

EXHIBITS

EXHIBIT 1

COLUMBIA COUNTY FIRE SERVICES

FIRE APPARATUS ACCESS ROADS & DRIVEWAYS STANDARD

10.0 INTRODUCTION

This Standard shall apply within the unincorporated areas of Columbia County. It is the purpose of this Standard to foster unity of understanding in areas where there may be difficulty in understanding the intent of the Uniform Fire Code language, as well as promote the public's health, safety and welfare through the installation regulation of fire apparatus access roads and driveways as required by the Uniform Fire Code, Article 10 Section 10.207.

The Columbia County Fire Services have the authority and responsibility to process requests for review and approval of all fire apparatus access roads and driveways. Outside Rural Fire District boundaries, Oregon State Forestry and/or County Rural Fire Districts may be contacted and used as a resource.

10.1 DEFINITIONS

All Weather Driving Surface: A firm, uniform road surface designed and maintained to bear the imposed loads of fire apparatus.

Columbia County Fire Services: Any rural fire protection district, the Oregon Department of Forestry, the State Fire Marshal and their authorized representatives.

Cul-de-sac: A permanently maintained, clear, unobstructed road space at least 90 feet in diameter at the end of a dead-end street.

Curb: A border forming part of a gutter along the edge of a street.

Driveway: When OVER 150 feet long, a required twelve (12) foot wide firm, uniform all weather road surface with a clear and unobstructed twenty (20) foot right-of-way. Can be used when there are not more than two (2) Group R, Division 3 (private dwellings) served.

Fire Apparatus Access Road: A required road which is at least twenty (20) feet wide, has a firm, uniform all weather road surface with an unobstructed height of 13'6", which is used by fire apparatus and other vehicular traffic.

Grade: The degree of inclination of a slope, road, or driveway.

Turnaround: A permanently maintained, clear, unobstructed road space used for turning around fire apparatus.

Turnout: A section of road wide enough to permit the passing of two vehicles.

Street Intersection: Place where two or more roads cross.

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10.2 FIRE APPARATUS ACCESS ROADS

Fire apparatus roadways shall be provided so that no portion of an exterior wall of the first story is located more than 150 feet from an approved fire department vehicle access as measured by an unobstructed route around the exterior of the building. Fire apparatus access roads for outside storage areas shall be provided in accordance with applicable provisions of the Uniform Fire Code or in accordance with nationally recognized standards, see UFC 10.207(b).

Fire apparatus access roads shall be provided as required by the Uniform Fire Code and meet the following conditions:

- A. All fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround (see 10.4 of this interpretation and UFC 10.207(h)).
- B. All fire apparatus access roads shall be at least twenty (20) feet wide, a minimum curve radius of forty-five (45) feet and have a clear height of 13 feet, 6 inches (13'6"), and be maintained clear of debris/obstructions, see UFC 10.207(c) and 10.207(d).
- C. Grade for fire apparatus access roads shall not exceed an average of twelve (12%) percent with a maximum of fifteen (15%) percent on short pitches. Where there are existing conditions, particularly topography, which cause non-negotiable conditions, the Fire Chief may require additional fire protection. This additional fire protection may include an approved fire sprinkler system and/or other fire protection devices as specified in UFC 10.301(b). In considering a variance of this interpretation and Fire Code, see UFC 10.207.
- D. Fire apparatus access roads shall be designed and maintained to support loads of fire apparatus and sustain a minimum wheel load of 12,500 pounds and gross vehicle load of 50,000 pounds and be provided with a firm, uniform all weather driving surface, approved by an Oregon Registered Engineer. Otherwise, written verification of compliance shall be provided by the applicant, see UFC 10.207(f).
- E. Private bridges shall be constructed in accordance with the Uniform Building Code and be capable of sustaining a minimum wheel load of 12,500 pounds and a gross vehicle load of 50,000 pounds. Such plans shall bear the stamp and/or seal of an Oregon Registered Professional Engineer. Otherwise, written verification of compliance shall be provided by the applicant, see UFC 10.207(i).
- F. Approved signs and/or notices shall be provided and maintained to identify such roads and prohibit the obstruction thereof. They shall comply with the manual on Uniform Traffic Control Devices, 1988 Edition, see UFC 10.207(l). "No Parking" and "Fire Lanes" shall be signed and marked as follows:
 1. Fire lane markings on curbs or road surface shall be painted bright red with white letters. The stroke shall be one (1) inch with letters six (6) inches high to read "No Parking Fire

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Lane". Spacing for signage shall be every twenty-five (25) feet.

2. Vertical signs shall be mounted no lower than four (4) feet and no higher than eight (8) feet.
3. Vertical signs shall be twelve (12) inches wide and eighteen (18) inches high. Signs shall have red letters and border on a white background. The word "NO" shall be presented in a reversed color arrangement in the upper left hand corner. Spacing shall not exceed every twenty-five (25) feet.

10.3 DRIVEWAY STANDARDS

Driveway standards for private roads in excess of 150 feet in length, accessing two or less residences, shall be provided as required by the Uniform Fire Code (10.207(b)3) and shall meet the following conditions:

- A. Driveways shall be built and maintained to provide a minimum twelve (12) foot width of firm, uniform all weather surface capable of supporting gross vehicle weights of 50,000 pounds, minimum wheel load of 12,500 pounds and approved by an Oregon Registered Engineer. Otherwise, written verification of compliance shall be provided by the applicant. The twenty (20) foot right-of-way shall consist of a twelve (12) foot firm, uniform all weather travel lane bordered by a four (4) foot section on each side which shall be maintained clear of debris and obstructions. Driveways shall have a minimum curve radius of forty-five (45) feet and a vertical clearance of thirteen (13) feet six (6) inches (13'6"), see 10.207(f), 10.207(g) and 10.207(d).
- B. Driveways in excess of 200 feet shall provide twenty (20) foot wide by forty (40) foot long turnouts at a maximum spacing of $\frac{1}{2}$ the driveway length or 400 feet, whichever is less. Wherever visibility is limited, these distances should be reduced appropriately.
- C. Dead-end driveways are defined as dead-end roads over 150 feet in length serving a single residence. Dead-end driveways shall have turnarounds such as a cul-de-sac, hammer head etc., as shown in diagram, section 10.4, see also UFC 10.207(h).
- D. Bridges, culverts, and other structures in the road bed shall be constructed and maintained to support gross vehicle weights of 50,000 pounds. If bridges or culverts are involved in the construction of a road or driveway, written verification of compliance with the 50,000 gross vehicle weight standard shall be provided from an Oregon Registered Professional Engineer. Otherwise, written verification of compliance shall be provided by the applicant, see UFC 10.207(I).
- E. Driveway grades shall not exceed an average of ten (10%) percent, with a maximum of fifteen (15%) percent on short pitches. Where there are existing conditions, particularly topography, which cause non-negotiable conditions, the Fire Chief may require additional fire protection. This additional fire protection may include an approved fire sprinkler system and/or other fire protection devices as specified in UFC 10.301(b). In considering a variance of this

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interpretation and Fire Code, see UFC 10.207(j).

