

FILED

TILLAMOOK BOARD OF COUNTY COMMISSIONERS

COUNTY ROAD APPROACH ORDINANCE

JUN 28 PM 4:40

JOSEPHINE VELTRI  
COUNTY CLERK #2  
Amendments to  
ORDINANCE NO. 44

In the matter of amending portions )  
the Road Approach Ordinance #44 )

The Board of Commissioners for Tillamook County ordains as follows:

(In the following text **boldface type** indicates new text being added and [strikeout with brackets] indicates existing text being deleted.)

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<del>[-B.]</del>	<del>Legal Access . . . . .</del>	<del>7]</del>
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SECTION III. WHEN PERMIT IS REQUIRED, new Subsection E and F,

E. Before any use of a road approach requiring a permit (including site construction equipment), all improvements of the road approach shall be completed, except paving.

F. If a road approach with a permit requiring paving is to be used before the paving is completed, the applicant shall provide the County with one of the following prior to any use of the road approach:

1. A copy of a paving contract for the required work.
  - a) The paving contract shall be with a private contractor.
  - b) The paving contract shall include a completion date which is prior to the required Road Approach Permit completion date.
2. A written Road Approach Paving Agreement with Tillamook County.
  - a) The applicant shall provide, with the Agreement, a cashiers check to assure performance of the Agreement. The cashier's check will be for \$5.00 per square foot of paving required in the Road Approach Permit.
  - b) The Agreement shall specify a completion date which is prior to the required Road Approach Permit completion date.
  - c) The Agreement shall provide that if the paving is not completed within the specified period, the County may complete the paving, either by contract or by county forces.
  - d) The agreement shall provide a right of entry to the County and its agents.

- 1 e) **If the County completes the paving, the entire cashiers check shall be**  
2 **deposited into the Tillamook County Road Fund.**

3 SECTION IV. APPLICATION FOR PERMIT, revised Subsection A,

4 A. The application for permit shall include the following:

- 5 1. The ownership of the parcel to be accessed;
- 6 2. the proposed use of the parcel and buildings;
- 7 3. a drawing of the parcel to be accessed, with the following information:
- 8 ~ the road right-of-way lines;
  - 9 ~ the actual location of the physical roadway;
  - 10 ~ all existing and proposed road approaches;
  - 11 ~ all existing and proposed driveways within the parcel;
  - 12 ~ all existing and proposed structures; and
  - 13 ~ the existing and proposed drainage ditching and culverts;
  - 14 ~ **all existing and proposed septic drain systems;**
- 15 4. **any drainfield site evaluations reports which exist for the property;**
- 16 5.[4-] if road improvements are required on the public road in order to access emergency  
17 services vehicles, road improvement plans with the following details:
- 18 ~ the road right-of-way lines;
  - 19 ~ the location of the existing and proposed roadway within the right-of-way;
  - 20 ~ the width of construction to the outside limits of all embankment and excavation  
21 areas;
  - 22 ~ a roadway profile; and
  - 23 ~ the existing and proposed drainage ditching and culverts;
- 24 6. **signature of the owner of the property requesting the Road Approach Permit; and**
- 25 7.[5-] a Road Approach Application Review Fee. The Review Fee shall be **\$125.00**[~~\$75.00~~],  
26 or any other rate as set by an order of the Board. Double fees shall be assessed for  
27 Applications received after road approach construction has already started.

28 SECTION V. APPROVAL OF PERMIT, revised Subsection E, new Subsections F and G

E. One time extension of the final completion date, not to exceed six (6) months may be granted,  
if the road approach is not being used. ~~A time extension of the final completion date, not to  
exceed six (6) months, may be granted if all work except the paving has been completed and the  
applicant provides a copy of a contract with a paving contractor for the necessary work.~~

F. **The approved permit, including all conditions and requirements, is binding for the owner  
and the owner's heirs and assigns of the property being accessed for the time frame  
indicated in the permit and/or extension.**

1 G. In no case do the above time frames supersede requirements of Section III of this  
2 Ordinance.

3 SECTION VI. APPEAL OF PERMIT CONDITIONS, revised Section

4 A. If the applicant objects to the denial of the permit or the conditions of the permit, the applicant  
5 may appeal to the Tillamook County Board of Commissioners within forty-five (45) days of  
6 the date of the denial or issuance of the permit.

7 B. If applicant does not appeal to the Board of Commissioners within the 45 days appeal time  
8 frame, the denial of the permit or the condition(s) of the permit is (are) final.

9 C. No appeals will be considered after the applicant begins construction of the road approach.  
10 Once construction of the road approach has been started the conditions of the permit are  
11 final.

12 D. The appeal shall be submitted to the Board of Commissioners and include the following:

- 13 1. an explanation of why the applicant believes the Director's actions are not  
14 appropriate;
- 15 2. the applicant's proposed conditions for the Road Approach Permit; and
- 16 3. a Board Appeal Fee. The Appeal Fee shall be \$125.00~~[\$75.00]~~, or any other rate  
17 as set by an order of the Board.

18 E. If the county determines that the terms or conditions of any other permits issued by the  
19 county have to be reviewed, the applicant will be required to pay review fees for those  
20 other permits.

21 SECTION VII. STANDARDS, revised Subsection K.

22 K. Paved Road Approaches. If the public road is paved, all of the road approach within the right-  
23 of-way shall be paved. If the road approach is a private road or for commercial use, the road  
24 approach shall be paved at least 30 feet from the existing roadway pavement. For all other uses,  
25 the road approach shall be paved at least 20 feet from the existing roadway pavement.

26 The minimum paving standard shall be a 3~~[2]~~ inch thick lift of asphalt cement paving. Portland  
27 Cement Concrete road approaches will not be allowed unless the roadway has concrete curbs.

28 An unpaved road approach within the right-of-way may be approved if all of the following  
conditions are met:

- 29 a. The road approach is for a single family residence; and
- 30 b. The road is a dead end with 10 lots or less. If there is future anticipated lot  
31 division, the equivalent lots count toward this total; and
- 32 c. the speed of the road is 25 mph or less.

1 SECTION X. ENFORCEMENT, revised Section

- 2 A. The owner of the property being accessed is in violation of this ordinance for any failure
- 3 to comply with any of the provisions of this ordinance related to a road approach accessing
- 4 the owner's property.
- 5 B. A contractor is in violation of this ordinance for any activities performed by the contractor
- 6 which are not in compliance with the provisions of this ordinance.
- 7 C. This ordinance may be enforced in any manner authorized by state or local law, including ORS
- 8 Chapters 368 and 374, and Tillamook County Ordinance No. 35, the Tillamook County Citation
- 9 Ordinance.

8 DATE of First Reading:

9 DATE of Second Reading:

10 ADOPTED THIS 28th DAY OF June 1995.

11 BOARD OF COUNTY COMMISSIONERS  
12 FOR TILLAMOOK COUNTY, OREGON

AYE NAY ABSTAIN/ABSENT

13 Jerry A. Dove  
14 Jerry A. Dove, Chairperson

\_\_\_\_\_ / \_\_\_\_\_

15 Kenneth M. Burdick  
16 Kenneth M. Burdick, Vice-Chairperson

2 \_\_\_\_\_ / \_\_\_\_\_

17 Gina Mulford  
18 Gina Mulford, Commissioner

✓ \_\_\_\_\_ / \_\_\_\_\_

18 Josephine Veltri  
19 County Clerk

20 Conelia V. Allen  
21 Special Deputy

22 APPROVED AS TO FORM:

23 William K. Sargent  
24 County Counsel

