

CHAPTER 6

Roads and Surveyor

ROAD APPROACHES

6.005	Definitions
6.010	Permits
6.015	Allocation of Cost
6.020	Liability and Control
6.025	Location
6.030	Design
6.035	Use of Road Approach
6.040	Effective Period and Cancellation
6.045	Temporary Road Approach
6.050	Bond or Deposit
6.055	Issuance of Permits

ADDRESSING AND NAMING OF ROADS

6.105	Establishment of Comprehensive Plan
6.107	Findings and Purpose
6.109	Application of LCC 6.105 through 6.150
6.112	Definitions
6.114	Authority to Assign and Change Address Numbers
6.117	Procedures and Standards for Assigning New Address Numbers
6.119	Procedures and Standards for Changing Existing Address Numbers
6.122	General Requirements for Posting of Address Numbers
6.124	Posting of Assigned or Changed Address Numbers
6.126	Failure to Display Assigned or Changed Address Number
6.127	Authority to Name Roads
6.128	Unnamed Roads
6.129	Procedures for Naming Roads
6.132	Procedures and Standards for Changing Existing Road Names
6.134	Road Sign Standards
6.145	Penalty
6.150	Enforcement

ROAD VACATION PROCEEDINGS

6.205	Petition for Vacation of Public Road
6.210	Petition for Vacation or Decrease in Width of County Road

ROAD OPERATIONS

6.305	Definitions
6.310	Permits
6.315	Allocation of Costs
6.320	Liability and Control
6.325	Insurance and Bond
6.330	Construction and Location Details
6.335	Removal, Relocation and Repair
6.340	Maintenance and Operation
6.345	Other Agencies

- 6.350 Effective Period of Permit
- 6.355 Engineer Issuance of Permits
- 6.360 Appeals
- 6.380 Construction and Location Details for Local Access Roads Within a Special Road District

WEIGHMASTER

- 6.400 Designation of County Roadmaster as County Weighmaster

PUBLIC ROADS

- 6.405 Acceptance of Roads into County Road System
- 6.410 Opening a Public Road
- 6.420 Temporary No Parking and Speed Limits
- 6.450 Gating of South Jetty Road
- 6.480 Election of Board Members of Certain Special Road Districts

ROAD CONSTRUCTION STANDARDS

- 6.505 Construction Specifications

ROAD EVENT PERMITS¹

- 6.520 Definitions
- 6.525 Permit Required for Events
- 6.530 Application for Permit
- 6.535 Issuance or Denial of Permit
- 6.540 Contents of Permit
- 6.545 Review Procedure
- 6.550 Reserved
- 6.555 Revocation or Restriction of Permit
- 6.560 Hold Harmless
- 6.565 Compliance with Laws
- 6.570 Conditions in Permits
- 6.575 Penalty

WAYS OF NECESSITY

- 6.600 Transfer of Jurisdiction Over Ways of Necessity

LOCAL IMPROVEMENT PROJECTS (LID's)

- 6.605 Definitions for LCC 6.605 to 6.660
- 6.610 Application of LCC 6.605 to 6.660 in Lieu of ORS 371.605 to 371.660
- 6.615 Petition for Improvement of Roads in Unincorporated Areas
- 6.620 Signers of Petition and Objection in Event of Cotenancies
- 6.625 Investigation and Estimation of Cost of Improvement by Engineer
- 6.630 Notice to Owner; Ballot for Support or Opposition
- 6.635 Order for Improvement; Recording; Vacation of Order and Removal of Lien
- 6.640 Engineer to Compile Improvement Cost; Source of Payment; Reimbursement of Source; Additional Work
- 6.642 Allocation of Costs of Sidewalk or Curb Construction and Other Improvements
- 6.645 Engineer to Ascertain Assessment; Hearing on Objections; Board Order
- 6.650 Certification of Assessment; Recording Order; Lien
- 6.655 When Assessment Due, Payable and Delinquent; Application of Other Statutes
- 6.660 Delinquent List; Execution and Sale.

SURVEYOR

¹ Added and conformed by authority of LCC 0.130.

6.705 Private Surveys, Mandated Surveys and Liability
6.710 County Line Surveys

6.730 **PUBLIC LAND CORNER PRESERVATION**
Establishment of Public Land Corner Preservation Fund

ROAD APPROACHES

6.005 Definitions

As used in LCC 6.005 through 6.055:

(1) "Applicant" means the person having the legal right to apply for a road approach permit. Such legal right is vested only in the owner or lessee of the property abutting the county road or the holder of an easement or similar right to construct and use an approach road upon the abutting property.

(2) "Road approach" means that section of the county right-of-way between the outside edge of the shoulder or curb line and the right-of-way line.

6.010 Permits

(1) Any person seeking to construct a road approach to a county road shall apply for and obtain a permit from the county before commencing any construction or activity on a county road right-of-way.

(2) All permits issued pursuant to this chapter shall be subject to the provisions of this chapter and any special provisions imposed in the permit. In the case of conflict between any provision of LCC 6.005 through 6.055 and the special provisions in a permit, the special provisions shall control.

6.015 Allocation of Cost

(1) The entire expense of constructing a road approach shall be borne by the applicant unless such costs are assumed by the county under the terms and conditions of a permit.

(2) In the event the reconstructing or widening of any county road requires the removal, alteration, or reconstruction of a road approach, the cost of such removal or replacement will be borne by the county. Any widening, change of character of use, or other improvement of a road approach at the applicant's request shall be done only under authority of a new permit and at the expense of the applicant.

(3) The entire cost of maintaining the road approach from the outside edge of the shoulder or curb line to the right-of-way line shall be the responsibility of the applicant.

6.020 Liability and Control

(1) The applicant shall be responsible and liable for all accidents, damage, or injury to any person or property resulting from the construction, maintenance, repair, operation, or use of the road approach for which the applicant may be legally liable, and the applicant shall indemnify and hold harmless the county and all officers, employees, or agents of the county against any and all damages, claims, demands, actions, causes of action, costs, and expenses which they may sustain by reason of the acts of the applicant or his agents in connection with the construction, maintenance, or use of a road approach.

(2) The applicant shall be responsible for relocating and adjusting utility facilities located on the highway right-of-way as required to accommodate the road approach. Construction of the road approach by the applicant will be permitted only after applicant has furnished engineer with satisfactory evidence that arrangements for relocation of utilities have been made. Permits are conditioned upon replacement and restoration of the county road to its original condition.

(3) The work area, during any construction or maintenance performed under a permit, shall be protected in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation."

6.025 Location

(1) Approach roads shall be constructed only at the location approved by the engineer in the permit.

(2) The number of approaches to a single property shall be limited to a minimum that will allow the property to accommodate and service such traffic as may be reasonably anticipated, commensurate with the safety of the traveling public. In general, one approach per lot or parcel is preferred, unless additional approaches are required to accommodate anticipated traffic, as determined by the engineer.

(3) Approaches shall be located in accordance with the following standards:

(a) No approach shall be allowed where there is less than the minimum stopping sight distance unless otherwise specified by the engineer.

(b) No approach shall be allowed at a point which would interfere with the placement and proper functioning of traffic control apparatus.

(c) Approaches shall intersect a county road at or as near as is practical to a 90 degree angle.

(d) Where there are several adjacent parcels with narrow frontage or where sight distance is inadequate, a frontage road or combined approach may be required.

(e) Where two or more lots or parcels are created by partition or subdivision, one common approach shall be preferred.

(f) Where property is located at an intersection of an arterial or collector and a local public access road, the preferred approach shall be from the local public access road.

(g) No portion of any approach shall be located within five feet of an adjacent property line unless it is an approved joint approach

(h) No portion of any approach shall be located within five feet of a utility structure such as a power pole, or a roadway structure such as a cross culvert or guardrail.