- F. Driveways shall be marked with the residence's address unless the residence or building is in such a position as to be plainly visible from the roadway. The residence or building address must be legible from the street or road fronting the property. Letters or numbers should be a minimum of three (3) inches in height and constructed of reflective material; or, as required by the Columbia County Addressing Ordinance, see UFC 10.208(a).
- G. If the driveway has a road name it shall be identified with approved signs, see UFC 10.208(b).

10.4 TURNAROUNDS

Turnarounds, cul-de-sacs, and other turnaround configurations shall be provided as required by the Uniform Fire Code 10.207(h), and meet the following conditions (refer to diagrams on page 6):

- A. Maintain unobstructed clearance for bumper overhang on rights-of-way.
- B. Curb height not to exceed six (6) inches.
- C. No parking areas shall be designated by the Traffic Engineer or Fire Chief and comply with the manual of Uniform Traffic Control Devices, 1988 Edition. If curbs are not present, "No Parking" signs shall be used.
- D. "No Parking, Fire Lane, Tow Zone" sign locations will be determined by the Traffic Engineer or Fire Chief and comply with the manual of Uniform Traffic Control Devices, 1988 Edition.
- E. The structural section of the road shall be designed to support 50,000 pounds of vehicle weight, 12,500 pounds wheel load and be approved by an Oregon Registered Engineer or written verification of compliance shall be provided by the applicant.
- F. Drainage shall be required to prevent ponding.
- G. The area of the turnarounds shall be permanently maintained, kept clear, and unobstructed at all times.
- H. The creation of the turnarounds shown in this interpretation at any specific site, must be approved by the Fire Chief, an Oregon Registered Professional Engineer and the Land Development Services Department on apparatus access roads. On driveways, the Fire Chief shall approve all proposed turnarounds with verification as described in "E" above.

10.5 EMERGENCY ACCESS/SECURITY GATES

When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the Fire Chief may require a key box to be installed in an accessible location. The key box shall be a type approved by the Fire Chief and shall contain keys to gain necessary

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access as required by the Fire Chief, see UFC 10.209.

10.6 PLANS AND SPECIFICATIONS

Plans for fire apparatus access roads/driveways shall be received by the Rural Fire District or Oregon State Forestry in accordance with the Uniform Fire Code 10.301(f). These plans shall contain all of the following information:

- A. Right-of-way width;
- B. Width of all weather surface;
- C. Turnouts;
- D. Turnarounds;
- E. Grades;
- F. Curves;
- G. Bridges;
- H. Culverts;
- I. Structures in relation to roadways;
- J. Addressing;
- K. Intersections;
- L. Existing structures and driveways on roadway;
- M. Location of hydrants/hydrant reflectors, if required; and
- N. Approval stamp of an Oregon Registered Engineer or written verification compliance from applicant for 50,000 pound vehicle weight and 12,500 per wheel load weight.

10.7 INSPECTION FOR COMPLIANCE

In order to insure that access roads/driveways are improved to the required standards, an inspection form must be signed by a Fire District or Oregon State Forestry official before a building permit is issued. This will assure that road improvements are adequate for fire protection equipment to reach the site not only during the beginning construction phase, but also to ensure continued access throughout the existence of the structure(s), see UFC 10.301(3).

Exhibit 2

**FIRE SERVICE IMPROVEMENT REQUIREMENTS
FOR ROADS OVER 150 FEET IN LENGTH WITH
ONE AND TWO FAMILY DWELLINGS**

If this is a new access connecting to a county road, please contact the Columbia County Land Development Services Department to obtain a road approach permit or a sign-off indicating that no permit is required.

The Uniform Fire Code 902.1, the Columbia County Zoning Ordinance and Subdivision and Partitioning Ordinance require roadway/driveway improvements to a construction or mobile home installation site prior to the issuance of a building permit. One reason for this requirement is to assure that road improvements will allow fire protection equipment to reach the site, not only during the construction phase, but throughout the existence of the structure. In order to assure that the access road meets the required standards, this form must be signed by a local Fire Service official, and a copy of the signed form must be attached to your application for a dwelling, construction or mobile home placement permit.

Minimum standard roadway approval requires a twelve (12) foot wide, uniform all weather travel lane, with a twenty (20) foot wide right-of-way maintained clear of debris and obstructions four (4) feet on each side of the travel lane. Driveways shall sustain a minimum wheel load of twelve-thousand five-hundred (12,500) pounds per wheel and a gross vehicle load of fifty-thousand (50,000) pounds. Turnouts twenty (20) feet wide and forty (40) feet long may be required on any access road exceeding four-hundred (400) feet in length. The unobstructed width must be maintained for not less than twenty (20) feet. Vertical clearance shall be maintained at no less than thirteen (13) feet, six (6) inches (13'6"). All access roads over one-hundred-fifty (150) feet in length shall be provided with a turnaround area at or near the end, improved to the above standards and of a design approved by the local Fire Service. Proper drainage must be provided. Bridges and culverts shall be capable of supporting a minimum of fifty-thousand (50,000) pounds. Average road grade shall not exceed twelve (12%) percent and no grade shall exceed fifteen (15%) percent. Maximum curve centerline shall be not less than forty-five (45) feet radius. Any new access connecting to a Columbia County road requires a Columbia County Approach Road Permit.

Please deliver this form to the local Fire Service and assist them in locating and inspecting the roadway/driveway providing access to the proposed development site. Maps to assist you in this effort may be obtained from the Columbia County Assessor's Office or the Columbia County Land Development Services Department.

TYPE AND LOCATION OF PROPOSED DEVELOPMENT:

Name: _____ Tax Lot: _____

-----THIS SECTION TO BE COMPLETED BY FIRE SERVICE-----

_____ I have inspected the above property and determined that road improvements to the proposed development site are suitable for access by Fire Service equipment.

_____ The following improvements must be completed prior to permit issuance:

Name: _____ Date: _____

Fire Service: _____ Date: _____

- White Copy - Fire District
- Canary Copy - Land Development Services Department
- Pink Copy - Applicant

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 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 Inspectors approves the final inspection for occupancy or issues a Certificate of Occupancy, when applicable.

