

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Regulating the)
Construction of Access Approaches)
to Public and County Roads) ORDINANCE NO. 98-10
in Columbia County, Oregon) Amending Ord. No. 91-4
_____)

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

SECTION 1. TITLE.

The ordinance shall be known as Ordinance No. 91-4, amended
by Ordinance No. 98-10.

SECTION 2. PURPOSE.

The purpose of this ordinance is to adopt rules and
regulations for construction of access approaches to public and
county roads 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 in Columbia County, Oregon, or to any public road under
county jurisdiction, without first purchasing and obtaining an
access permit from the Columbia County Road Department. An
access permit does not authorize use of the property inconsistent
with land use regulations. [Enacted 91-4, amended by Ord. 98-10.]

SECTION 5. ACCESS PERMIT FORMS.

The form of access permit shall be as provided by order of the Board of County Commissioners for Columbia County, Oregon. For the purposes of this ordinance, and unless and until revised by order of the Board, the form of access permit shown as Exhibit "A", which is attached hereto and incorporated herein by this reference, is adopted as the official access permit form for Columbia County, Oregon.

SECTION 6. ACCESS PERMIT FEES.

The fee for access 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 (1 inspection)	\$50.00
Temporary Access Permits (2 inspections, access must be removed within one year of installation)	\$50.00
Low Usage Permit (1 inspection)	\$50.00

The access permit fees shall be deposited to the Road Fund.
[Enacted by Ord. 91-4, amended by Ord. 98-10.]

SECTION 7. SPECIFICATIONS.

The specifications for construction or removal of access approaches shall be determined by the Columbia County Public Works Director or his designee subject to the minimum standards set forth on the access permit form. [Enacted by Ord. 91-4, amended by Ord. 98-10.]

SECTION 8. RULES AND REGULATIONS.

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

- A. No access approach or other facility shall be constructed upon the County road or public road right-of-way until a signed copy of the access approach permit is returned to the applicant, whereupon the applicant has two years to complete construction.
- B. To ensure that accesses are constructed promptly, and in accord with County Standards, all applicants for a permanent access permit shall post a \$500.00 cash deposit prior to obtaining a land use permit. 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, 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, the \$500.00 deposit shall be forfeited to the County. Notice of the forfeiture and a description of appeal procedures described in Section 13, below, will be mailed to the last known address of the permittee within ten(10)days of the time the Director determines that the property owner failed to construct the access to the minimum standards. 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, then the deposit shall be returned to the permittee within 30 days of the date the Public Works Director approves the construction. The refund shall be issued by the treasurer upon authorization of the Public Works Director.

Access approach deposits shall be placed in an interest bearing account until a final inspection of the access has

been made, and a refund is authorized by the Public Works Director. Pursuant to ORS 22.060, the interest earned on the deposits shall be allocated to the County Road Fund.

- C. If this access approach does not meet minimum standards specified on the permit within two years of issuance, the access permit deposit shall be forfeited to the County in accordance with the provisions described in Section 8.B., above and the deposit shall be transferred to the Road Fund.
- D. 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.
- E. Any subsequent improvement of the access approach shall be done only under authority of a construction permit issued by the Road Department.
- F. The entire expense of construction and maintenance of said access approach shall be borne by the applicant. No work shall be done and no equipment shall be used by the applicant on the shoulders of the County road or public road at any time unless applicant shall have first secured approval from the Columbia County Public Works Director.
- G. Where standard warning signs, such as "Look Out for Log Trucks" are required, such signs shall be furnished and placed by the applicant.

These general provisions may be modified or deleted by order of the Board and new provisions may be adopted by order of the Board of County Commissioners. [Enacted by Ord. 91-4, amended by Ord. 98-10.]

SECTION 9. INSURANCE AND BONDING.

The Board and/or the Public Works Director, or designee, may require an applicant to furnish public liability and property damage insurance in such amounts as determined by the Board and/or the Public Works Director, not to exceed \$1 million for all claims out of each accident or occurrence. Such insurance

shall indemnify Columbia County, its Board of County Commissioners, 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. 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 for any damage caused to the road or highway or roads that may be caused by the issuance of said permit or the use of said access approach, or 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. [Enacted by Ord. 91-4, amended by Ord. 98-10.]

SECTION 10. EXPENSES BORNE BY THE APPLICANT.

All construction under any access permit issued by the Public Works Director shall be under the supervision of the Public Works Director, or designee, and at the expense of the applicant. After completion of the construction of the access approach, it 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. [Enacted by Ord. 91-4, amended by Ord. 98-10.]

SECTION 11. REMOVAL OR REPAIR OF ACCESS APPROACHES.

- A. Upon failure of an applicant to construct, maintain or remove an access approach in accordance with rules and regulations adopted pursuant to this ordinance and the conditions of any access permit issued pursuant to this ordinance, 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. The access permit deposit shall be forfeited, and may not be used to offset costs of construction, maintenance, or repair.

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 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 removal, repair or maintenance from the applicant in any court of competent jurisdiction. [Enacted by Ord. 91-4, amended by Ord. 98-10.]

SECTION 12. ENFORCEMENT.

A. In addition to any other remedies which may be permitted by law, this ordinance may be enforced by, and violators hereof 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 shall be authorized to, have jurisdiction of and may enforce violations of this ordinance. The authority and jurisdiction of the Public Works Director 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. [Enacted by Ord. 91-4, amended by Ord. 98-10.]

SECTION 13. APPEALS.

A permittee, upon receipt of a 1) notice of deposit forfeiture, or 2) billing for costs incurred by the County to construct the access to the appropriate standards, may appeal the notice or billing to the Columbia County Board of County Commissioners. The permittee must file an appeal within 30 days of the mailing of notice or billing. The Board will then schedule an appeal hearing at the next available regular meeting of the Board.

The Board of County Commissioners shall affirm the decision of the Public Works Director if it finds:

- A. That the permittee failed to comply with all of the terms of the permit within the specified time period; or
- B. If the permittee failed to request an extension of the permit in a timely manner.

The decision of the Board of County Commissioners is final.
[Enacted by Ord. 98-10.]

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. 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.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON THIS 25th DAY OF NOVEMBER, 1998.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form:

By: *Ann Corraa Briggs*
Office of County Counsel

By: *Joe P. Gabor*
Chairman

By: *[Signature]*
Commissioner

By: *Jack R. Peterson*
Commissioner

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EXHIBIT A

Fee: \$ _____

Permit No. _____

ACCESS APPROACH ROAD CONSTRUCTION APPLICATION AND PERMIT
COLUMBIA COUNTY, OREGON

Minimum Requirements For Review:

1. If drainage is required, 12" diameter, 30' long culvert is to be used (larger may be specified by inspector).
2. Access road profile must prevent surface runoff water from flowing onto Public Road. See page 2, Section 7e.
3. If Public Road is paved, access road must be paved 20' in from edge of Public Road. See page 2, Section 7f.
4. Check intersection angle and sight distance. See page 2, Section 7 g&h.

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 ordinance 96-6 and those contained herein and attached hereto.

Access Required is: Permanent Temporary

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 _____

THIS SECTION TO BE COMPLETED BY PUBLIC WORKS DEPARTMENT

Sight Distance adequate: Yes No if no, explain: _____

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

Width of Access at 20' from edge of Public Road, if different then standards (section 7f): _____

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

Special Comments: _____

Permit Approved: _____ Date: _____

Title: _____

Construction of the access shall be approved, or a deposit of \$ _____ made with the County Clerk prior to obtaining a building permit. Complete deposit verification form at Road Department Office.

Construction Approved: _____ Date: _____

Title: _____

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