(i) No portion of any approach shall be allowed within 50 feet of a bridge or bridge guardrail.

(j) Approaches shall be located as far as is practicable from any intersection with a state highway. [2008 o.456 § 14]

6.030 Design

(1) Road approaches shall be designed so as to allow movement on and off the road of vehicles which can be expected reasonably to utilize the approach without undue conflict with other traffic.

(2) The engineer may require engineering diagrams of the road approach when, in the engineer's discretion, it is necessary for safety or maintenance of county roads.

(3) The engineer may condition a road approach permit by requiring any design, which in the engineer's discretion, the engineer feels is necessary for safety or road maintenance, including hard surfacing.

(4) Approach widths shall be a minimum of 24 feet with a flare radius of 10 feet.

(5) Approach surfacing shall be matched to the surface of the county road being accessed. Surfacing specifications for gravel and asphalt concrete approaches shall be as determined by the engineer.

(6) Approach slopes shall be as determined by the engineer and specified in the permit.

(7) Where there are no curbs, culverts shall be placed under approaches as specified in the permit. The location, type, length and size of culvert shall be as determined by the engineer and specified in the permit. [2008 o.456 § 15]

6.035 Use of Road Approach

Whenever the use of a road approach is causing mud or any other debris to be deposited on a county road, the engineer may require corrective measures and may close or remove the approach until corrective measures are completed.

6.040 Effective Period and Cancellation

(1) Unless otherwise provided in the permit, a permit shall be in effect for an indefinite period of time.

(2) Failure of the applicant to comply with any of the terms and conditions of the permit, this chapter, or corrective measures required by the engineer shall be sufficient cause for cancellation of the permit and removal of the approach by the county at the applicant's expense, as provided by ORS 374.320.

(3) The permit and the privileges granted therein and the obligations of the applicant created thereby shall be binding upon the successors and assigns of the applicant.

(4) If the applicant fails to complete the road approach provided for in a permit within the period specified in the permit, the permit shall be null and void.

(5) The construction, maintenance, operation, and use of a road approach are subject to the paramount control of the county over county roads and no right of privilege granted by the permit shall be deemed or construed to be beyond the power or authority of the county.

6.045 Temporary Road Approach

Temporary permits for construction, maintenance, and use of a road approach for a specific period of time may be issued by the engineer. The engineer may require a deposit of not more than \$300 per approach to guarantee removal of the approach by the applicant upon the expiration of the permit.

6.050 Bond or Deposit

Whenever the engineer deems it necessary, the applicant may be required to post a bond or other suitable security, in an amount determined by the engineer, to ensure compliance with the terms of a road approach permit or this chapter.

6.055 Issuance of Permits

The engineer may issue permits provided for by this chapter. If the engineer, in the engineer's discretion, determines that a permit is of more than routine significance, the engineer may refer the permit to the Board for final approval.

ADDRESSING AND NAMING OF ROADS

6.105 Establishment of Comprehensive Plan

(1) There is hereby established a uniform system of addressing and numbering all houses and buildings within the jurisdiction of the county. To facilitate the accurate addressing and numbering of houses and buildings, duplicative road and highway names will be eliminated and clarified. Because of the importance of integrating addressing systems in unincorporated areas with systems within the incorporated cities of the county, the county's addressing system involves seven distinct zones which are identified as follows:

(a) **Lincoln City:**

Beginning at the mouth of the Salmon River; thence east along the north county line to the Polk County line; thence south to the south line of section 12, township 9 south, range 9 west; westerly to the southwest corner of section 11, township 9 south, range 11 west; thence north along the section line to U.S. Highway 101; thence northeast to the Siletz River; thence northwest to the mouth of Siletz Bay; thence north along the coast to the point of beginning.

(b) **Depoe Bay:**

Beginning at the mouth of Siletz Bay; thence south along the coast to a point south of Otter Rock, which is on the extended south line of section 32, township 9 south, range 11 west; thence east along the line to the southeast corner of section 34, township 9 south, range 11 west; thence north along the section line to U.S. Highway 101; thence northeast to the Siletz River; thence northwest to the point of beginning.

(c) **Newport:**

Beginning at the mouth of Pumphouse Creek; thence southeast to the south line of section 18, township 12 south, range 11 west; thence easterly to the southeast corner of section 13, township 12 south, range 11 west; thence northerly to the 1/4 section point on the east line of section 25, township 11 south, range 11 west; thence southwest along the north shore of the Yaquina River to a point on the north south line between sections 26 and 27, township 11 south, range 11 west; thence north along the section lines to the northeast corner of section 3, township 13 south, range 11 west; thence westerly along the line to the Pacific Ocean; thence southwest along the coast to the point of beginning.

(d) **Siletz:**

Beginning at the northwest corner of section 14 township 9 south, range 11 west; thence east to the Lincoln County-Polk County line; thence south along said line to the southeast corner of section 36, township 9 south, range 9 west; thence east along the north line of section 6, township 10 south, range 8 west to the northeast corner; thence south to the northeast corner of section 7, township 10 south, range 8 west; thence east to the northeast corner of section 12, township 10 south, range 3 west; thence south to the southeast corner of the northeast 1/4 of section 36, township 10 south, range 8 west; thence west to the southwest corner of the northwest 1/4 of section 36, township 10 south, range 8 west; thence north to the northeast corner of the southeast 1/4 of section 26, township 10 south, range 8 west; thence west to the southwest corner of the northwest 1/4 of section 30, township 10 south, range 8 west; thence north to the southwest corner of section 18, township 10 south, range 8 west; thence west to the southwest corner of section 14, township 10 south, range 11 west; thence north to the point of beginning.

(e) Toledo:

Beginning at the northwest corner of section 23, township 10 south, range 11 west; thence south along the section line to the north shore of the Yaquina River; thence easterly along the river to the southeast corner of section 25, township 11 south, range 11 west; thence south along the section line to the southwest corner of section 18, township 12 south, range 10 west; thence easterly to the southeast corner of section 15, township 12 south, range 10 west; thence south to the southwest corner of section 23; thence east to the southeast corner of section 20, township 12 south, range 9 west; thence north to the northeast corner of section 20, township 12 south, range 9 west; thence east to the Lincoln County-Benton County line; thence north to the northeast corner of the southeast quarter of section 36, township 10 south, range 8 west; thence west to the northwest corner of the south-west quarter of section 26, township 10 south, range 8 west; thence west to the northwest corner of the southwest quarter of section 30, township 10 south, range 9 west; thence north to the northeast corner of section 24, township 10 south, range 9 west; thence west to the point of beginning.

(f) Waldport:

Beginning at the mouth of Pumphouse Creek; thence southeast to the south line of section 18, township 12 south, range 11 west; thence easterly to the northeast corner of section 22, township 12 south, range 10 west; thence south to the southeast corner of said section; thence east to the southeast corner of section 20, township 12 south, range 9 west; thence north to the northeast corner of section 20, township 12 south, range 9 west; thence east to the county line; thence follow the county line south and west to the southwest quarter corner of section 8, township 15 south, range 10 west; thence north to the northwest corner of section 20, township 14 south, range 10 west; thence west to the southwest corner of section 8, township 14 south, range 11 west; thence northwest to the mouth of Dick's Creek; thence north along the coast to the point of beginning.

(g) Yachats:

Beginning at the southwest corner of Lincoln County; thence easterly along the south line of said county to the east line of section 7, township 15 south, range 10 west; thence north to the northeast corner of section 19, township 14 south, range 10 west; thence northeasterly to the northeast corner of section 13, township 14 south, range 11 west; thence west to the southwest corner of section 8, township 14 south, range 11 west; thence northwesterly to the mouth of Dick's Creek; thence southwest along the coast to the point of beginning.