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 and Treasure's)

COLUMBIA COUNTY SPECIFICATIONS FOR ACCESS APPROACH CONSTRUCTION

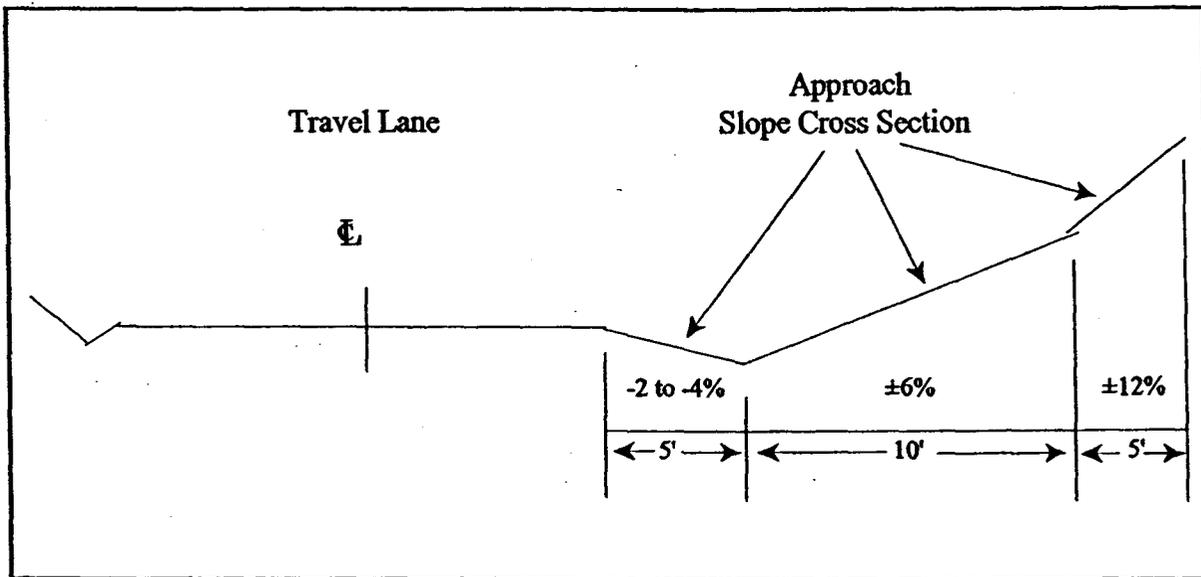
- I. **Access Approach Permit Fees.** Pursuant to Columbia County Ordinance No. 98-10, amending Ordinance No. 91-4, the fee for access approach construction permits issued by the Columbia County Road Department is **\$50.00**. No work on the access approach shall commence until a permit is received by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

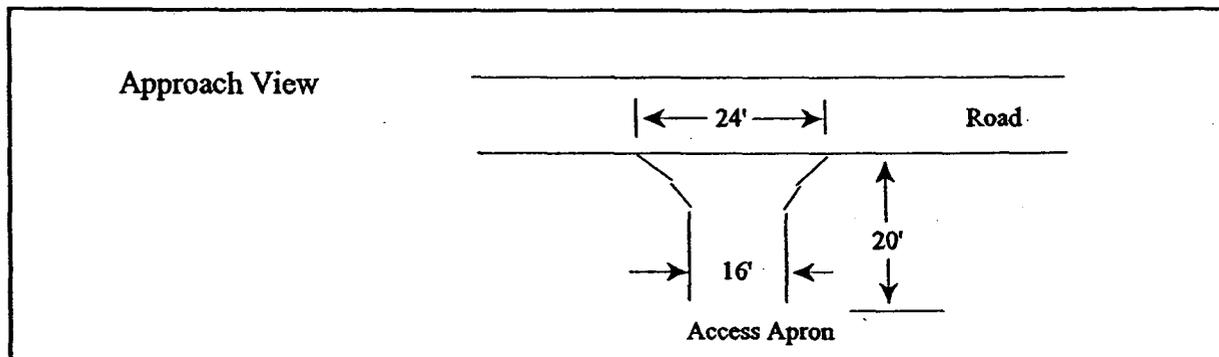
1. Culvert requirements. If there is a roadside drainage ditch, or evidence of water on the shoulder of the road, a culvert will be required. The minimum size for such a culvert is 12" diameter by 30' long. A larger diameter culvert may be required depending on the quantity of water it will need to pass. 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' 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 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.**

Exhibit 4

**IN THE MATTER OF A PERMIT FOR
PLACEMENT OR CONSTRUCTION OF
UTILITIES, FACILITIES, OR ROADS
WITHIN PUBLIC RIGHTS-OF-WAY**

SECTION 1. PURPOSE

The purpose of this Exhibit of the Road Standards is to adopt rules and regulations for the placement or construction of ditches, structures, facilities and utilities on the rights of way of public and County roads in Columbia County, Oregon.

SECTION 2. AUTHORITY

This exhibit and the Road Standards are adopted pursuant to ORS 203.035, 374.305 to 374.330 and 758.010 to 758.035.

SECTION 3. DEFINITIONS

- A) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, special districts, municipalities and cooperatives.
- B) "Utility" includes any pipeline, cable or wire including water, gas, electric or communication service lines and related fixtures and facilities.

SECTION 4. CONSTRUCTION PERMITS REQUIRED

No person shall place, build or construct any ditch, structure, facility or utility on the right-of-way of any County road in Columbia County, Oregon or of any public road under County jurisdiction, or substantially alter any such ditch, structure, facility or utility, without first obtaining a construction permit from the Columbia County Road Department. Nothing in this ordinance is intended to require a permit for ordinary maintenance or repair of ditches, structures, facility and utilities located on the right-of-way of any County road in Columbia County or of any public road under County jurisdiction.

SECTION 5. CONSTRUCTION PERMIT FORMS

The form of construction permit shall be as provided by order of the Board of County Commissioners for Columbia County, Oregon, and is included as "Attachment 1".

SECTION 6. CONSTRUCTION PERMIT FEES

- A) To the extent allowed by ORS 758.010, fees for the issuance of construction permits may be adopted by order of the Board of County Commissioners.
- B) Nothing in this ordinance is intended to prohibit the County from adopting franchise fees for the use of County and public right-of-way if otherwise allowed by state law.

SECTION 7. LOCATION OF DITCHES, STRUCTURES, FACILITIES AND UTILITIES

The Board of County Commissioners have authority to designate the location on the rights of way of County roads and of public roads under County jurisdiction where ditches, structures, facilities and utilities may be located, and may order the location of any such ditch, structure, facility or utility to be changed when the Board deems it expedient. Any ditch, structure, facility or utility placed or constructed in a different location on such right-of-way than that designated in any order of the Board or construction permit issued by the Public Works Director is a public nuisance and may be abated accordingly.

