

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Amendment of)
the Columbia County Road Standards) ORDINANCE NO. 91-10
Referenced by Section 905.L of the)
Columbia County Subdivision and)
Partitioning Ordinance)
_____)

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

SECTION 1. AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035, 92.044, 92.046 and 92.048 (1991 edition).

SECTION 2. TITLE.

This Ordinance shall be known as Ordinance No. 91-10.

SECTION 3. PURPOSE.

The purpose of this ordinance is to amend the Columbia County Road Standards referenced by Section 905.L of the Columbia County Subdivision and Partitioning Ordinance.

SECTION 4. AMENDMENT.

The Columbia County Road Standards referenced as Attachment "2" by Section 905.L of the Columbia County Subdivision and Partitioning Ordinance (adopted by Ordinance No. 90-10 on May 23, 1990) are amended by the addition of the new standard entitled "Standard for Dead End Public Road", a copy of which is labeled Exhibit "A", attached hereto and incorporated herein by this reference.

SECTION 5. FINDINGS.

Findings of fact and conclusions of law in support of this amendment are attached hereto, labeled Exhibit "B" and incorporated herein by this reference.

SECTION 6. SEVERABILITY.

If any portion of this ordinance, including Exhibits "A" and "B", is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion and such holdings shall not affect the validity of the remaining portion hereof.

SECTION 7. EMERGENCY.

This ordinance being immediately necessary to maintain the public health, safety and welfare, an emergency is declared to exist and this ordinance takes effect on November 20, 1991.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON THIS 23rd DAY OF October, 1991.

DATED this 20th day of November, 1991.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: John H. Knight
Office of County Counsel

Attest

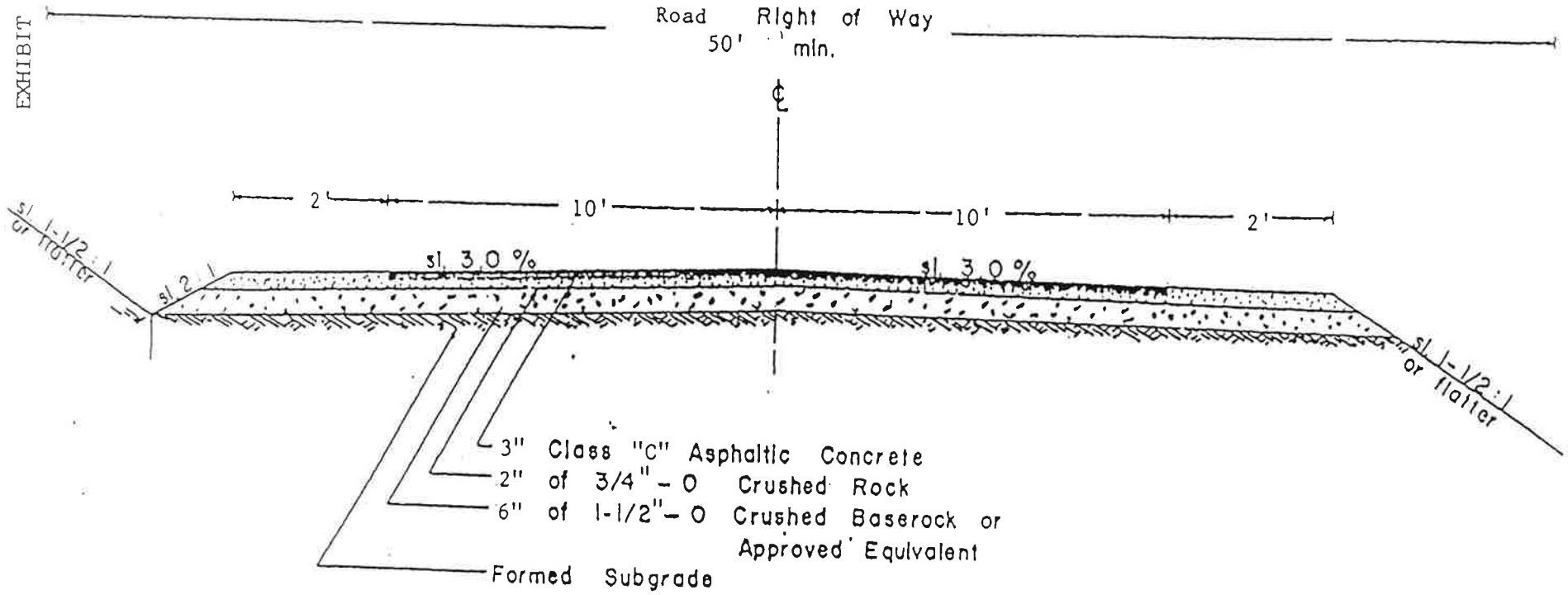
By: Jane S. Susskalt
Recording Secretary