(2) Each of these zones represents an urban system interfaced with a rural area. The road name changes and related address changes contemplated herein will be implemented over time on a zone-by-zone basis. [1984 o.205 §1]

6.107 Findings and Purpose

The Board finds that it is necessary for the protection of the health, safety and welfare of the residents of Lincoln County to establish and enforce a county-wide, systematic and uniform address and road naming system in order to facilitate the location by emergency services and others of dwellings and businesses by address. The provisions of LCC 6.105 through 6.150 are designed to serve that end by providing procedures and standards for systematic county-wide address numbering and road naming and renaming that will eliminate problems associated with the route and box system and also prevent incorrect and duplicate addresses and street names. [1993 o.312 § 2]

6.109 Application of LCC 6.105 through 6.150

(1) The provisions of LCC 6.105 through 6.150 do not apply within the city limits of an incorporated city in Lincoln County.

(2) The Department may enter into an agreement with any municipality in Lincoln County that establishes or implements a numbering system within an established urban growth boundary of the municipality. [1993 o.312 § 3]

6.110 [1984 o.205 §1; repealed 1993 o.312 § 17]

6.112 Definitions

As used in LCC 6.105 through 6.150:

(1) "Address" means a number and a road name that is determined at the location where the access driveway intersects a public or private road which has a name adopted by Lincoln County, and that ends in a number that:

(a) Is an even number on the right side of a road from its beginning within Lincoln County;

(b) Is an odd number on the left side of a road from its beginning within Lincoln County;

(c) Is odd or even as determined by the conventions of the Highway 101 corridor zone for that zone; or

(d) Is odd or even as determined by continuation of a city addressing scheme when the address is assigned on a road that is a continuation of a city street.

(2) "Board" means the Lincoln County Board of Commissioners.

(3) "Commercial lessee" means a lessee occupying a structure or a portion of a structure having a separate street address for business purposes under a lease of one year's duration or more.

(4) "County road" has the meaning given that term in ORS 368.001.

(5) "Department" means the Lincoln County Addressing Department.

(6) "Dwelling" means a building or portion of a building designed or used as the residence or sleeping place for one or more persons.

(7) "East/West road" means a road that runs predominately East and West, and includes roads that lie predominately at an angle greater than forty-five (45) degrees from due North or South.

(8) "Grid lines" mean a part of the County Grid System which radiates from the cities and extends along the Highway 101 corridor for the entire length of the county. "Grid lines" are used as reference points to determine the numerical portion of an address that is assigned to dwellings or other structures.

(9) "Local access road" has the meaning given that term in ORS 368.001.

(10) "North/South road" means a road that runs predominately North and South, and includes roads that lie predominately at an angle less than forty-five (45) degrees from due North or South.

(11) "Private road" is a road that is not a public road.

(12) "Public road" has the meaning given that term in ORS 368.001.

(13) "Road" has the meaning given that term in ORS 368.001.

(14) "Structure" means anything constructed or built, any edifice or building of any kind, or piece of work artificially built up or composed of parts joined together in some definite manner,

which requires location on the ground or is attached to something having a location on the ground.
[1993 o.312 § 4]

6.114 Authority to Assign and Change Address Numbers

The Department is delegated authority to assign and change address numbers for vacant lots, dwellings and other structures requiring addresses as provided by LCC 6.105 through 6.150.
[1993 o.312 § 5]

6.115 [1984 o.205 §1; repealed 1993 o.312 § 17]

6.117 Procedures and Standards for Assigning New Address Numbers

The procedures for assigning new address numbers are as follows:

(1) When a building permit or mobile home placement permit is issued for a new dwelling or other structure on a lot or parcel that does not have an address, the permit shall be considered a request for an address. The Department shall assign an address number based on the street location of the structure's access and its location in the Lincoln County Addressing System.

(2) Addresses involving sites not requiring permits may be assigned if the site may have cause for emergency dispatch.

(3) Property numbering methodologies employed in each of the urban areas of the zones shall be extended as far as practicable into rural areas, taking into account considerations of topography, land use, population density, and road or highway characteristics. At the point at which existing methodologies are no longer useful in light of these considerations, property numbers shall be based upon a lineal system according to road mileage and road frontage. Dwellings and structures within this category shall be assigned numbers in the following manner:

(a) Houses and buildings will be numbered according to a lineal system in which all numbers are assigned consecutively from the beginning of a road along its length to its end without regard to how it integrates with the rest of the rural area.

(b) Even numbers will always be assigned on one side of the road or highway, and odd numbers will always be assigned to the other side of the road or highway. House and building numbers will be assigned on the basis of where a driveway joins the road or highway, or the location of its branch on an access road.

(c) In gridded areas, houses and buildings will be numbered according to the prevailing direction of the road segment or, in other words, when running east/west, numbers will be assigned corresponding to east/west conventions, and if the road runs north/south, numbers will be assigned according to north/south conventions.

(d) Other methodologies for subdivisions may be deemed acceptable by the Department if they meet standards which promote the emergency service response time.

(4) Each new single-family dwelling shall have one address number.

(5) New duplexes, triplexes, and fourplexes shall be given an address number for each living unit.

(6) New apartment complexes, mobile home parks, and other multi-unit complexes shall be given an address number as one dwelling, and the owner shall assign individual address numbers in a manner that is acceptable to the Department. [1993 o.312 § 6]

6.119 Procedures and Standards for Changing Existing Address Numbers

The provisions of LCC 6.117 shall apply to the changing of existing address numbers. In addition, the following procedures and standards also apply:

(1) The changing of an existing address may be initiated by the Department, or by application by the property owner or any public agency that may be affected by the address number.

(2) All changes in address numbers shall conform to the Lincoln County Addressing System and the standards for address numbers set forth in LCC 6.105 through 6.150. Any application or proposed change not in conformance with these standards shall be denied.

(3) An existing address may be changed by the Department if it is not in conformance with the Lincoln County Addressing System and the standards for addresses set forth in this chapter. Proposed address changes shall be carried out pursuant to the procedures set forth in LCC 6.105 through 6.150.

(4) An application to change an address shall be made to the Department and shall include, at a minimum, the following:

- (a) The name of the applicant;
- (b) The location of any dwelling or structure;
- (c) The existing address;
- (d) The reason for the address change; and
- (e) An application fee as established by order of the Board.

(5) If the Department determines that the application is consistent with the standards set forth in LCC 6.105 through 6.150, it shall proceed with the application in the manner provided by LCC 6.105 through 6.150.

(6) The Department shall provide notice of an address number change to the affected property owner. The address change will go into effect ten (10) days after the notice is provided. The proposed address change will be altered only if the owner or occupant can provide evidence that the new address is not in conformance with the standards set forth in LCC 6.105 through 6.150.

(7) The Department shall notify the offices of the County Clerk, County Assessor, and any other county designated agency, of a changed address within thirty (30) days of the date the new number becomes effective. [1993 o.312 § 7]

6.120 [1984 o.205 §1; repealed 1993 o.312 § 17]

6.122 General Requirements for Posting of Address Numbers

(1) All property located outside of municipal boundaries in Lincoln County on which a structure is located and which may require emergency service response shall display an address number.

(2) Address numbers shall be permanently affixed in a location on the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted upon or affixed to the dwelling or structure in a contrasting and visible color, and shall comply with zoning and other ordinance standards for signs.

(3) In cases where the dwelling or structure is not visible from the access road, and the mailbox is not located at the end of the access driveway, the assigned numbers shall be displayed in a conspicuous manner at or near the point at which the driveway serving the structure accesses the road.

(4) All structures under construction that have been issued an address shall display a street address number. The numbers as displayed shall conform to the requirements in subsections (2) and (3) of this section, except that the numbers may be affixed to a sign visible from the road used as the basis for numbering.

