

ROAD APPROACH
ORDINANCE

#44

TILLAMOOK COUNTY
OREGON

ADOPTED
September 18, 1991

UPDATED
June 23, 1993

UPDATED
June 28, 1995

UPDATED
July 24, 1996

UPDATED
June 23, 1999

UPDATED
January 1, 2009

UPDATED
November 30, 2011
(Order # 011-089 -
fee change)

TILLAMOOK BOARD OF COUNTY COMMISSIONERS

COUNTY ROAD APPROACH ORDINANCE

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The Board of Commissioners for Tillamook County ordains as follows:

SECTION I. PURPOSE (modified June 1993)

- 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 provide good sight distance for vehicles entering the roadway;
 - 3. to ensure the road approach construction does not damage the existing roadway;
 - 4. to ensure the road approach construction does not impair the roadway drainage system;
 - 5. to ensure a congestion or safety problem is not being, created for the vehicles on the roadway;
 - 6. to coordinate road approaches with the other private facilities necessary for parcel development; and
 - 7. to coordinate road approaches with development plans for roads, utilities, and other public facilities.

SECTION II. DEFINITIONS (modified June 1999)

- 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.
- O. ROAD IMPROVEMENT ORDINANCE. Tillamook County ordinance dealing with provisions for the improvement or construction of roads in public right of ways. This ordinance is administered by Tillamook County Public Works.
- P. FIELD APPROACH. A road approach for the sole purpose of ingress/egress from a farm field for farming purposes through a fence opening or gate.
- Q TEMPORARY ROAD APPROACH. A road approach that will be utilized only for pre-designated time frame less than 12 months. After completion of use, the approach is removed and returned to original conditions (prior to approach construction).

SECTION III. WHEN PERMIT IS REQUIRED (modified June 1999)

- 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. Additional residences or an increased commercial use of a private road is considered a change in use.
- C. Access to a proposed road approach must be adequate for emergency services vehicles prior to a road approach permit being issued. If a portion of a public right of way needs to be improved to a higher standard prior to a road approach permit being issued, the applicant shall refer to the Tillamook County Public Road Improvement Ordinance to initiate the appropriate permit process.

SECTION IV. APPLICATION FOR PERMIT (modified June 1999)

- A. The application for permit shall include the following:
1. The ownership of the parcel to be accessed;
 2. the proposed use of the parcel and buildings;
 3. 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;
 - the existing and proposed drainage ditching and culverts; and
 - all existing and proposed septic drain systems.
 4. any drainfield site evaluation reports which exist for the property.
 5. if road improvements are required on the public 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.
6. signature of the owner of the property requesting the Road Approach Permit, and
7. a Road Approach Application Review Fee (modified by Board Order #011-089 November 30, 2011). The Review Fee shall be \$583.00 or any other rate as set by an order of the Board. Double fees shall be assessed for Applications received after road approach construction has already started.
- 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.

- C. The road approach permit fee will be waived if the approach is constructed in conjunction with a public right of way improvement in accordance with the Tillamook County Public Road Improvement Ordinance.

SECTION V. APPROVAL OF PERMIT (sequence and content modified June 1999)

- A. 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.
- B. 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.
- C. Before approving the permit application, the Director shall establish that the proposed construction is in conformance with the standards of this ordinance.
- D. The permit shall include all construction requirements as conditions of the permit.
- E. 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 requirements associated

with the permit or in accordance with this Section shall be eighteen (18) months from the date the permit is issued or as extended as outlined below.

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.

- G. If construction of all work required in the Road Approach Permit, except paving, has not been completed by the final completion date or authorized extension, the permit shall be null and void, and the road approach shall be in violation of this ordinance.
- H. If a road approach with a permit requiring paving is to be used before the paving is completed, the following shall apply:
 - 1. The road approach must be paved within 6 months of the start of the use that required paving.
 - 2. The applicant is responsible for damage to the edge of the paved road and for gravel/materials on the road from the unpaved road approach until the approach is paved.
 - 3. An unpaved road approach causing damage to the edge of the paved road or gravel/materials on the pavement will, be in violation of this ordinance and subject to fines or voiding of the road approach permit.
 - 4. Six month extensions of the paving requirement may be granted by the Director provided the following criteria are met:
 - a) The unpaved road approach is not causing damage to the edge of the paved road, and
 - b) There is not evidence of gravel/materials on the pavement, and
 - c) There is evidence of continued progress related to the respective building permit.

