

COUNTY COURT JOURNAL

BOOK **103** PAGE **114**

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91 SEP 18 PM 3:13

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DEPUTY

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Establishing)
Standards for Road Approaches)
to all Public Roads in Tillamook)
County Outside of Incorporated)
Cities and to County Roads)
Within Incorporated Cities)

O R D I N A N C E

44

TILLAMOOK COUNTY ROAD APPROACH ORDINANCE

TABLE OF CONTENTS

SECTION NUMBER AND TITLE	PAGE
I. PURPOSE.....	3
II. DEFINITIONS.....	3
III. WHEN PERMIT IS REQUIRED.....	4
IV. APPLICATION FOR PERMIT.....	5
V. APPROVAL OF PERMIT.....	6
VI. APPEAL OF PERMIT CONDITIONS.....	6
VII. STANDARDS.....	6
A. Ownership.....	6
B. Legal Access.....	6
C. Sight Distance.....	6
D. Clearance from Intersections.....	7
E. Standard Profile.....	7
F. Drainage.....	7
G. Width.....	7
H. Number of Road Approaches (Residential).....	7
I. Number of Road Approaches (Commercial).....	7
J. Separation Between Road Approaches.....	7
K. Paved Road Approaches.....	7
L. Left Turn Pockets and Right Turn Tapers.....	7
M. Utility Facilities.....	8
N. Provision for Roadway Widening.....	8
VIII. VARIANCE FROM STANDARDS.....	8
IX. SAVINGS CLAUSE.....	8
X. ENFORCEMENT.....	9
XI. ADOPTION.....	9

The Board of Commissioners for Tillamook County ordains as follows:

SECTION I. PURPOSE

- A. The purpose of this ordinance is to establish standards for road approaches to all Public Roads in Tillamook County outside of incorporated cities and to County Roads within incorporated cities.
- B. These regulations are necessary:
 - 1. in order to provide uniform procedures and standards for road approaches;
 - 2. to ensure each parcel has a legal access;
 - 3. to provide good sight distance for vehicles entering the roadway;
 - 4. to ensure the road approach construction does not damage the existing roadway;
 - 5. to ensure the road approach construction does not impair the roadway drainage system;
 - 6. to ensure a congestion or safety problem is not being created for the vehicles on the roadway;
 - 7. to coordinate road approaches with the other private facilities necessary for parcel development; and
 - 8. to coordinate road approaches with development plans for roads, utilities, and other public facilities.

SECTION II. DEFINITIONS

- A. BOARD. The Tillamook County Board of Commissioners.
- B. DEPARTMENT. The Tillamook County Public Works Department.
- C. APPLICANT. Any person proposing to construct or modify a road approach.
- D. COMMERCIAL. Use for commercial, industrial, agricultural, logging or multifamily residential activities.
- E. DIRECTOR. The Tillamook County Director of Public Works, or a designee thereof.
- F. DRIVEWAY. An area on a parcel of property where automobiles and other vehicles are operated or allowed to stand.

- G. PERSON. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, including a trustee, receiver, assignee, or other similar representative thereof.
- H. PRIVATE ROAD or STREET. A private way to provide vehicular access to one or more parcels of land.
- I. PUBLIC ROAD. A Public Road, as defined in ORS 368.001(5), within Tillamook County outside of incorporated cities; and a County Road, as defined in ORS 368.001(1), within an incorporated city.
- J. RIGHT-OF-WAY. A legally described portion or strip of land, either public or private, which is condemned, reserved, or dedicated for roads.
- K. ROAD APPROACH. An area, construction or improvement between the roadway and the road right-of-way line.
- L. ROADWAY. The portion or portions of a street right-of-way or easement which is developed for vehicular traffic.
- M. SIDEWALK. A pedestrian walkway with surfacing suitable for pedestrian or bicycle traffic.
- N. ROAD. The entire width between the boundary lines of a right-of-way or an easement, intended for traffic and/or the placement of utilities. ROAD includes "street," "highway," "lane," "alley," "place," "way," "avenue" or other such similar designations. The definition of road does not include a driveway providing access within a single parcel.