First Reading: 10/23/91
Second Reading: 10/23/91
Effective Date: 11/20/91

By: Michael J. Saper
Chairman

By: [Signature]
Commissioner

By: [Signature]
Commissioner



STANDARD FOR DEAD END PUBLIC ROAD

SERVING NO MORE THAN 4 LOTS OR PARCELS

1. No possible extension.
2. Not maintained by County.
3. Requires standard cul-de-sac.

EXHIBIT "B"

COLUMBIA COUNTY BOARD OF COMMISSIONERS

FINDINGS AND CONCLUSIONS

File Number: TA 4-91

Applicant: Columbia County Land Development Services
Courthouse, St. Helens, OR 97051

Request: To amend the Columbia County Road Standards, as adopted by Board of County Commissioners Resolution No. 29-75 dated April 23, 1975, and as referenced by Section 905.L. of the Columbia County Subdivision and Partitioning Ordinance of May 23, 1990.

BACKGROUND:

This amendment is at the request of a County Commissioner to add a road standard which would be a lower standard than the present paved road required by the County for all roads created by subdivision or partitioning in Columbia County. A group of county employees is now working on a whole new set of road standards, but this is a time-consuming process; the attached would be an interim standard until the new standards are adopted.

This interim standard (see attached cross-section) would apply only to dead end public roads, not maintained by the county, serving no more than 4 lots in a subdivision or 3 parcels in a partitioning, where the Planning Commission makes a finding that the road will not or cannot be extended to serve any additional lots or parcels in the future.

The road standard, as originally proposed, would have a 20 foot wide base of 6" of 2"-0 or 1 1/2"-0, and 2" of 3/4"-0 rock, and a 16 foot wide travel surface of 3" of C-mix asphaltic concrete.

However, due to objections from various fire districts, the State Fire Marshall and the Oregon Department of Forestry, the revised road standard will have a 24 foot wide base and a 20 foot wide travel surface, with all other specifications being the same. A copy of the proposed interim standard as revised is attached hereto, labeled Attachment "1" and incorporated herein by this reference.

FINDINGS:

This request is being processed as a Legislative Hearing under ORS 92.048 "Procedure for adoption of regulations under ORS 92.044 and 92.046." These statutes permit the the adoption or amendment of ordinances "...governing approval of plats and plans..." and "...governing approval of partitioning of land..." The following excerpts are from ORS 92.048:

"92.048...The procedure for adoption of any ordinance ...under ORS 92.044 and 92.046 is as follows:

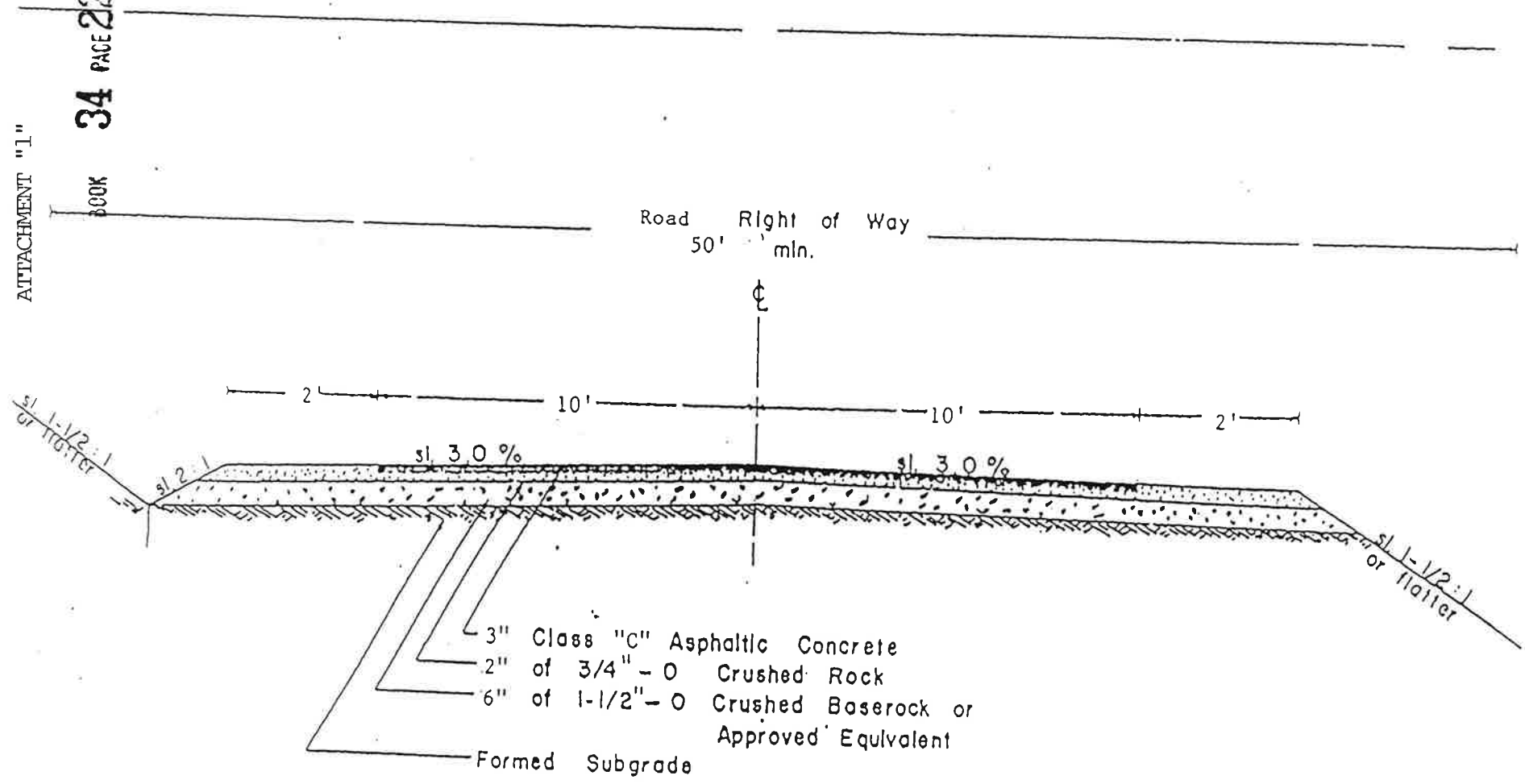
- (1) The planning commission of the county...shall hold a public hearing on the proposed ordinance...after publishing notice of the hearing 10 days prior to the hearing in a newspaper of general circulation ...published in the county. The notice shall contain the time, place and purpose of the hearing...
- (2) Prior to the expiration of 60 days after the date of such hearing, the planning commission may transmit its recommendation regarding the proposed ordinance...to the governing body of the county...
- (3) Prior to the adoption of such ordinance...the governing body of the county...shall hold a hearing thereon after giving notice of the hearing in the same manner provided in subsection (1) of this section.
- (5) The ordinance...may be amended from time to time by following the procedure prescribed in this section."

Finding 1: The above procedures have been followed in amending the ordinance. Legal notice was published in the St. Helens Chronicle, a newspaper of general circulation in Columbia County, on September 21 and 28, 1991 for the Planning Commission hearing of October 7, 1991. Notice was published in the Chronicle on October 12, 1991 for the Board of County Commissioners hearing of October 23, 1991. The notices contained the information required by ORS 92.048, as stated above.