(5) Every owner and commercial lessee of a structure shall display an address number in conformance with this section. [1993 o.312 § 8]

6.124 Posting of Assigned or Changed Address Numbers

Address numbers assigned or changed by the Department pursuant to LCC 6.105 through 6.150 shall comply with the requirements of LCC 6.122 and the following additional requirements:

(1) Address numbers assigned or changed by the Department must be displayed within thirty (30) days from the date on which construction begins or on which the address becomes effective.

(2) Address numbers assigned to structures erected after July 1, 1993, must be permanently displayed before occupancy or use. At the time of final inspection of a new structure, the Building Official or his designee shall verify that the assigned address numbers have been affixed in the manner required by LCC 6.105 through 6.150.

(3) Every owner and commercial lessee shall be responsible for ensuring that the address number as assigned or changed by the Department is displayed in accordance with the provisions of LCC 6.105 through 6.150. [1993 o.312 § 9]

6.125 [1984 o.205 §1; repealed 1993 o.312 § 17]

6.126 Failure to Display Assigned or Changed Address Number

A person commits the offense of failure to display an assigned or changed address if the person:

(1) Fails to display an assigned or changed address number as required by LCC 6.105 through 6.150; or

(2) Displays an address number other than the address number assigned or changed pursuant to the provisions of LCC 6.105 through 6.150. [1993 o.312 § 10; renumbered 1994 o.340 § 1]

6.127 Authority to Name Roads

The Department, subject to approval by the Board, is delegated authority to assign and change road names pursuant to the standards set forth in LCC 6.105 through 6.150. [1993 o.312 § 11; renumbered 1994 o.340 § 2]

6.128 Unnamed Roads

Each unnamed private road and each unnamed public road, whether a county road or local access road, may be assigned a name in accordance with the procedures set forth in LCC 6.105 through 6.150 if:

(1) The road provides access to three or more dwellings; or

(2) The Department determines that assigning a name is necessary in order to adequately direct emergency service providers. [1993 o.312 § 12; renumbered 1994 o.340 § 3; 1994 o.340 § 4]

6.129 Procedures for Naming New Roads

(1) The naming of a road may be initiated by the Department, the Planning Commission, the Board, or by application of adjacent property owners, developers, or public agencies which may be affected by road names.

(2) An application to name a road shall be submitted to the Department and shall include, at a minimum, the following:

- (a) The name of the applicant;
- (b) The location of road by description, map, or both;
- (c) The legal status of road, if known;
- (d) The proposed road name, with two alternatives;
- (e) The reason for the name request;
- (f) The original of any petition; and
- (g) An application fee as established by order of the Board.

(3) Notice of a proposed name assignment shall be sent to all persons owning property abutting the affected road or having an address on the affected road. The notice shall be sent within ten days of the receipt of an application or other action initiating the proposed name assignment.

(4) Persons receiving notice under subsection (3) of this section shall promptly notify any tenants or other occupants of the affected property of the proposed name assignment.

(5) Any person receiving notice under subsection (3) or (4) of this section may comment in writing on the proposed name within ten days from the date of the notice.

(6) The proposed name shall:

(a) Not duplicate existing road names, except for continuations of existing roads, within any one zone.

(b) Not sound so similar to other road names within a zone so as to be confusing.

(c) Not use designations such as "Loop," "Way," "Place," or other similar designations, as part of the road name.

(d) Improve or clarify the identification of the area.

(e) Be an historical name or theme name when possible.

(f) Reflect a consensus of sentiment of affected owners and occupants when possible, subject to the other standards contained in this subsection.

(7) In the following circumstances, a proposed road name shall also conform to the following additional standards:

(a) Long meandering roads going North, South, East, or West shall be called "roads" or "streets."

(b) Roads dead-ending in a turnaround 1,000 feet or less from their beginning points shall be called "courts."

(c) Roads of reduced right-of-way or curving roads of less than 1,000 feet shall be called "lanes" or "terraces."

(d) Curving roads longer than 1,000 feet shall be called "drives" or "trails."

(e) Roads that deviate slightly from the main course of a road with the same name and are less than 1,000 feet in length, shall be called "places."

(f) Roads running at oblique angles to the four points of the compass, less than 1,000 feet in length, shall be called "ways."

(g) Roads that begin at and circle back onto the same road, or that are circular or semicircular, shall be called "circles" or "loops."

(h) Road designator abbreviations for new and existing roads shall conform to the current standards established by the National Emergency Number Association (NENA).

(8) The Department shall review road name applications and shall recommend road names to the Board under the following procedure:

(a) The Department shall verify the legal status of the road with the County Clerk's office, County Assessor's office, and County Road Department.

(b) The Department shall verify that the proposed road name will not duplicate or be confusingly similar to another existing road name, with a road name on an approved preliminary land division, or with a road name approved for future use.

(c) The Department shall perform a field check when necessary.

(d) The Department shall assist the applicant or other affected persons to find alternative names when required.

(e) The Department shall notify appropriate persons, departments, and agencies of the road name application, and request comments.

(f) The Department shall review and consider all comments submitted.

(g) The Department shall recommend a road name to the Board in accordance with the standards set forth in this section.

(9) Following the recommendation of a proposed name by the Department, the Department shall send notice of the proposed road name to all persons entitled to notice under subsection (3) of this section.

(10) Affected property owners and occupants shall have the right to appeal the proposed road name to the Board. An appeal pursuant to this subsection must be filed within ten days from the date of the notice provided under subsection (9) of this section.

(11) If an appeal is timely filed pursuant to subsection (10) of this section, the Board shall conduct a public hearing on the matter. All interested persons may appear at the public hearing and be heard. The issue on appeal shall be limited to whether the Department correctly applied the criteria set forth in this section and whether the Board approves of the proposed road name. If the Board finds that the Department properly applied the criteria set forth in this section and if the Board approves of the proposed road name, the Board shall enter an order of approval. If the Board rejects the proposed road name, the Board shall order the Department to review the matter further and submit a new proposed road name to the Board.

(12) If no appeal is timely filed pursuant to subsection (10) of this section and the Board approves of the proposed road name, the Board shall notify the Department of its approval.

(13) Once the Board has approved a proposed road name, the Department shall send notice of the approval to the applicant requesting the road name, if any, each affected property owner, the Assessor's office, the County Clerk's Office, the Planning Department, the Road Department, each affected telephone and other utility company, the affected fire department, each affected emergency agency, and the United States Post Office.

(14) Affected property owners and occupants shall have 90 days from the date of Board approval of a proposed road name to begin using the road name. [1993 o.312 § 13; 1993 o.324 §1; 1995 o.357 § 1]

6.130 [1984 o.205 §1; repealed 1993 o.312 § 17]

6.132 Procedures and Standards for Changing Existing Road Names

The procedures and standards provided in LCC 6.129 shall apply to the changing of existing road names, in addition to the following procedures and standards:

- (1) An existing road name may be changed by the Department if the existing name:
 - (a) Duplicates a pre-existing road name within the same addressing zone or geographic area;
 - (b) Sounds like or is spelled so similarly to a pre-existing road name in the same addressing zone or geographic area as to cause confusion between the two roads;
 - (c) Is known by more than one name;
 - (d) Is different than the name of the road that it is a continuation of; or
 - (e) Is not consistent with county road naming standards set forth in LCC 6.105 through LCC 6.150.
- (2) In choosing which road name to change as between two roads with the same or similar names, the Department shall consider the following factors:
 - (a) The number of properties, developed and undeveloped, abutting each affected road;
 - (b) The length of time a name has been in use to designate each affected road and whether the name used to designate each affected road has any historic significance;
 - (c) Whether one affected road as named is relatively better known by the general public than the other affected road as named; and
 - (d) Any showing that a proposed road name change would be relatively more burdensome to abutting property owners than if another affected road name were changed. [1993 o.312 § 14]