SECTION III. WHEN PERMIT IS REQUIRED

- A. No person shall remove, alter or construct any road approach or other improvement in any public street without first obtaining a permit from the County Public Works Department.
- B. Any change in use of the property which will increase the volume or change the character of traffic using an existing road approach will require a new permit. The new permit may require improvements or a change in location of the existing road approach.

- C. If the access to a parcel is over an existing public or private road which is not adequate for emergency services vehicles, a road approach permit will be required. The permit will include conditions requiring the improvements necessary to make the road usable by emergency services vehicles.
- D. No building permit shall be issued until an approved road approach permit has been issued, unless the Director has determined that an existing road approach is satisfactory for the proposed use.

SECTION IV. APPLICATION FOR PERMIT

- A. The application for permit shall include the following:
 - 1. The ownership of the parcel to be accessed;
 - 2. if the parcel to be accessed is not immediately adjacent to the public road at the point of the road approach, copies of all documents establishing the right of private road access from the public road to the parcel to be accessed;
 - 3. the proposed use of the parcel and buildings;
 - 4. a drawing of the parcel to be accessed, with the following information:
 - ~ the road right-of-way lines;
 - ~ the actual location of the physical roadway;
 - ~ all existing and proposed road approaches;
 - ~ all existing and proposed driveways within the parcel;
 - ~ all existing and proposed structures; and
 - ~ the existing and proposed drainage ditching and culverts;

5. if road improvements are required on the public or private road in order to access emergency services vehicles, road improvement plans with the following details:
 - ~ the road right-of-way lines;
 - ~ the location of the existing and proposed roadway within the right-of-way;
 - ~ the width of construction to the outside limits of all embankment and excavation areas;
 - ~ a roadway profile; and
 - ~ the existing and proposed drainage ditching and culverts; and
 6. a Road Approach Application Review Fee of \$25.00 per road approach.
- B. The applicant must stake and flag the proposed road approach location before the permit will be processed.

If additional inspection trips are required because the site is not staked and flagged, an additional fee of \$25.00 for each trip will be assessed prior to issuing the permit.

SECTION V. APPROVAL OF PERMIT

- A. Before approving the permit application, the Director shall establish that the proposed construction is in conformance with the standards of this ordinance.
- B. The permit shall include all construction requirements as conditions of the permit.
- C. The permit shall state the date that each phase of the construction will be required to be completed. The maximum final completion date for all work to be completed shall be nine (9) months from the date the permit is issued.
- D. If construction of all work required in the Road Approach Permit has not been completed by the final completion date, the permit shall be null and void, and the road approach shall be a violation of this ordinance.
- 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.

SECTION VI. APPEAL OF PERMIT CONDITIONS

If the applicant objects to the denial of the permit or the conditions of the permit, the applicant may appeal to the Tillamook County Board of Commissioners. The appeal shall be submitted to the Board of Commissioners and include the following:

1. an explanation of why the applicant believes the director's actions are not appropriate;
2. the applicant's proposed conditions for the Road Approach Permit; and
3. a Board Appeal Fee of \$25.00.

The Board shall act on the appeal within twenty-one (21) days of the date the appeal is made. The Board will consider the applicant's appeal at a regularly scheduled Board meeting. The applicant will be notified of the meeting time and place at least 7 days prior to the meeting. The Board's decision shall be final.

SECTION VII. STANDARDS

- A. Ownership. The permit is to be issued to the legal property owner of the parcel to be accessed.
- B. Legal Access. No road approach permit is to be issued unless clear, written legal access exists from the public road to the parcel.
- C. Sight Distance. A vehicle using the road approach must have the following sight distance both directions from the road approach:

<u>TRAFFIC SPEED (MPH)</u>	<u>STOPPING SIGHT DISTANCE (FEET)</u>
20	125
25	150
30	200
35	225
40	275
45	325
50	400
55	450

- D. Clearance from Intersections. No road approach shall be constructed within 50 feet of the intersection radius or curb return. This provision does not apply to intersections with alleys.