Finding 2: Hearings were held by the Columbia County Planning Commission on October 7, 1991 and by the Columbia County Board of Commissioners at 3:00 p.m. on October 23, 1991. The Board of Commissioners took testimony from proponents and opponents of the proposed interim road standard, and deliberated to a decision to adopt an interim road standard slightly altered from the one proposed and recommended by the Planning Commission (see above).

COMMENTS:

The written comments of the St. Helens Rural Fire Protection District and the State Fire Marshall's office are attached hereto, labeled Attachments "2" and "3" and incorporated herein by this reference.



STANDARD FOR DEAD END PUBLIC ROAD

SERVING NO MORE THAN 4 LOTS OR PARCELS

1. No possible extension.
2. Not maintained by County.
3. Requires standard cul-de-sac.

OCT 18 1991 REC'D

105 S. 12th Street
St. Helens, Oregon 97051



Telephone: (503) 397-2990
FAX: (503) 397-3198

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St. Helens Rural Fire District

October 18, 1991

John Knight
Columbia County Attorney
Columbia County Courthouse
St. Helens, Oregon 97051

Dear John:

I'm writing this in regard to the up-coming Commission hearing on the interim road standards due to be considered by the County Commissioners on October 23, 1991.

First, I would like to say that none of the County wide Fire District's or the Oregon State Forestry were sent a copy of the purposed draft asking for our comments and input at the Planning Commission meeting on October 7, 1991.

In reviewing this draft, that I just picked up today, with the State Fire Marshal, it is their opinion that this would not be in correlation with UFC 10.207 (c) (f), (see enclosure). The Uniform Fire Code requires a 20' unobstructed all weather surface that will hold the weight of heavy fire department equipment (50,000 lbs).

This subject was discussed at the County Fire Chief's Defense Board meeting on October 16, 1991 and all present agreed with the State Fire Marshal's interpretation.

As you know we can not be any less restrictive than the State Fire Code and have also adopted the same code in our Fire District in June 1991.

We would recommend that if the Planning Commission desires to reduce access on private roads for four or less in a sub-division or three parcels in a partitioning that it be reduced to no less than 20'.

The County Fire Chiefs would also like to have input at this time to the County's Road Standards Committee that has been working together for some time.

By all agencies working together in the draft stages there is certainly less chances of something like what's happening presently with the interim road standards, where you have one law opposing another.

Thank you in advance for your attention in this matter. Please feel free to contact the St. Helens Rural Fire District if you have any questions.

Sincerely,



Richard Jacobus

OCT 22 1991 REC BOOK

*C. ...
Orig to JK*
Oregon
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EXECUTIVE
DEPARTMENT
STATE FIRE MARSHAL

October 22, 1991

Mr. Dale Heimuller, Commissioner
Columbia County
Columbia County Courthouse
St. Helens, OR 97051

Dear Commissioner Heimuller:

I am writing this letter at the request of the St. Helens Fire Department.

Section 10.207 (c) of the Uniform Fire Code requires a roadway of 20 feet unobstructed. It is my understanding that you are considering allowing a development of 4 or fewer buildings with the requirement of 16 foot paved road with 2 foot shoulders on each side. I have some concerns with this proposal. First, modern fire apparatus are a combination of water tankers, fire pumpers, ladder carriers, hose carriers, and miscellaneous equipment haulers. The fire apparatus are very heavy. One of the first lessons learned in Oregon is that you never drive a fire apparatus off of the pavement, onto the shoulder. The sixteen foot wide road will not accommodate two pieces of apparatus to pass each other without one of the vehicles leaving the pavement with the wheels on one side. The Uniform fire Code is very clear on this issue. The road must be 20 feet wide with an all weather surface. It can be all paved or all gravel. In any case it must be properly engineered and be 20 feet wide.

If I may be of assistance to you in this or any other matter please contact me.

Sincerely,

Ronald D. Wiscarson

Ronald D. Wiscarson
Code Program Manager

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4760 Portland Rd. NE
Salem, OR 97305-1760
(503) 378-3473

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