SECTION 8. RULES AND REGULATIONS

The Board of County Commissioners may, by order, adopt reasonable rules and regulations to govern the placement or construction of ditches, structures, facilities or utilities on the rights of way of County roads and of public roads under County jurisdiction. Such rules and regulations shall include such provisions, terms and conditions as in the judgment of the Board are in the best interest of the public for the protection of the road and the traveling public and may impose reasonable requirements for the location, operation and maintenance of such ditches, structure, facilities and utilities.

SECTION 9. SPECIFICATIONS AND CONDITIONS

The Columbia County Roadmaster may include in or attach reasonable specifications and conditions to construction permits issued for the placement or construction of ditches, structures, facilities and utilities on the rights of way of County roads or of public roads under County jurisdiction. Such specifications and conditions shall include such provisions and terms as in the judgment of the Roadmaster are in the best interest of the public for the protection of the road and the traveling public and may impose reasonable requirements for the location, operation and maintenance of such ditches, structures, facilities and utilities.

SECTION 10. INSURANCE AND BONDING

- A) The Board may require an applicant for a construction permit to furnish public liability and property damage insurance in such amounts as determined by the Board, 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, the Roadmaster and all other County officers, agents and employees from any claim which might arise on account of the insurance of said construction permit and the use of the ditch, structure, facility or utility placed or constructed pursuant to such permit. In lieu of a separate insurance policy, an applicant may supply the Roadmaster with a certificate of insurance in the amounts designated above naming the County, its Board, the Roadmaster and other County officers, agents and employees as additional insured.
- B) In addition, the Board may require the applicant to furnish indemnity insurance or an indemnity bond in a sum fixed by the Board indemnifying the County for any damage caused to the road or roads that may be caused by the issuance of said construction permit or

the placement, construction or use of said ditch, structure, facility or utility, or indemnifying the Board and the Road Department against and costs or damages that may be incurred by reason of the failure of said applicant to comply with the terms of any such construction permit.

SECTION 11. EXPENSES BORNE BY APPLICANT

All work or construction under any construction permit issued by the Roadmaster shall be at the expense of the applicant and under the general supervision of the Roadmaster or his designee. After completion of the placement or construction of the ditch, structure, facility of utility, it shall be maintained at the expense of the applicant and in accordance with any rules and regulations adopted by the Board and the conditions of the construction permit.

SECTION 12. REMOVAL OR REPAIR OF DITCHES, STRUCTURES, FACILITIES AND UTILITIES CONSTRUCTED WITHOUT PERMISSION

- A) If any person places, builds or constructs any ditch, structure, facility or utility on the right-of-way of any County road or of any public road under County jurisdiction without first obtaining a construction permit from the Road Department, the Columbia County Roadmaster may, after expiration of 30 days following the transmittal of a written notice to such person, at the expense of such person, remove the ditch, structure, facility or utility from the right-of-way or reconstruct, repair or maintain the ditch, structure, facility or utility in accordance with or as required by the rules and regulations adopted pursuant to this ordinance. This expense may be recovered from such person by the County in any court of competent jurisdiction.
- B) Notwithstanding subsection A of this section, if the Roadmaster or his designee determines that a traffic or pedestrian hazard is created by the ditch, structure, facility or utility which causes imminent danger of personal injury, he may:
- (1) Order the ditch, structure, facility or utility removed, repaired or maintained to eliminate the hazard, within 24 hours after delivery of written notice to the person who placed or constructed the ditch, structure, facility or utility, and to the owner of the property on which the ditch, structure, facility or utility was placed or constructed.
 - (2) If the ditch, structure, facility or utility is not removed, repaired or maintained to eliminate the hazard within the time set under paragraph (1) of this subsection, eliminate the hazard and recover the expense of any removal, repair or maintenance of the ditch, structure, facility or utility from any such person in any court of competent jurisdiction.

SECTION 13. REMOVAL OR REPAIR OF DITCHES, STRUCTURES, FACILITIES AND UTILITIES FOR NONCOMPLIANCE

- A If any person fails to place, build, construct, maintain or remove

a ditch, structure, facility or utility in accordance with rules and regulations adopted pursuant to this ordinance and the conditions of any construction permit issued pursuant to this ordinance, the Columbia County Roadmaster may, after the expiration of 30 days following the transmittal of a written notice to such person, at the expense of such person, remove the ditch, structure, facility or utility from the right-of-way or reconstruct, repair or maintain the ditch, structure, facility or utility in accordance with or as required by such rules and regulations and the conditions of the permit. This expense may be recovered from such person by the County in any court of competent jurisdiction.

B Notwithstanding subsection A of this section, if the Roadmaster or his designee determines that a traffic or pedestrian hazard is created by the ditch, structure, facility or utility which causes imminent danger of personal injury, he may:

(1) Order the ditch, structure, facility or utility removed, repaired or maintained to eliminate the hazard, within 24 hours after delivery of written notice to the person who placed or constructed the ditch, structure, facility or utility, and to the owner of the property on which the non-compliance occurred.

(2) If the ditch, structure, facility of utility is not removed, repaired or maintained to eliminate the hazard within the time set under paragraph (1) of this subsection, eliminate the hazard and recover the expense of any removal, repair or maintenance of the ditch, structure, facility or utility from any such person in any court of competent jurisdiction.

SECTION 14. 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 Roadmaster shall be authorized to, have jurisdiction of and may enforce violations of this ordinance. His authority and jurisdiction is subject to the primary authority of the Board of County Commissioners. He may issue a citation or warning to any person who violates this ordinance.

SECTION 15. 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 hereof.

COLUMBIA COUNTY

PUBLIC ROAD APPLICATION AND CONSTRUCTION PERMIT

COUNTY ROADMASTER
1054 OREGON ST.
ST. HELENS, OR 97051
PHONE: 503-397-5090
FAX: 503-397-7215

PERMIT NO. _____

DISTRICT _____

NAME AND ADDRESS OF CONTRACTOR:

PHONE NO. _____

FAX NO. _____

CONTRACTOR HEREBY APPLIES TO THE BOARD OF COMMISSIONERS THROUGH THE ROAD DEPARTMENT FOR PERMISSION TO PERFORM CERTAIN OPERATIONS UPON THE RIGHT-OF-WAY OF A COUNTY ROAD OR PUBLIC ROAD UNDER COUNTY JURISDICTION AS SHOWN ON THE MAP OR PLAN ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

Construct, operate and maintain a _____ utility line.

Construct a public or County Road.

Miscellaneous operations and/or facilities as described.