6.134 Road Sign Standards

- (1) Public road signs shall be green with white letters and constructed to standards established by the Road Department.
- (2) Private road signs shall be signed in accordance with the standards established by the Road Department, or in accordance with the standards of the Department.
- (3) Road signs shall be installed pursuant to in accordance with standards established by the Road Department and maintained so they are fully visible from all intersecting roads. [1993 o.312 § 15]

6.135 [1984 o.205 §1; repealed 1993 o.312 § 17]

6.140 [1984 o.205 §1; repealed 1993 o.312 § 17]

6.145 Penalty

Any person violating any provision of LCC 6.105 through 6.150 shall, upon conviction thereof in the Lincoln County District Court, be punished by a fine of not more than \$100. [1984 o.205 §1; 1993 o.312 § 16]

6.150 Enforcement

This chapter may be enforced pursuant to LCC chapter 10, or by any other remedies available at law or equity, or by any combination thereof. [1984 o.205 §1]

ROAD VACATION PROCEEDINGS

6.205 Petition for Vacation of Public Road

A petition for vacation of a public road as provided in ORS chapter 368 shall be accompanied by:

(1) A filing fee paid to the county clerk in an amount set by order of the Board of Commissioners;

(2) An adequate legal description of the portion of the road proposed to be vacated, which has been prepared by a title company, surveyor, attorney or other comparable professional; and

(3) A preliminary title report or plant report that has been prepared by a title and escrow company licensed to transact business in the State of Oregon which provides title information including, but not limited to, a list of each person with a recorded interest in any of the following:

(a) The property proposed to be vacated.

(b) An improvement constructed on public property.

(c) Real property abutting public property proposed to be vacated.

(d) Any holder of an easement, license, or other interest that provides access to the area to be vacated. [1982 o.186 §1; 1993 o.313 § 10; 1993 o.321 § 1; 1994 o.348 §1]

6.210 Petition for Vacation or Decrease in Width of County Road

A petition for vacation or decrease in the width of a county road as provided in ORS chapter 368 shall be accompanied by:

(1) A filing fee paid to the county clerk in an amount set by order of the Board of Commissioners;

(2) An adequate legal description of the portion of the road proposed to be vacated, which has been prepared by a title company, surveyor, attorney or other comparable professional; and

(3) A preliminary title report or plant report that has been prepared by a title and escrow company licensed to transact business in the State of Oregon which provides title information including, but not limited to, a list of each person with a recorded interest in any of the following:

(a) The property proposed to be vacated.

(b) An improvement constructed on public property.

(c) Real property abutting public property proposed to be vacated.

(d) Any holder of an easement, license, or other interest that provides access to the area to be vacated. [1982 o.186 §1; 1993 o.313 § 11; 1993 o.321 § 2; 1994 o.348 §2]

6.215 [repealed 1982 o.186 §1]

ROAD OPERATIONS

6.305 Definitions

As used in LCC 6.305 to 6.360, unless the context requires otherwise:

- (1) "Applicant" means the corporation, company, firm, business, partnership, individual, or individuals named in the permit, or the agents, employees, representatives, or contractors thereof.
- (2) "Pole line" means any poles, wires, guys, anchors, or related fixtures authorized in a permit.
- (3) "Buried cable" means any cables, wires, conduit, pedestals, or related fixtures authorized in a permit.
- (4) "Pipe line" means any and all pipe lines, hydrants, valve boxes, manholes, conduits, or related fixtures authorized in a permit.
- (5) "Sign" means any and all signs and related fixtures authorized in a permit.
- (6) "Miscellaneous facility" means the facility authorized in a permit, other than pole line, buried cable, pipe line, or sign.
- (7) "Miscellaneous operations" means the performance of miscellaneous operations as described in a permit.
- (8) "Special provisions" means those provisions shown under the heading "Special Provisions" in a permit.

6.310 Permits

- (1) Any person seeking to use or who desires to change, expand, or repair an existing use of a county road right-of-way for a pole line, buried cable, pipe line, sign, miscellaneous facility, or miscellaneous operation shall apply for and obtain a permit from the county before commencing any construction or activity on a county road right-of-way.
- (2) All permits shall be subject to the provisions of this chapter and any special provision imposed by the county. In the case of conflict between the general provisions of this chapter and special provisions in the permit, the special provisions shall control.
- (3) Permits shall not be issued to facilities not in compliance with LCC chapter 1.

6.315 Allocation of Costs

- (1) The entire cost of installing, maintaining, repairing, operating, or using the pole line, buried cable, pipe line, sign, or miscellaneous facility, or performing miscellaneous operations, and of any other expense incident to the facilities or operations authorized by the permit shall be paid by the applicant.
- (2) The applicant shall reimburse the county for any reasonable and necessary expenses that the county may incur in connection with the facilities or operations authorized by the permit. The reimbursement of the county shall be made by the applicant within 10 days after receiving a statement from the engineer.

6.320 Liability and Control

- (1) The applicant shall indemnify and hold harmless the county, Board, all officers, employees, or agents of the county against all damages, claims, demands, actions, costs, and expenses which may result from any injury to or the death of any person or from the loss of, or damages to, property of any kind or nature, including the road and road facilities or structures,

property, or equipment used or owned by the county or the road department, and facilities which now or may hereafter occupy the right-of-way of said road, when such injury, death, loss, or damage arises out of the construction, installation, maintenance, repair, removal, relocation, operation, or use of the pole line, buried cable, pipe line, sign, or miscellaneous facility covered by the permit, or out of miscellaneous operation authorized by the permit.

(2) The county, its officers, or employees shall not be held responsible or liable for injury or damage that may occur to facilities covered by the permit or any connection thereto by reason of road maintenance and construction operations or resulting from motorist or road user operations or road contractor or permittee operations.

(3) The applicant shall employ methods in performing the operations authorized by the permit which the engineer may require in order to properly protect the public from injury and the road from damage.

(4) During the initial installation or construction of the facilities authorized by the permit, or during any future repair, removal, or relocation thereof, or during any miscellaneous operations, the applicant shall at all times maintain such flagpersons, signs, lights, flares, barricades, and other safety devices during non-work hours and the engineer may request and be furnished the telephone number and address of such watchmen.

(5) The applicant shall conduct his operations so that there will be a minimum of interference with or interruption of traffic upon and along the road. Except in emergencies, there shall be no interference with or interruption of traffic upon and along the road until a plan for the satisfactory handling of traffic has been prepared by the permit holder and approved by the engineer. In emergencies, the applicant shall notify the engineer as soon as possible.

(6) All traffic control and safety devices used for the protection of the work areas shall conform to the current provisions of the "Oregon Manual on Uniform Traffic Control Devices, Technical Bulletin No. 28".

(7) To ensure compliance with the terms and conditions of the permit, the county reserves the right to inspect actions taken under a permit at any time and to require the applicant to correct all deviations from the permit. The cost of such inspection shall be paid by the applicant under the terms outlined in LCC 6.315.

(8) Any supervision and control exercised by the engineer shall in no way relieve the applicant of any duty or responsibility to the general public, nor shall such supervision and control relieve the applicant from any liability for loss, damage, or injury to persons or property as provided in LCC 6.325.

(9) Notice must be given to the engineer at least two working days prior to commencement of actual construction under a permit.

6.325 Insurance and Bond

(1) When requested in writing by the engineer, the applicant or his contractor shall obtain and carry, for the period of time required for the complete installation of the facilities authorized by the permit, including the repair and restoration of the road facilities, and also during such future period of time when operations are performed involving the repair, relocation, or removal of said facilities authorized by the permit, a liability and property damage insurance policy providing coverage against any claim, demand, suit, or action for property damage, personal injury, or death resulting from any activities of the applicant, his officers, employees, agents, or contractors in connection with the construction, installation, repair, or removal of facilities authorized by the

permit and the repair and restoration of the road facilities. The policy shall also include as named insured, the county, its officers, agents, and employees except as to claims against the applicant, for personal injury to any officers, agents, and employees of the county or damages to any county property. The policy shall provide coverage in the following amounts: \$50,000 for property damage resulting from any single occurrence; and \$100,000 for the death or injury of any person, subject to a limit of \$300,000 for injuries or deaths resulting from any single occurrence. The policy shall be by an insurance company duly authorized and licensed to do business in the State of Oregon. A copy of the policy shall be submitted to the engineer and approved by him before any work is commenced under this permit.

