Works Director, such signs shall be furnished and placed by the Applicant at the Applicant's sole cost and expense.

M. Compliance with Laws. 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 Ordinance and Columbia County Zoning Ordinance, as well as all State and Federal laws, rules and regulations, including, but not limited to, the Endangered Species Act.

N. Modifications of Provisions. These general provisions, including without limitation, the deposit amount, may be modified or deleted by order of the Board and new provisions may be adopted by order of the Board of County Commissioners.

SECTION 9. INSURANCE AND BONDING.

The Board and/or the Public Works Director may require an Applicant to furnish comprehensive general liability and property damage insurance in such amounts as may be determined by the Board and/or the Public Works Director up to the limits of the Oregon Tort Claims Act protecting the County and its officers, agents and employees from and against all claims arising out of the design, construction, repair, maintenance, operation and use of an access approach. 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 Approach Permit 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 design, construction, repair, maintenance and 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 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 County 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 Approach Permit.

SECTION 10. EXPENSES BORNE BY THE APPLICANT.

All construction under any Access Approach Permit issued by the Public Works Director shall be subject to the supervision of the Public Works Director and shall be at the expense of the Applicant. After completion of the construction of the Access Approach, the Access 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 Approach Permit, as well as state and federal laws, rules and regulations.

SECTION 11. REMOVAL OR REPAIR OF ACCESS APPROACHES.

A. Upon failure of an Applicant to construct, reconstruct, repair, maintain or remove an Access Approach in accordance with rules and regulations adopted pursuant to this Ordinance and the conditions of any Access Approach Permit issued pursuant to this Ordinance, the County may, after the expiration of 30 days following written notice to the Applicant, at Applicant's expense, remove the Access Approach, or construct, 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 in any court of competent jurisdiction. Any forfeited deposit shall not be used to offset costs of construction, reconstruction, repair, maintenance or removal of the Access Approach.

B. Notwithstanding Subsection A above, if the Board of County Commissioners or the Public Works Director, or designee, determines that a traffic or pedestrian hazard is created by the noncompliance which causes imminent danger, it may:

1. Immediately remove the hazard.
2. Order the Access Approach constructed, reconstructed, 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.
3. If the hazard is not eliminated within the period set under paragraph 2 of this Subsection, eliminate the hazard and recover the expenses of any construction, reconstruction, removal, repair or maintenance from the Applicant in any court of competent jurisdiction.

SECTION 12. ENFORCEMENT.

A. In addition to any other remedies which may be permitted by law, violations of this Ordinance 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 and Building Official may issue a citation or warning to any person who violates this Ordinance.

SECTION 13. APPEALS.

An Applicant, upon receipt of a 1) notice of deposit forfeiture, or 2) billing for costs incurred by the County to construct, reconstruct, repair, maintain or remove the Access Approach may appeal the forfeiture or bill to the Columbia County Board of County Commissioners. The Applicant must file an appeal within 30 days of the date the notice or bill was mailed. For purposes of this Ordinance, an appeal shall be deemed to be filed when it is actually received in the Office of the Board of County Commissioners. The Applicant shall submit any documentation that the Applicant wishes the Board of County Commissioners to consider with the appeal form. The Board will make a decision based on the information presented with the Appeal, and will thereafter notify the Applicant of its decision. The Board of County Commissioners may return the deposit on appeal if it finds that the Applicant complied with all of the terms of the Access Approach Permit within the Permit Period or extension thereof. The decision of the Board of County Commissioners is final.

SECTION 14. SEVERABILITY CLAUSE.

If, for any reason, any portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion of the Ordinance shall be deemed a separate, distinct and independent portion and such holdings shall not affect the validity of the remaining portions thereof.

SECTION 15. SCRIVENERS ERRORS

Scriveners errors in any portion of this Ordinance may be corrected by order of the Board of County Commissioners.

SECTION 16. EMERGENCY CLAUSE.

This Ordinance, being immediately necessary for the health, safety and welfare of the citizens of Columbia County, an emergency is declared to exist, and it shall become effective immediately.

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SECTION 17. REPEALER.

Ordinances No. 91-4, No. 98-10, and No. 2003-02, as well as Orders No. 165-98, No. 55-00, and No. 72-2005, are hereby repealed, except for provisions therein related to enforcement and deposit forfeiture. Such repeal shall not reinstate any ordinance, orders or resolutions previously repealed by those ordinances.

DATED this 31st day of Oct, 2007.