Description of miscellaneous operations and/or facilities: _____

Estimated starting date _____ Estimated completion date _____

Road Name _____ (ATTACH VICINITY MAP IF NOT A COUNTY ROAD)

Address of work (or other description): _____ Side of Road

(N,S,E,W) _____ Distance from centerline of pavement _____ Distance from travel edge of road _____

Buried pipe or cable depth _____ Size and kind _____

Method of installation: Trench Plow Bore

ATTACH PLANS (IF APPLICABLE)

THIS PERMIT IS ISSUED BY THE COUNTY ROAD DEPARTMENT SUBJECT TO THE "SPECIFICATIONS FOR FACILITIES OR OPERATIONS UPON A PUBLIC ROAD" ATTACHED HERETO AND IS ACCEPTED AND APPROVED BY CONTRACTOR SUBJECT TO SAID TERMS AND PROVISIONS. CONTRACTOR CERTIFIES THAT ALL INFORMATION SUPPLIED ON THIS APPLICATION IS CORRECT AND AGREES TO ABIDE BY ALL APPLICABLE FEDERAL, STATE AND COUNTY LAWS, RULES AND REGULATIONS WITH REGARD TO PERFORMANCE UNDER THE PERMIT.

APPLICANT _____
BY _____
ADDRESS _____
PHONE _____
DATE OF APPLICATION _____

COLUMBIA COUNTY ROAD DEPARTMENT
BOND REQ'D PRIOR TO CONSTRUCTION:
 YES NO
APPROVED BY: _____
DATE: _____

NOTE: CALL ROAD DEPARTMENT AT LEAST 12 HOURS BEFORE COMMENCING WORK. COPY OF PERMIT TO BE KEPT AT JOB SITE.

**SPECIFICATION FOR FACILITIES
OR OPERATIONS UPON A PUBLIC ROAD**

PLAN REQUIREMENTS

A) UTILITY CONSTRUCTION

1. Two (2) sets of plans are required.
2. Plans shall state roads involved and give approximate dimensional location or provide staking of proposed facilities in relationship to centerline of road and edge of existing pavement.
3. Materials and sizes of facilities shall be stated on plans.
4. If other utilities or facilities may be in conflict with proposed project they shall be shown on the plans.
5. Traffic plan if required. (Minimum OSHA standards)

B) ROAD CONSTRUCTION

Comply with requirements in Columbia County Road Standards Document.

LIABILITY AND CONTROL

Applicant shall be responsible and liable for all damage or injury to any person or property resulting from the physical location, installation, construction, maintenance operation or use of the facility or operation for which the Applicant has been granted a permit. Applicant shall indemnify and hold harmless the County of Columbia, its officers, agents and employees against any and all damages, claims, demands, actions, causes of action, costs and expenses of whatsoever nature which they or any of them may sustain by reasons or acts, conduct, or operation of Applicant, its officers agents or employees in connection with locating the physical location, installation, construction, maintenance, repair, operation or use of said facility or in conducting an operation. The Applicant shall file with the Road Department evidence of insurance in the following minimum amounts:

- (a) \$50,000 to any claimant for any number of claims for damage to or destruction of property, including consequential damages, arising out of a single accident or occurrence.
- (b) \$100,000 to any claimant as general and special damages for all other claims arising out of a single accident or occurrence unless those damages exceed \$100,000, in which case the claimant may recover additional special damages, but in no event shall the total award of special damages exceed \$100,000.
- (c) \$500,000 for any number of claims arising out of a single accident or occurrence.

The work area during any construction or maintenance performed under the permit provisions shall be protected in accordance with the current "Manual on Uniform Traffic

Control Devices for Street and Highways" as amended or supplemented by the State Highway Commission. Necessary signs shall be furnished by the Applicant unless otherwise specified in the permit.

All signs, barricades, lights, cones and other such devices, and all flag-persons, pilot cars, pilot car operators and other such labor and equipment required for the safe directing and guiding of public traffic shall be provided, furnished and maintained by the Applicant. These protective and directional measures shall be undertaken beyond and outside the limits of the project, as well as within the project limits, when they have a direct bearing on or reference to the project.

During suspension of work, for any reason, the Applicant shall continue to be responsible for and shall maintain all temporary and protective and directional devices throughout the period of suspension in the same manner as when work is being performed.

Applicant is liable for any and all losses incurred due to deficiencies in traffic control or signing.

To insure compliance with the terms and conditions of the permit, the Road Department reserves the right to inspect the work during such periods as the Roadmaster deems necessary, to check compliance with the terms of the permit by Applicant and to require Applicant to correct all deviations from those terms and conditions.

Any supervision and/or control exercised by the Road Department personnel shall in no way relieve the Applicant of any duty or responsibility to the general public nor shall such supervision and/or control relieve Applicant from any liability for loss, damage or injury to persons or property.

If the highway surface or highway facilities are damaged by the Applicant, Applicant shall replace or restore highway surface or highway facilities to a condition satisfactory to the Roadmaster, whether discovered at the time of installation or at a later date.

PERFORMANCE BOND

The County may require a performance bond for completion of the work in accordance with the approved plans and specs in an amount up to 100% of the cost of construction.

CONSTRUCTION AND LOCATION

Applicant or its contractor shall advise the Road Department office at 397-5090 at least 12 hours prior to commencing construction of a facility for which a permit has been issued.

Applicant's completed facility shall be in substantial conformance with the drawings or

sketches required unless special permission is obtained from the Roadmaster to vary from same during installation. When such permission is obtained, Applicant shall furnish the Roadmaster a set of "as constructed" drawings or sketches detailing any such variances.

TRENCHES

No trench shall be excavated with a top width in excess of eighteen (18) inches more than the outside diameter of the pipe, conduit or cable to be installed with our permission is first obtained from the Roadmaster.

Trenched edges in paved areas shall be sawed or cut to neat lines by methods satisfactory by the Roadmaster to a depth sufficient to permit removal of the pavement without damage to the pavement to be left in place.

The depth of the trench shall be such that the top of the pipe or cable or other facility shall not be less than twenty-four (24) inches lower than of ground cover or the adjoining road surface, whichever is lower. In addition, the side of the pipe or cable or other facility shall be buried at a lateral distance not less than twenty-four (24) inches from any vertical or sloping surface such as the side of a ditch or a bank. In cases where the ground material makes placement at twenty-four (24) inches at depth impossible or impractical, the Roadmaster may approve adequate mechanical protection in lieu of such burial by such methods as are satisfactory to the Roadmaster. Any uneven ground surfaces adjacent to the trench shall be leveled off or the depth of the trench increased.

Maximum length of the open trench shall not be greater than 500 feet and no trench shall be left in an open condition overnight.

Excavated material shall be piled in a manner as to cause the least possible restriction to traffic.

Immediately after the facility authorized by the permit has been placed in the trench, the trench shall be backfilled. If the trench is in the roadbed (surface or shoulder) the trench must be backfilled with Controlled Density Fill (CDF), commonly designated as flowable fill.