(2) When requested in writing by the engineer, the applicant, or his contractor, shall furnish for the period of time required for the complete installation of the facilities authorized by the permit, including the repair and restoration of the road facilities, and also during such future periods of time when operations are performed involving the repair, relocation, or removal of said facilities authorized by the permit, a bond or cash deposit in the amount specified in the special provisions of the permit. If a bond is furnished, it must be written by a surety company duly qualified and licensed to do business in Oregon and in a form satisfactory to the engineer. No work shall be commenced under the permit until security has been submitted to and approved by the engineer.

6.330 Construction and Location Details

(1) The applicant shall submit with the application the following:

(a) Drawings or sketches showing in detail the location of the proposed facility or operation with respect to existing and planned road improvement, the traveled way, the right-of-way lines, and, where applicable, the access control lines and approved access points;

(b) The details of the attachment method if facilities are to be attached to a road structure;

(c) Pressure pipelines data, if applicable as set forth below:

(A) Design pressure of pipe;

(B) Normal operating pressure; and

(C) Maximum operating pressure.

(2) The applicant's completed facility shall be in substantial conformance with the information required by subsection (1) of this section, unless permission is obtained from the engineer to modify during installation. When a modification is approved, applicant shall furnish the engineer four sets of "as constructed" drawings or sketches.

(3) All work in connection with the facility authorized by the permit shall be done in a neat and workmanlike manner to the satisfaction of the engineer, and construction shall conform to the rules of the Oregon State Public Utility Commissioner, the Oregon State Board of Health, or other governmental agencies having regulatory authority over the facility. In the event the above agencies do not prescribe standards which provide the degree of protection substantially equal to the following industry codes, then the appropriate industry codes shall apply:

(a) United States of America Standards Institute, 10 East 40th Street, New York, N.Y. 10016:

(A) USAS B 31.1.0; Current Issue; Power Piping Systems;

(B) USAS B 31.3; Current Issue; Petroleum Refinery Piping;

(C) USAS B 31.4; Current Issue; Liquid Petroleum Transportation Piping Systems;

(D) USAS B 31.8; Current Issue; Gas Transmission and Distribution Piping Systems.

(b) American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y. 10020:

API RP 1102; Current Issue; Recommended Practice for Liquid Petroleum Pipelines Crossing Railroads and Highways.

(c) American Water Works Association, 2 Park Avenue New York, N.Y. 10016: AWWA Standards and Specifications; Current Issue.

(d) National Bureau of Standards, U.S. Department of Commerce, for sale by Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20401:

(A) National Electric Safety Code; Current Issue.

(B) Safety Rules for the Installation and Maintenance of Electric Supply and Communication Lines; Current Issue.

(4) Corrugated metal pipe and concrete pipe used as a conduit or casing pipe or a gravity flow carrier pipe shall, as a minimum, conform to requirements of the current issue of "State of Oregon, Standard Specifications for Highway Construction." Smooth iron or steel pipe used as a conduit or casing pipe shall be the standard type used for pressure pipe.

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

(6) The backfilling of all trenches and tunnels must be accomplished immediately after the facility authorized by the permit has been placed therein and must be well tamped and fully compacted so as to allow the least possible amount of subsequent settlement.

(7) All debris, refuse, and waste of all kinds which may have accumulated upon the road right-of-way by reason of the operations of the applicant shall be removed immediately upon completion of the said operations, and the road right-of-way restored to the condition it was prior to construction.

(8) Unless permission is obtained from the engineer to open cut for pipe line or conduit which crosses under the surfaced portion of the road and shoulders, road or street connections, road approaches, or driveways, the permit holder shall tunnel, jack, or drive under the surface in accordance with the following provisions:

(a) Trenching shall be no nearer the toe of the fill slope in fill sections or the point where the outer edges of the surfacing meets the sub-grade in other sections than specified in the special provisions.

(b) Tunneling shall be by an approved method which supports the surrounding materials so as to prevent caving or settlement. Areas around the installed pipe or conduit shall be backfilled with moist sand, granular material, or cement grout filling all voids and packed in place with mechanical tampers or other approved devices. Lagging, bulk heading, and timbering shall be removed as the backfilling progresses.

(c) Jacking, driving, or boring shall be by approved means which will hold disturbances of surrounding material to a minimum. Sluicing and jetting is not permitted. Voids or displacement outside the outside perimeter of the pipe, conduit, or cable where greater than 0.1 foot, shall be filled with sand or cement grout packed in place.

(9) When permission is granted to open cut the surfaced portion of the road, the following provisions shall be followed:

(a) Trench edges in paved areas shall be sawn or cut to neat lines by methods satisfactory to the engineer to a depth sufficient to permit removal of pavement without damage to pavement to be left in place. Pavement within the cutting limits, together with all other excavated material, shall be removed and disposed of outside road right-of-way.

(b) No more than half of the traveled way shall be trenched at one time. The opened half shall be completely backfilled before opening the other half.

(c) Closure of intersecting streets, road approaches, or other access points will not be permitted. Upon trenching across such facilities, steel running plates, planks, or other satisfactory methods shall be used to provide for traffic to enter or leave the road or adjacent property.

(d) No more than 300 feet of trench longitudinally along the road shall be open at one time and no trench shall be left in open condition overnight.

(e) Immediately after a facility authorized by a permit has been placed in the trench, the trench shall be backfilled with compacted granular material, commonly designated as previous material, which cannot be ribboned out between the finger and thumb, and which is free from humus, organic matter, vegetable matter, frozen material, clods, sticks and debris, and contains no stones having a dimension greater than three inches. Said granular material shall be placed to an elevation which will allow placing the following foundation material and wearing surface:

(A) Where original surface was asphalt concrete or bituminous treatment or mix:

(i) Wearing surface: Asphalt concrete placed to a compacted thickness of four inches or the thickness of the removed pavement, whichever is greater;

(ii) Foundation material: Either 1-0 inch or 3/4-0 inch aggregate placed to a compacted thickness of four inches or the thickness of the removed stone base, whichever is greater.

(B) Where original surface was crushed rock or gravel, wearing surface and foundation material: Either 1-0 inch or 3/4-0 inch aggregate placed to a total compacted thickness of four inches or the thickness of the removed stone base and wearing surface, whichever is greater.

(C) All materials in subparagraphs (A) and (B) of this paragraph, and their placement, shall conform to the requirements of the current Oregon State Highway Standard Specifications for Highway Construction.

(f) For a period of one year following the patching of the paved surface, the applicant shall be responsible for the condition of pavement patches and, during that time, shall, upon request of the engineer, repair to the engineer's satisfaction any patches which become settled, cracked, broken, or otherwise faulty.

(10) Unless permission is obtained from the engineer, direct burial of cable placed by the ploughing method shall be limited to areas outside the surfaced portion of the road.

(11) Standard warning signs for buried power or communications cable and for pipelines carrying gas or flammable liquids shall be placed at each crossing under the road and at intervals along longitudinal installations as required by current PUC order, or as specified by the engineer:

(a) Signs shall be offset as near the right-of-way line as practical; and

(b) Signs for installations located within the roadbed may be placed behind existing guard rail.