- E. Standard Profile. The road approach shall be constructed in accordance with the standard profile drawing in Appendix "A".
- F. Drainage. The drainage at the road approach shall be constructed to be compatible with existing and future drainage facilities within the roadway.
- G. Width. The minimum road approach width shall be 12 feet. The maximum road approach width for residential road approaches shall be 20 feet. The maximum road approach width for commercial road approaches shall be 35 feet.
- H. Number of Road Approaches (Residential). Only two road approaches will be permitted for a residential parcel; and the second road approach will be allowed only if the parcel has over 50 feet of frontage.
- I. Number of Road Approaches (Commercial). Only one road approach will be permitted unless there is over 50 feet of frontage. If all other road approach standards are met, additional road approaches will be allowed for a parcel with greater than 50 foot frontage. Two road approaches may be permitted for parcels with over 50 but less than 100 feet of frontage. Parcels with greater than 100 feet of frontage may be allowed multiple road approaches, but the total of the road approaches shall not exceed 30 percent of the total frontage.
- J. Separation Between Road Approaches. Multiple road approaches on the same parcel shall be separated by safety islands at least 16 feet long.
- K. Paved Road Approaches. If the public road is paved, all of the road approach within the right-of-way shall be paved. If the road approach is for commercial use, the road approach shall be paved at least 30 feet from the existing roadway pavement. The minimum paving standard shall be a 2 inch thick lift of asphalt cement paving. Portland Cement Concrete road approaches will not be allowed unless the roadway has concrete curbs.

The road approach may not be required to be paved if the anticipated use is less than 150 trips per year.
- L. Left Turn Pockets and Right Turn Tapers. For commercial road approaches a left turn refuge and/or right turn taper may be required based on traffic warrants.
- M. Utility Facilities. No road approach shall be permitted to encompass any public utility facility. If a utility facility is required to be relocated for the road approach, the applicant will be required to make suitable arrangements with the utility provider, including making payments for the relocation expense.

- N. Provision for Roadway Widening. The road approach shall be constructed so it is still usable when the roadway is widened to the county standard design width.

SECTION VIII. VARIANCE FROM STANDARDS

- A. The Director may require additional improvements if, in the Director's judgement, the additional improvements are necessary to protect the public safety.
- B. The Director may grant variances from the standards of this ordinance provided all of the following conditions are met:
1. The variance is required due to a peculiar physical conditions at this location or due to special needs required by the nature of the business or operation.
 2. The variance is not against the public safety or convenience.
 3. The granting of the variance will not adversely affect the rights of the adjacent property owners.
 4. The standards of this ordinance would work unnecessary hardship upon the applicant.

SECTION IX. SAVINGS CLAUSE

If any section or part thereof of this ordinance shall be held illegal, unconstitutional, or void, this shall not be construed to render void any other provision or requirement of this ordinance.

SECTION X. ENFORCEMENT

This ordinance may be enforced in any manner authorized by state or local law, including ORS Chapters 368 and 374, and Tillamook County Ordinance No. 35, the Tillamook County Citation Ordinance.

SECTION XI. EMERGENCY CLAUSE AND ADOPTION

The possibility exist of unsafe road approach installations taking place during the waiting period of this ordinance. Therefore, the immediate adoption of this Ordinance is necessary for the preservation of the public peace, health and safety. Therefore an emergency is declared to exist and this Ordinance shall take effect immediately upon its adoption.

DATE of First Reading: September 4, 1991

DATE of Second Reading: September 11, 1991

ADOPTED this 18th day of September, 1991.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Kenneth M. Burdick
Kenneth M. Burdick, Chairman

Jerry A. Dove
Jerry A. Dove, Vice-Chairman

Ida A. Lane
Ida A. Lane, Commissioner

APPROVED AS TO FORM:

William K. Sargent
William K. Sargent
County Counsel