Specifications are as follows:

- 1) Less than 300 psi in 28 days.
- 2) 10 psi required before opening to traffic.
- 3) Must be non-segregating which requires air entrainment less than 15%.
- 4) Slump less than 4 inches will require backhoe tamping or vibrator.
- 5) Accelerators recommended for high early strength to allow for traffic.

The surface material shall be asphalt concrete placed to a compacted thickness of four (4) inches or the thickness of the removed pavement, whichever is greater.

The surface grade of any trench shall not deviate from the existing grade by more than ½ inch nor shall it create any noticeable bump or otherwise objectionable ride for motorists.

JACKING, DRIVING AND BORING (Move in front of trenching)

Utility crossings under paved roadways shall be jacked, driven or bored where possible. When the jacking, driving or boring method is used it shall be by approved means which will hold disturbances of surrounding material to a minimum. Sluicing and jetting is not permitted. Void or displacement outside the outside perimeter of the pipe, conduit or cable where greater than 0.1, shall be filled with sand or cement grout packed in place.

PLOWING

Unless special permission is first obtained from the Roadmaster, direct burial of cable placed by the plowing method shall be limited to areas outside the surfaced and shoulder portion of the roadway.

WATER LINES

Water lines crossing public roads shall be encased in casing pipe. Casing pipe shall be constructed to prevent leakage throughout its entire length under the road surfacing. Casing shall be installed so as to prevent the formation of a waterway under the road grade. The casing shall be not less than ten (10) gauge welded steel pipe or approved PVC pressure pipe. The ends of the casing shall extend three (3) feet from each edge of the road surface.

CLEANUP

All debris, refuse and waste of all kinds which may have accumulate upon the public road by reason of the activity of the Applicant shall be removed immediately upon completion of the said activity, or as require by the Roadmaster, and the said public road must be restored to a condition as good as better than it was prior to such activity.

The contractor shall at all times so conduct his or her work as to insure the least possible obstruction or hazard to traffic. The convenience of the general public and the residents along the highway and the protection of persons and property is of prime importance and shall be provided for by the Contractor in an adequate and satisfactory manner.

Construction equipment shall not be parked on the traveled way, shoulder area, narrow median areas, gore areas, sidewalk or other such areas of the highway or street open to public traffic except as necessary for the work. Equipment so parked shall be adequately protected. Construction materials shall not be stockpiled on the traveled way, shoulder area, gore areas, sidewalks or other such areas unless permitted by the

Roadmaster for temporary storage and is adequately marked and protected. Other locations within the project areas where parked equipment and stockpile material present a hazard to the public as determined by the Roadmaster shall be adequately protected by barrier or other means.

MAINTENANCE OF UTILITIES

Permittee shall maintain at least a seven foot radius clear zone around any structure in the County right-of-way that is less than eight feet in height above the ground. Permittee shall not allow any vegetation to grow within the clear zone. If Permittee applies herbicides in the clear zone, Permittee shall comply with all Oregon laws, rules and regulations with respect to such application. Permittee shall immediately inform the County of the type of herbicides used as well as the amount used and date of application.

Permittee shall be liable for any and all damage to person or property or environmental liability caused by the application of herbicides. The County shall not be liable and Permittee shall indemnify and hold the County harmless from and against any damage to person or property, and any environmental liability cause by Permittee's failure to maintain the clear zone or caused by Permittee's maintenance of said clear zone, including the use and/or application of herbicides. If Permittee fails to maintain the clear zone, the County may maintain the clear zone and charge the Permittee costs to do so and the County may also immediately revoke this Permit. The County shall not be responsible for any damage done to Permittee's property during the County's maintenance of the clear zone. Permittee shall immediately reimburse the County for any and all damages suffered by the County while maintaining the clear zone, including costs to maintain the clear zone, and costs to repair ditches, road shoulders and County equipment."

REMOVAL, RELOCATION, REPAIR

- A. If any person fails to place, build, construct, maintain or remove a ditch, structure, facility or utility in accordance with rules and regulations adopted pursuant to this ordinance and the conditions of any construction permit issued pursuant to this ordinance, the Columbia County Roadmaster may, after the expiration of 30 days following the transmittal of a written notice to such person, at the expense of such person, remove the ditch, structure, facility or utility from the right of way or reconstruct, repair or maintain the ditch, structure, facility or utility in accordance with or as required by such rules and regulations and the conditions of the permit. This expense may be recovered from such person by the County in any court of competent jurisdiction.

- B. Notwithstanding subsection A of this section, if the Roadmaster or his designee determines that a traffic or pedestrian hazard is created by the ditch, structure, facility or utility which causes imminent danger of personal injury, he may:
- 1) Order the ditch, structure, facility or utility removed, repaired or maintained to eliminate the hazard, within 24 hours after delivery of written notice to the person who placed or constructed the ditch, structure, facility or utility, and to the owner of the property on which the non-compliance occurred.
 - 2) If the ditch, structure, facility or utility is not removed, repaired or maintained to eliminate the hazard within the time set under paragraph 1) of this subsection, eliminate the hazard and recover the expenses of any removal, repair or maintenance of the ditch, structure, facility or utility from any such person in any court of competent jurisdiction.

For a period of one (1) year following the completion of work, the Applicant shall be responsible for the condition of the road surface and shoulders where work was done. Upon the request of the Road master, the Applicant shall repair any patches which become settled, cracked, broken or otherwise faulty.

The permit is issued pursuant to the law of the State of Oregon which authorizes the County to subsequently require the Applicant to remove, relocate, or repair the facility covered by the permit at the sole cost of Applicant.

WARRANTIES, OTHER AGENCIES

The County does not warrant that it has title to the right of way subject to this permit or the process by which it obtained the right of way or granted this permit. The County conveys only such permission as it has right, title and legal authority to convey. Applicant waives any right to damages occasioned by the County having no, or lessor, rights to the right of way or the County having failed to properly grant or administer this permit.

The County does not warrant that the right of way subject to this permit is suitable for any particular purposes and Applicant accepts the same AS IS. Applicant represents that he has inspected the right of way and that he is relying solely upon his inspection, and not upon any representations of the County, in his planning and conduct of operations therein. The County shall not be obligated to repair or maintain the improvements constructed by Applicant and such responsibility shall be Applicant's alone, until such time as the improvements are accepted as a County Road as that term is defined by Oregon law.

Nothing in this permit is intended to grant rights or imply approval in areas not falling within the authority and jurisdiction of the Public Works Department. It is the responsibility of Applicant to determine the need for and to obtain such licenses,

permits, or other forms of approval which may be required by other State agencies, federal agencies, cities and/or counties of Oregon, utility companies or railroads.