Approved as to Form

By: Sarah Hanson
Office of County Counsel

Attest

By: Jan Greenhalgh
Jan Greenhalgh, Recording Secretary

First Reading: 10-31-07
Second Reading: 10-31-07
Effective Date: 10-31-07

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Rita M. Bernhard
Rita Bernhard, Chair

By: Anthony Hyde
Anthony Hyde, Commissioner

By: Joe Corsiglia
Joe Corsiglia, Commissioner

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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 Fee : \$ 50.00

PERMIT NUMBER : _____

Permit Expires : _____

Applicant Name (please print): _____ declares that he/she is the owner or lessee of the real property adjoining the public road, private road or driveway at the location described herein and has the lawful authority to apply for this Permit. When approved, A Permit is subject to the terms and provisions of Columbia County Ordinance No. 2006-4, and the attached Specifications.

NOTE: Access permit must be issued prior to obtaining a building permit. Access construction must be completed to specified standards within the time period allowed before a building inspector can approve the final inspection for occupancy or issue a Certificate of Occupancy. If access construction cannot be completed and the applicant is otherwise eligible for a final inspection and/or Certificate of Occupancy, a deposit of \$2,000 may be made as security for future construction. The deposit will be forfeited if the access is not completed within the required time. Applicant must notify County Treasurer of any change in address to insure return of a deposit.

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: _____ Phone: _____

Mailing Address: _____

B. PERMIT: Must be received prior to beginning construction.

THIS SECTION TO BE COMPLETED BY COLUMBIA COUNTY PUBLIC WORKS DEPARTMENT

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/private road or driveway required?: Yes ☐ No ☐

Water diversion required on access apron?: Yes ☐ No ☐

Access location approved: Yes ☐ No ☐

Special Comments: _____

PERMIT APPROVED : _____ Date: _____ Title : _____

CONSTRUCTION APPROVED: _____ Date: _____ Title: _____

A copy of this permit will be sent to Columbia County Land Development Services Department.

☐ Final inspection authorized with \$2,000 deposit

☐ Extension of time granted on _____ (date) to _____ (date).

(signed)

ACCESS APPROACH APPLICATION & PERMIT

Exhibit B

COLUMBIA COUNTY SPECIFICATIONS FOR ACCESS APPROACH CONSTRUCTION

- I. **Access Approach Permit Fees.** Pursuant to Columbia County Ordinance No. 2006 - 4, hereinafter the Access Approach Ordinance, 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 Procedures.**
 - A. **Permit Needed.** Pursuant to the Access Approach Ordinance, all applicants must first obtain an Access Approach Permit issued and signed by the Public Works Director or his/her designee prior to applying for a building permit, unless the permanent access is constructed and approved prior to applying for a building permit. An Access Approach Permit shall be in effect for two years from the date of issuance unless an extension is granted.
 - B. **Final Building Inspection.** 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:
 1. the access approach construction has been approved, or
 2. a \$2000.00 security deposit has been made.
 - C. **Extension.** If the access approach cannot be constructed within the two-year period the applicant may request an extension of the permit period, in writing, including the reason an extension is needed, which must be received by the Road Department prior to the expiration of the Permit Period in order to be considered. The Public Works Director may approve an extension of the Permit Period for one or more additional periods, not to exceed 2 years each, upon finding that the Applicant is making progress in the development of the property for which the Access Approach is sought. The decision of the Public Works Director is final. If an extension is granted, the Public Works Director or his/her designee shall notify the applicant in writing of the new date by which the access approach must be completed. Upon expiration of the permit period, or extension thereof, the applicant must apply for a new Access Approach Permit prior to constructing the access approach.
 - D. **Security Deposit.** If the applicant desires to have a final inspection conducted or Certificate of Occupancy issued prior to completion of the access approach, the applicant may deposit \$2,000 to secure completion of the access approach in accordance with the Access Approach Permit. If the access approach is not constructed and approved by the Public Works Director or his/her designee, within the Permit Period or any extension thereof, the applicant shall automatically forfeit the deposit.