(12) Pole line locations over the roadway shall have a minimum height of the lowest wire at 20 feet; locations parallel and not on the traveled portion, the minimum height of the lowest wire shall be 18 feet. Poles shall be located not less than 12 feet from the edge of pavement on paved-surfaced roads, or not less than eight feet from the shoulder on gravel-surfaced roads. Wherever possible, poles shall be located along the tangent section of roads and on the short curve radius side of curves. Poles to be located on the long radius side of curves will require additional approval by the engineer and will be subject to special conditions.

(13) Pedestals installed as part of a buried cable installation are to be located one foot from the right-of-way line unless permission is obtained from the engineer to locate elsewhere. In no

case shall the pedestals be located within the road maintenance operating area, including mowing operations, or nearer the pavement edge than any official highway sign in the same general location.

(14) The buried cable or pipe depth shown on the permit form represents the distance from the top of the surface or ground line to the top of the cable or pipe.

(15) It is strictly forbidden to spray herbicides and cut or trim trees or shrubs growing on the road right-of-way unless written permission has been obtained from the county.

6.335 Removal, Relocation and Repair

(1) Permits issued under this chapter are subject to modification by the county including removal, relocation, or repair of the pole line, buried cable, pipe line, sign, or miscellaneous facility covered by the permit at the sole cost of the applicant.

(2) Upon receiving written notice from the engineer to remove, relocate, or repair a pole line, buried cable, pipe line, sign, or miscellaneous facility, the applicant shall, within 30 days, make arrangements for the removal, relocation, or repair of the same, at the permit holder's cost, in accordance with the notice and instructions received from the engineer. Before commencing the removal, relocation, or repair, the permit holder shall furnish such insurance and post such bond as the engineer may consider necessary at that time in the manner provided for in LCC 6.325.

(3) Should the permit holder fail to remove, relocate, or repair a pole line, buried cable, pipe line, sign, or miscellaneous facility, the engineer may remove, relocate, or repair the same and submit a statement of total costs for the work to the permit holder. Upon receiving the statement, the permit holder shall pay to the county the full amount of removal, relocation, or repair costs. The applicant, in obtaining a permit, also agrees to pay statutory court costs, disbursement, and attorney fees if an action must be commenced to obtain costs billed pursuant to this section.

6.340 Maintenance and Operation

(1) Permit holders shall keep facilities authorized by a permit in a good state of repair.

(2) If the operating pressure for existing pressure pipe lines covered by a permit is raised above the "maximum operating pressure" shown in a permit, application for a new permit or an amendment to the existing permit is required.

(3) If additional conductors, or replacement conductors of a higher capacity, on an existing aerial pole line covered by a permit are installed, application for a new permit or an amendment to the existing permit is required.

6.345 Other Agencies

(1) Nothing in a permit issued pursuant to this chapter is intended to grant rights or imply approval in areas not falling within the authority and jurisdiction of the county. It is the responsibility of the applicant to determine the need for and to obtain such licenses, permits, or other form of approval which may be required by state agencies, federal agencies, cities, utility companies, and railroads.

(2) If the section of road covered by the permit is located within a national forest, considering that Lincoln County does not generally have any further rights across national forest land than an easement for road purposes, the permit extends only to such rights as Lincoln County has acquired and may therefore properly give. Except as provided in this subsection, on national

forest lands where the utility constitutes a servitude on the property of the United States, a permit from the forest service must be obtained before a county permit will be issued.

6.350 Effective Period of Permit

(1) Unless otherwise provided in the special provisions, a permit shall be in effect for an indefinite period of time.

(2) Failure of the applicant after notice by the engineer to comply with the terms of a permit shall be sufficient cause for cancellation of a permit.

(3) The permit and the privileges granted and the obligations of the permit holder created thereby shall be binding upon the successors and assigns of the permit holder. Permit holders shall give the engineer written notice of assignment or transfer.

(4) If the applicant fails to commence installation of the pole line, buried cable, pipe line, sign, or miscellaneous facility covered by the permit within 12 months from the date the permit is issued, the permit shall be null and void.

6.355 Engineer Issuance of Permits

(1) The engineer may issue all permits provided for by this chapter. If the engineer, in his discretion, determines that a permit is of more than routine significance, he may refer the permit to the Board for final approval.

(2) County road approach permits for structures requiring access from a county road shall be approved prior to issuance of county building permits.

6.360 Appeals

Any decision of the engineer under LCC 6.305 to 6.360 may be appealed to the Board of Commissioners upon filing a petition for review with the Board and the payment of an appeal fee in an amount set by order of the Board. [1993 o.313 §14]

6.380 Construction and Location Details for Local Access Roads Within a Special Road District

(1) No person shall perform any work to change, expand, or repair an existing use of a local access road right-of-way within a special road district for a pole line, buried cable, pipe line, sign, miscellaneous facility, or miscellaneous operation, unless the work complies with the requirements of this section.

(2) All work in connection with the facility shall be done in a neat and workmanlike manner. Work zone signage and traffic control shall conform to the rules of the Oregon Department of Transportation. Construction shall conform to the rules of the Oregon State Public Utility Commissioner, the Oregon State Board of Health, or other governmental agencies having regulatory authority over the facility. In the event the above agencies do not prescribe standards which provide the degree of protection substantially equal to the following industry codes, then the appropriate industry codes shall apply:

(a) United States of America Standards Institute, 10 East 40th Street, New York, N.Y. 10016:

(A) USAS B 31.1.0; Current Issue; Power Piping Systems;

(B) USAS B 31.3; Current Issue; Petroleum Refinery Piping;

(C) USAS B 31.4; Current Issue; Liquid Petroleum Transportation Piping Systems;

- (D) USAS B 31.8; Current Issue; Gas Transmission and Distribution Piping Systems.
- (b) American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y. 10020: API RP 1102; Current Issue; Recommended Practice for Liquid Petroleum Pipelines Crossing Railroads and Highways.
- (c) American Water Works Association, 2 Park Avenue New York, N.Y. 10016: AWWA Standards and Specifications; Current Issue.
- (d) National Bureau of Standards, U.S. Department of Commerce, for sale by Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20401:
- (A) National Electric Safety Code; Current Issue.
- (B) Safety Rules for the Installation and Maintenance of Electric Supply and Communication Lines; Current Issue.
- (3) Corrugated metal pipe and concrete pipe used as a conduit or casing pipe or a gravity flow carrier pipe shall, as a minimum, conform to requirements of the current issue of "State of Oregon, Standard Specifications for Highway Construction."
- (4) No trench shall be excavated with a top width in excess of 18 inches more than the outside diameter of the pipe, conduit, or cable to be installed unless permission is obtained from the district.
- (5) The backfilling of all trenches and tunnels must be accomplished immediately after the facility has been placed therein and must be well tamped and fully compacted so as to allow the least possible amount of subsequent settlement.
- (6) All debris, refuse, and waste of all kinds which may have accumulated upon the road right-of-way by reason of the operations shall be removed immediately upon completion of the operations, and the road right-of-way restored to the condition it was prior to construction.
- (7) Unless permission is obtained from the district to open cut for pipe line or conduit which crosses under the surfaced portion of the road and shoulders, road or street connections, road approaches, or driveways, the person performing the work shall tunnel, jack, or drive under the surface in accordance with the following provisions:
- (a) Trenching shall be no nearer the toe of the fill slope in fill sections or the point where the outer edges of the surfacing meets the sub-grade.
- (b) Tunneling shall be by an approved method which supports the surrounding materials so as to prevent caving or settlement. Areas around the installed pipe or conduit shall be backfilled with moist sand, granular material, or cement grout filling all voids and packed in place with mechanical tampers or other approved devices. Lagging, bulk heading, and timbering shall be removed as the backfilling progresses.
- (c) Jacking, driving, or boring shall be by approved means which will hold disturbances of surrounding material to a minimum. Sluicing and jetting is not permitted. Voids or displacement outside the outside perimeter of the pipe, conduit, or cable where greater than 0.1 foot, shall be filled with sand or cement grout packed in place.
- (9) When permission is granted to open cut the surfaced portion of the road, the following provisions shall be followed:
- (a) Trench edges in paved areas shall be sawn or cut to neat lines by methods satisfactory to the district to a depth sufficient to permit removal of pavement without damage to pavement to be left in place. Pavement within the cutting limits, together with all other excavated material, shall be removed and disposed of outside road right-of-way.