COMPLIANCE

If the Applicant is found to be out of compliance with any of these requirements or specifications, the Road master shall notify the Applicant and request the repairs to be made. If they are not made within the time requested or if an emergency exists, the Road master may restore or replace the highway facilities by contractor or County forces, and the costs incurred shall be paid by the Applicant. No additional permits shall be issued to the Applicant by any department of the County, including the Planning Department, Road Department, or other County Department or Agency until the repairs are made and/or paid for.

SURVEY MONUMENTS

Applicant shall comply with ORS 209.150 regarding the removal or disturbance of survey monuments. All survey monuments that are disturbed or removed shall be replaced by a registered surveyor.

SEASONAL CONSIDERATIONS

The Road master may refuse to issue any permit or suspend any permit previously issued when due to weather or ground conditions, or for other important reasons, in the sole discretion of the Road master.

SEVERABILITY

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 hereof.

Exhibit 5

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: _____

Address of Applicant: _____

Daytime Phone: _____

Name of Road subject to modification: _____

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

What is the location of the road? _____

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

Has the road been maintained? _____ By Whom? _____

What modifications to the road standards are requested? _____

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?

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.

Were the parcels which access the road legally created prior to June 4, 1991? _____

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:

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

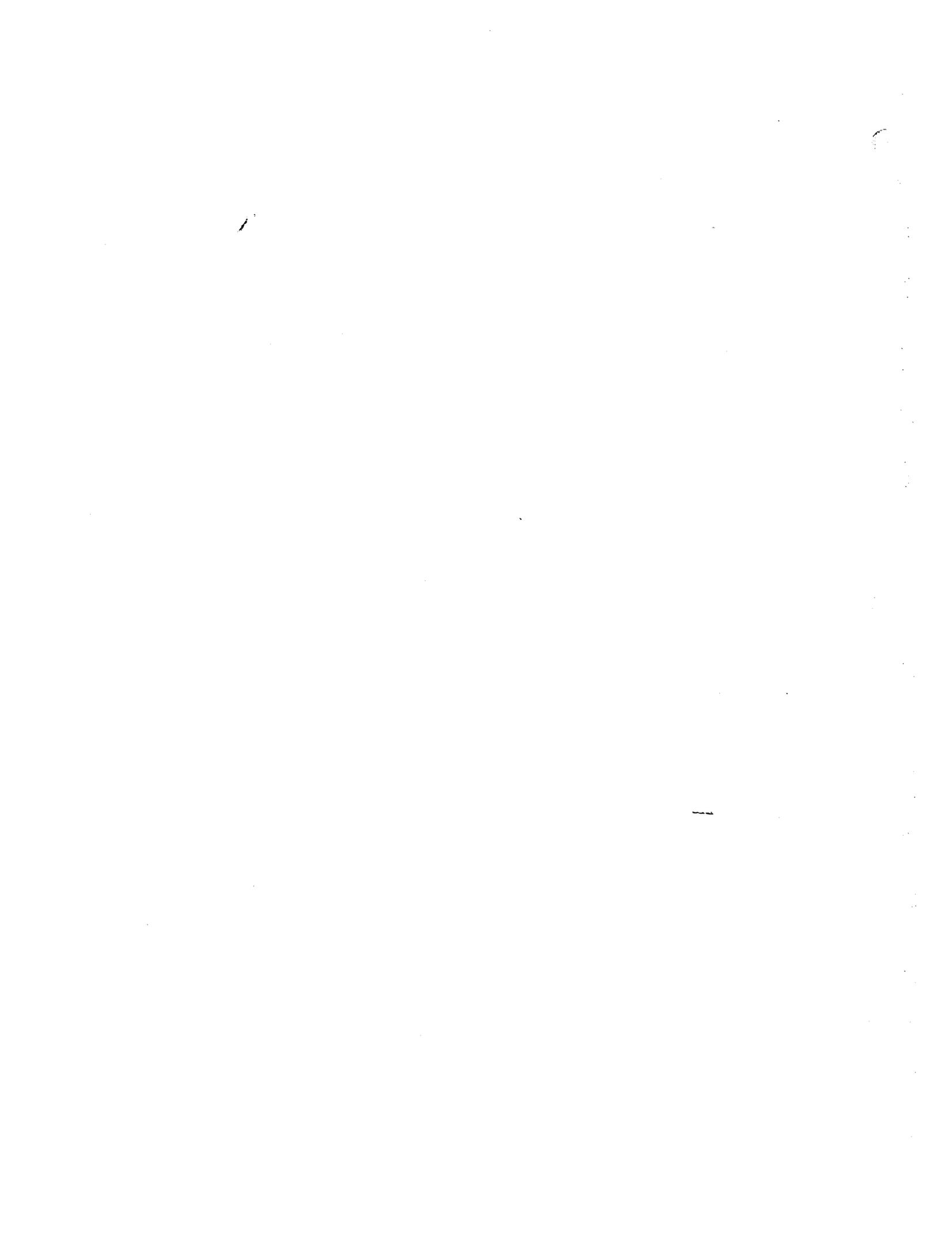
Signature and Certification

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

Signature

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: _____



BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting the)	
Columbia County Road)	Ordinance No. 96-6
Standards Ordinance)	Repealing Ordinance Nos. 92-12 and 94-2
_____)	

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

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 96-6, or the "Columbia County Road Standards Ordinance," which is attached hereto, labelled Exhibit "A" and is incorporated herein by this reference.

SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to the authority of ORS 203.035 and ORS Chapter 368.

SECTION 3. PURPOSE.

The purpose of this ordinance is to adopt the Columbia County Road Standards Ordinance, and to repeal Ordinance Nos. 92-12 and 94-2.

SECTION 4. FINDINGS.

1. The Board of County Commissioners finds that it is in the best interest of the County to develop road standards which are compatible with existing and potential land uses.
2. The road standards will apply to road construction as part of new development, whether that development includes a road to be constructed, or whether it includes development on an existing right of way.
3. The purpose of the road standards is to improve public accesses for all users of County roads.
4. The road standards provide for the establishment of private roads to serve small scale residential developments, thereby allowing public funds to be better used on the more travelled thoroughfares.
5. The road standards are intended to provide for safe transportation options for a variety of vehicles during most climatic conditions.
6. The road standards are intended to require improvements to public rights of way in proportion to the development proposed.
7. The road standards are part of a comprehensive approach to transportation systems planning within Columbia County. Integrating land use and technical transportation

- elements is intended to support the purposes of the Oregon Transportation Planning Rule.
8. The decision process is intended to allow for public review of land use decisions related to the use of property and development of transportation systems. Technical and engineering decisions are to be made without further review.
 9. The information supplied in a staff report to the Board of County Commissioners, dated June 10, 1996, which is attached hereto, labelled Exhibit "B" and incorporated herein by this reference, document the process used to adopt the proposed road standards.