SECTION VI. SPECIAL USE ROAD APPROACHES

- A. The applicant for a temporary road approach may request a \$200 refund of the original road approach fee collected if the following conditions are met:
 - 1. The original road approach application permit identified the approach as a temporary road approach, and
 - 2. There is no further use of the temporary road approach, and
 - 3. The temporary road approach is completely uninstalled (i.e. returned to the original condition prior to use of the temporary road approach).
- B. For an application for a new or modified field approach, field approach standards of Standards Section of this

Ordinance shall apply and a \$50 fee shall be collected in lieu of the regular Road Approach Application Review Fee outlined in Section IV of this Ordinance.

SECTION VII. APPEAL OF PERMIT CONDITIONS (modified June 1993)

- A. 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 within forty-five (45) days of the date of the denial or issuance of the permit.
- B. If applicant does not appeal to the Board of Commissioners within the 45 days appeal time frame, the denial of the permit or the condition(s) of the permit is (are) final.
- C. No appeals will be considered after the applicant begins construction of the road approach. Once construction of the road approach has been started the conditions of the permit are final.
- D. 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. The Appeal Fee shall be \$125.00, or any other rate as set by an order of the Board.
- E. If the county determines that the terms or conditions of any other permits issued by the county have to be reviewed, the applicant will be required to pay review fees for those other permits.

SECTION VIII. STANDARDS (modified June 1999)

- A. Ownership. The permit is to be issued to the legal property owner of the parcel to be accessed.

B. Sight Distance. A vehicle using the road approach must have the following sight distance both directions from the road approach:

TRAFFIC SPEED (MPH)	RECOMMENDED STOPPING SIGHT DISTANCE (FEET)	MINIMUM STOPPING SIGHT DISTANCE * (FEET)
20	125	107
25	150	139
30	200	177
35	250	218
40	325	267
45	400	319
50	475	376
55	550	432

* Paved Road approach required

C. 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.

D. Standard Profile. The road approach shall be constructed in accordance with the standard profile drawing in Appendix "A".

E. Drainage. The drainage at the road approach shall be constructed to be compatible with existing and future drainage facilities within the roadway.

F. Width -Minimum. The minimum road approach width for individual private residences approaches shall be 12 feet. The minimum road approach width for private road or commercial road approaches shall be 20 feet.

G. WidthMaximum. The maximum road approach width for residential road approaches shall be 20 feet except for a residential road approach onto a low traffic volume residential street where the maximum width shall be 30 feet. The maximum road approach width for private roads or 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, the road approach within the right-of-way shall be paved if any of the following applies to the proposed approach:

1. The approach is or will be used by truck traffic. Examples include:
 - a. More than one round trip per day by a vehicle of 26,000 GVW or heavier.
 - b. Business that has hauling/delivery traffic.
 - c. Not included is a property owner that parks his/her single truck on the property at the end of the business day.
2. The approach has or will have heavy vehicle use., Examples include:
 - a. Business that has customer traffic.
 - b. Apartments.
 - c. Private road intersection.
 - d. Road approach with 3 or more residences.
 - e. Not included is an approach utilized by only 2 residences.
3. Any portion of the first 20 feet from edge of existing roadway pavement is greater than 5% grade.
4. If sight distance does not comply with the "RECOMMENDED" standards of Paragraph B. above (Sight Distance).

The minimum paving standard shall be a 3 inch thick lift of paving.

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.
- O. Field approaches. The following standards apply to field approaches only.
1. Maximum width is 20 feet.
 2. Maximum culvert length is 30 feet.
 3. Minimum culvert length is 20 feet.
 4. Ditch shall remain open.
- P. Culvert materials. The following are acceptable culvert materials for approved road approaches:
1. Corrugated Polyethylene Type S Dual Wall Culvert, or
 2. Concrete, or
 3. Corrugated Galvanized Metal Culvert (not allowed within 2 miles of the ocean).

SECTION IX. VARIANCE FROM STANDARDS (modified June 1999)

- A. The Director may require additional improvements if, in the Director's judgment, 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 peculiar physical conditions at this location or due to special needs required by the nature of the business or operation.
 2. The variance would not compromise public safety or convenience.
 3. The granting of the variance will not adversely impact the rights of the adjacent property owners.
 4. The standards of this ordinance would work unnecessary hardship upon the applicant.