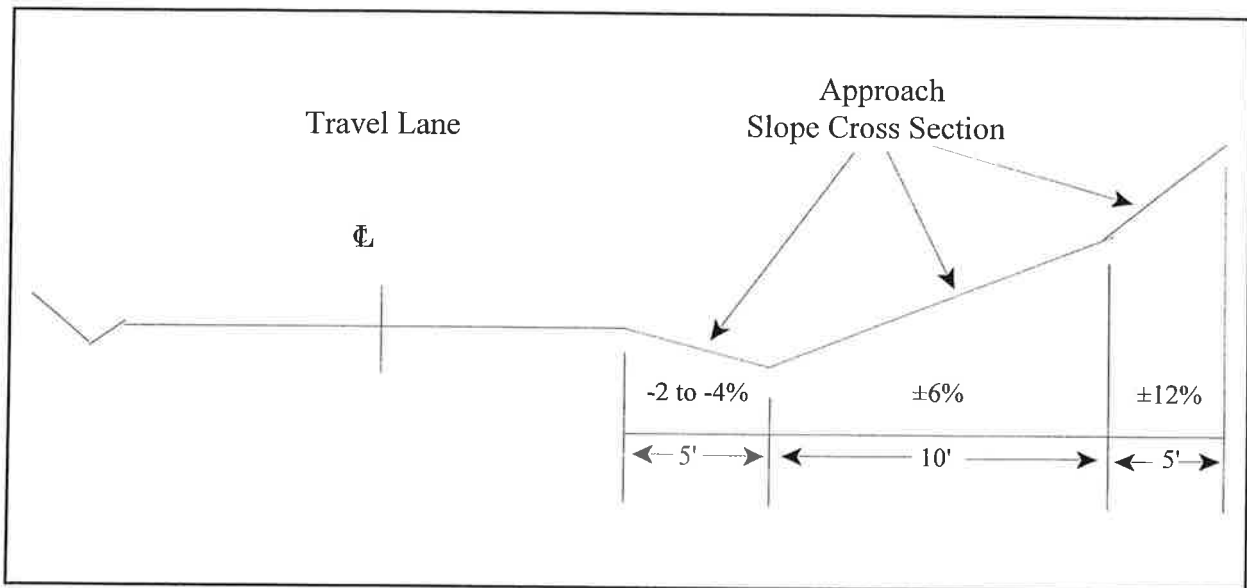
- E. Deposit Refunded or Forfeited. If a security deposit is made and the access approach is constructed and approved by the Public Works Director within the Permit Period or any extension thereof, the deposit shall be returned to the Applicant, to the address supplied by the Applicant. If the access approach is not constructed and approved by the Public Works Director within the permit period or any extension thereof, the deposit will be forfeited by the applicant. Notice of forfeiture and a description of appeal procedures may be found in Sections 8(F) and 13 of the Access Approach Ordinance which 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, private road or driveway 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.

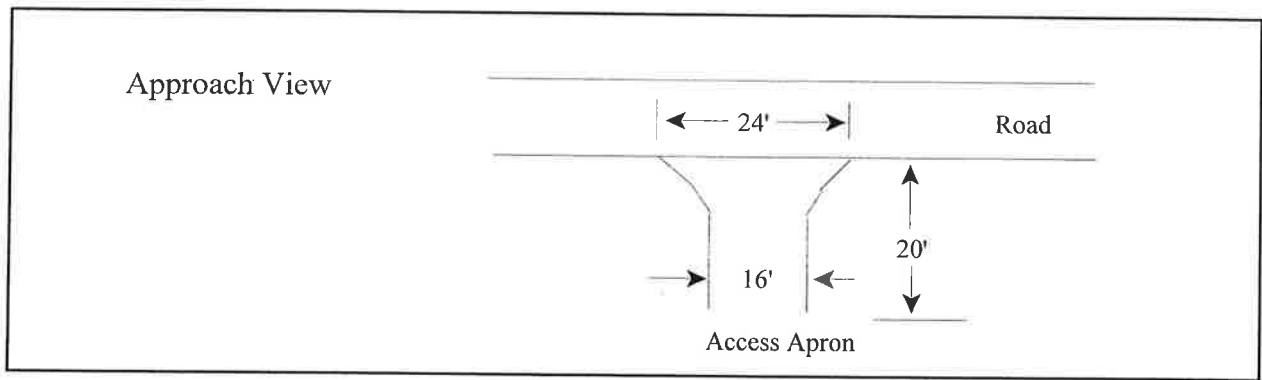


E. Drainage:

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, private road or driveway 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' from 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, private road or driveway 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, private road or driveway, paved: As stated above, within 2 years from permit approved date.
 4. Permanent Access, public road, private road or driveway, not paved: As stated above, within 2 years from permit approved date.
 5. Temporary Access, public road, private road or driveway, 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, private road or driveway, 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, private road or driveway, not paved: same as with permanent access (F.1. gravel road), 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</u>	<u>MINIMUM SIGHT DISTANCE</u>
	<u>Traveling at Speeds of:</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 the Access Approach Ordinance, Ordinance No. 2006-4, 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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