SECTION 5. RELATIONSHIP WITH OTHER ORDINANCES.

1. The road standards are intended to describe the technical and engineering requirements for road improvements based on needs for access determined by land use regulations. The Columbia County Comprehensive Plan (CCCP), the Columbia County Zoning ordinance (CCZO) and the Columbia County Subdivision and Partitioning ordinance (CCSPO) contain separate review criteria. The development densities and uses allowed according to the Comprehensive Plan and Zoning Ordinance shall guide land divisions and road standards. If there is a conflict among the ordinances with regard to development densities and allowed uses, the Comprehensive Plan and the Zoning Ordinance shall govern. Otherwise, the most restrictive provision governs.
2. Determination of development density on a particular access is a land use decision subject to notice and appeal pursuant to ORS Chapter 197, in conformance with the process for administrative actions described in CCZO Sections 1601, 1608, 1609 and 1612. Determinations of development density shall occur at one of two times: at the time a subdivision and partition plat is submitted for review by the Land Development Services Department, or at the time an access permit is requested for development on an existing parcel on an existing right of way. Appeals shall follow the process described in CCZO Section 1700 for an appeal of a decision of the Planning Director.
3. Determinations of development density will conform to any Transportation Systems Plan adopted by the County. To the extent that a determination of development density implements a transportation systems plan through transportation project development pursuant to OAR 660-12-045, it is not an appealable land use decision. The road construction standards are technical decisions of the Public Works Director and are not land use decisions subject to appeal.

SECTION 6. ADOPTION.

The Columbia County Road Standards are hereby adopted. The Board of County Commissioners also adopts the findings of facts and recommendations of the Columbia County Planning Commission, the Road Department and the Land Development Services Department in adopting the proposed design standards.

SECTION 7. REPEALER.

Ordinance Nos. 92-12 and 94-2 are repealed.

SECTION 8. SEVERABILITY.

The provisions of this ordinance, including Exhibit "A", are severable. If any provision of this ordinance is determined to be invalid by a court of competent jurisdiction, such provision shall be considered a separate, distinct and independent provision and the decision shall not affect the validity of the remaining portions hereof.

ADOPTED THIS 14th DAY OF August, 1996.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: *William B. McDaniel*
Chair

By: *Carole W. Smith*
Commissioner

By: *Joe H. Nelson*
Commissioner

Approved as to form:

By: *Gene Corcoran Binger*
Office of County Counsel

Attest:

By: *Jan Swartz*
Recording Secretary

First Reading: July 17, 1996
Second Reading: July 31, 1996
Effective Date: November 12, 1996

H:\LDS\AMEND\ROADSTA3.ORD

EXHIBIT "B"

TA 2-96

COLUMBIA COUNTY BOARD OF COMMISSIONERS

STAFF REPORT

New Columbia County Road Standards

FILE NUMBER: TA 2-96

APPLICANT: Columbia County Public Works Director, Columbia County Road Department.

REQUEST: To completely revise and rewrite the Columbia County Road Standards to replace the existing Columbia County Uniform Road Improvement Design Standards (Ordinance 94-2, adopted January 19, 1994).

BACKGROUND:

Applicant wishes to make major revisions to the Road Standards, including adding private road standards and permitting them to serve up to 6 lots or parcels, new improvement requirements for public and private roads, requirement for a Waiver of Remonstrance for future Local Improvement Districts, allowing the Public Works Director to approve minor modifications to the standards, new road approach standards, and other substantial changes.

The new road standards are divided into 7 major sections, as follows:

- I. Overview of Road Standards: including existing parcel development, partitions and subdivisions, construction of utilities, and a "Summary of New Road Construction Standards".
- II. Fire Service Requirements: including standards for access roads, driveways, turnarounds, emergency access, plans and specifications, and inspections.
- III. Access Approach: including access, location and number, widths, and grades.
- IV. Private Roads: including minimum requirements, construction standards and drawings.
- V. Existing Public Roads: including single lot development, partitions, and subdivisions.
- VI. Creation of New Public Roads: including improvements, submittal and design requirements, specifications, surveying, structural standards, design modification procedures, and construction specifications.

5 10-96

VII. Standard Drawings.

The above seven major sections are followed by 5 exhibits, covering fire service standards and an improvements form, access approach permit requirements, a utility placement permit form, and a road modification application form.

The County Planning Commission held a hearing on this matter on May 20, 1996 and recommends approval.

FINDINGS:

This request is being processed under Sections 1606 and 1611 of the Columbia County Zoning Ordinance, as follows:

"1606 Legislative Hearing: Requests to amend the text of the Zoning Ordinance...are legislative hearings. Legislative hearings shall be conducted in accordance with the following procedures:

- .1 A legislative amendment to the Zoning Ordinance Text or Map may be initiated at the request of the Board of Commissioners, a majority of the Commission, or the Director, or any citizen of the County may petition the Commission for such a change."

Finding 1: This legislative amendment was initiated by the County Public Works Director.

Continuing with Section 1606 of the Zoning Ordinance:

- "2 Notice of a Legislative Hearing shall be published at least twice, 1 week apart in newspapers of general circulation in Columbia County. The last of these notices shall be published no less than 10 calendar days prior to the Legislative Hearing. The mailing of notice to individual property owners is not required but shall be done if ordered by the Board of Commissioners."

Finding 2: A hearing notice of the Planning Commission hearing was published in the St. Helens Chronicle on May 4 and 11, 1996 and in the Scappoose Spotlight on May 8, 1996. Notice to individual property owners was not required by the Board of Commissioners and was not done

Section 1611 of the Zoning Ordinance provides as follows:

"1611 Notice of Legislative Hearing. The notice of a legislative hearing shall contain the following items:

- .1 Date, time and place of the hearing;
- .2 A description of the area to be rezoned or the changes to the text;
- .3 Copies of the statement for the proposed changes are available in the Planning Department. These proposed changes may be amended at the public hearing;
- .4 Interested parties may appear and be heard;
- .5 Hearings will be held in accordance with the provisions of the Zoning Ordinance."

Finding 3: All of the above were included in the Notices of Public Hearing published in the Chronicle and Spotlight newspapers.

COMMENTS:

No comments have been received from property owners or government agencies as of the date of this staff report (June 10, 1996).

CONCLUSION AND RECOMMENDATION:

Based upon the above findings, the Columbia County Planning Commission and the planning staff recommend APPROVAL of these legislative amendments to the text of the Columbia County Road Standards.

pw