SECTION X. SAVINGS CLAUSE (modified June 1999)

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 XI. ENFORCEMENT (modified June 1999)

- A. The owner of the property being accessed is in violation of this ordinance for any failure to comply with any of the

provisions of this ordinance related to a road approach accessing the owner's property.

- B. A contractor is in violation of this ordinance for any activities performed by the contractor which are not in compliance with the provisions of this ordinance.
- C. 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 XII. ADOPTION

DATE of First Reading: May 21, 1999.

DATE of Second Reading: June 9, 1999.

ADOPTED as amended this _____ day of _____ 19

ATTEST: Josephine Veltri
County Clerk

**BOARD OF COUNTY COMMISSIONERS FOR
TILLAMOOK COUNTY, OREGON**

BY: _____

Special Deputy

Sue Cameron, Chairperson

APPROVED AS TO FORM:

Tim Josi, Vice-Chairperson

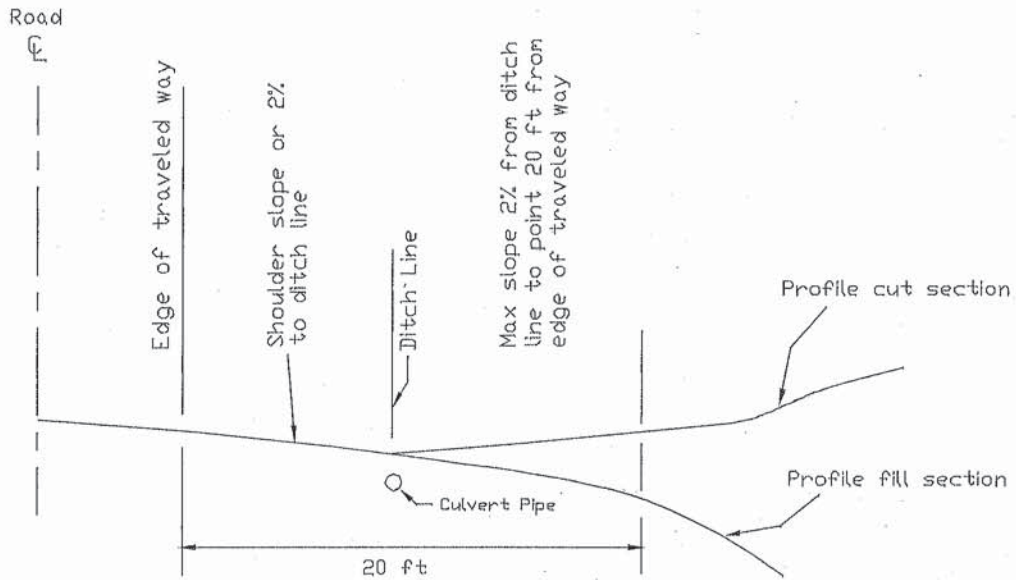
William K. Sargent
County Counsel

Gina Firman, Commissioner

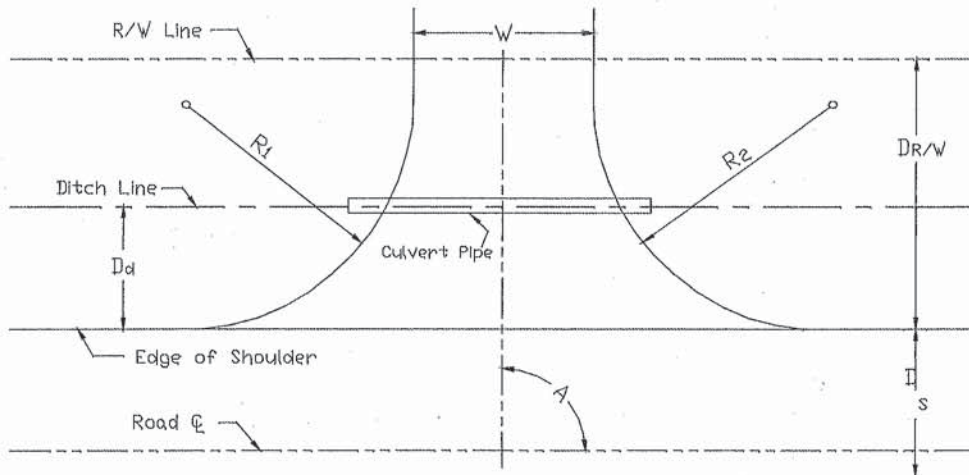
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TILLAMOOK COUNTY ROAD APPROACH ORDINANCE

APPROACH TYPICAL SECTION



PROFILE



PLAN