(b) Closure of the road being worked on, intersecting streets, road approaches, or other access points is not permitted without prior approval from the district and any other applicable road authority with jurisdiction over the intersecting street, approach, or access point that is the subject of the closure. County approval is not required for local access roads within the district that are also under county jurisdiction. Upon trenching across such facilities, steel running plates, planks, or other satisfactory methods shall be used to provide for traffic to enter or leave the road or adjacent property.

(c) No more than 300 feet of trench longitudinally along the road shall be open at one time and no trench shall be left in open condition overnight.

(d) Immediately after a facility has been placed in the trench, the trench shall be backfilled with compacted granular material, commonly designated as previous material, which cannot be ribboned out between the finger and thumb, and which is free from humus, organic matter, vegetable matter, frozen material, clods, sticks and debris, and contains no stones having a dimension greater than three inches. Said granular material shall be placed to an elevation which will allow placing the following foundation material and wearing surface:

(A) Where original surface was asphalt concrete or bituminous treatment or mix:

(i) Wearing surface: Asphalt concrete placed to a compacted thickness of four inches or the thickness of the removed pavement, whichever is greater;

(ii) Foundation material: Either 1-0 inch or 3/4-0 inch aggregate placed to a compacted thickness of four inches or the thickness of the removed stone base, whichever is greater.

(B) Where original surface was crushed rock or gravel, wearing surface and foundation material: Either 1-0 inch or 3/4-0 inch aggregate placed to a total compacted thickness of four inches or the thickness of the removed stone base and wearing surface, whichever is greater.

(C) All materials in subparagraphs (A) and (B) of this paragraph, and their placement, shall conform to the requirements of the current Oregon State Highway Standard Specifications for Highway Construction.

(e) For a period of one year following the patching of the paved surface, the person responsible for the patching shall be responsible for the condition of pavement patches and, during that time, shall, upon request of the district, repair to the district's satisfaction any patches which become settled, cracked, broken, or otherwise faulty.

(8) Unless permission is obtained from the district, direct burial of cable placed by the ploughing method shall be limited to areas outside the surfaced portion of the road.

(9) Standard warning signs for buried power or communications cable and for pipelines carrying gas or flammable liquids shall be placed at each crossing under the road and at intervals along longitudinal installations as required by current PUC order, or as specified by the district:

(a) Signs shall be offset as near the right-of-way line as practical; and

(b) Signs for installations located within the roadbed may be placed behind existing guard rail.

(10) Pole line locations over the roadway shall have a minimum height of the lowest wire at 20 feet; locations parallel and not on the traveled portion, the minimum height of the lowest wire shall be 18 feet. Poles shall be located not less than 12 feet from the edge of pavement on paved-surfaced roads, or not less than eight feet from the shoulder on gravel-surfaced roads. Wherever possible, poles shall be located along the tangent section of roads and on the short curve radius side of curves. Poles to be located on the long radius side of curves will require additional approval by the district and may be subject to special conditions.

(11) Pedestals installed as part of a buried cable installation are to be located one foot from the right-of-way line unless permission is obtained from the district to locate elsewhere. In no case shall the pedestals be located within the road maintenance operating area, including mowing operations, or nearer the pavement edge than any official highway sign in the same general location.

(12) Notwithstanding any provision to the contrary in LCC Chapter 10, the provisions of this section may be enforced as provided in LCC Chapter 10 by the special road district in which the subject road right-of-way lies.

(13) As used in this section:

(a) "Local access road" has the meaning provided in ORS 368.001.

(b) "Special road district" means an ORS 371.305 to 371.385 special road district in Lincoln County. [2000 o.402 §2]

WEIGHMASTER

6.400 Designation of County Roadmaster as County Weighmaster

For purposes of ORS 810.530, the County Roadmaster, and the duly appointed agents and employees of the County Roadmaster, are designated as the County Weighmaster. [1993 o.322 § 2]

PUBLIC ROADS

6.405 Acceptance of Roads into County Road System

Public roads less than fifty feet in width may be accepted into the county road system if the following standards are met:

- (1) The traveled portion of the road must be at least 28 feet;
- (2) Culverts shall be installed in all driveways and cross the road right-of-way if necessary for drainage;
- (3) Roads less than fifty feet in width may be no longer than 1,000 feet in length; and
- (4) Roads less than fifty feet in width shall have no vertical or horizontal curvature in excess of ten degrees.

6.410 Opening a Public Road

(1) Proceedings to open a public road which has not previously been officially opened for vehicular traffic are initiated by filing an application with the engineer on form or forms provided by the engineer. A filing fee shall accompany the application in an amount set by order of the Board of Commissioners.

(2) Following review of the application by the engineer, the engineer shall determine whether the opening of the road as proposed is in the public interest. The engineer may apply conditions to the opening of a public road to ensure protection of adjacent property owners, public utilities, and proper installation of improvements sufficient to safely handle traffic volumes of the opened road.

(3) If the engineer concludes that the opening of the public road is in the public interest and proceedings were initiated by an application signed by the acknowledged signatures of 100 percent of abutting property owners, the engineer may proceed to approve the opening of the road. If the application is not acknowledged by 100 percent of the property owners abutting the portion of the road to be opened, or if the engineer concludes that the opening of the public road is not in the public interest, or if the engineer determines that a public hearing is necessary, the application shall be forwarded to the Board of Commissioners for public hearing.

(4) Following notice as set forth in subsection (5), the Board shall conduct a hearing to consider whether the opening of the public road is in the public interest. The Board shall consider the recommendation of the engineer, the application, the proposed conditions of improvement, and other relevant information submitted at the time of the hearing. Following consideration of the matters presented, the Board shall enter an order granting, denying, or modifying the application.

(5) Notice of a public hearing under subsection (4) of this section shall be completed by publication and by service as provided for in ORS 368.401 to 368.426. [1986 o.245 §1; 1994 o.432 §1]

6.420 Temporary No Parking and Speed Limits

(1) The County Roadmaster, and the duly appointed agents and employees of the County Roadmaster, are delegated authority to designate a portion of any public road subject to the jurisdiction of the county as a no parking zone, for a period of time not to exceed 30 days. Any portion so designated shall be clearly marked and posted as no parking.

(2) The County Roadmaster, and the duly appointed agents and employees of the County Roadmaster, are delegated authority under ORS 810.180(5) to designate speeds for vehicles, for a period of time not to exceed 30 days, upon any portion of any public road subject to the jurisdiction

of the county upon which temporary conditions constituting a danger to the public exist or above, below or upon which construction or maintenance work is being carried on so close to the roadway as to be a danger to passing traffic or to be endangered by passing traffic. Any restrictions or limitations imposed under this subsection shall be imposed by a proper order of the County Roadmaster or duly appointed agent or employee. A sign giving notice of the restrictions or limitations contained in the order shall be maintained in a conspicuous manner and placed at each end of the affected roadway, and at such other places as may be necessary to inform the public. The restrictions or limitations are effective when the signs giving notice are erected. [1994 o.372 §2]

6.450 Gating of South Jetty Road

The City of Newport is authorized to gate County Road number 568, also known as South Jetty Road, in a manner that prevents night-time vehicular traffic on that road, but that does not prevent pedestrian traffic. The City of Newport shall set specific times during which the gate will be closed and shall post appropriate signs that provide notice to the public of the times of closure. The gate shall be constructed, reflectorized and signed in accordance with the current edition of the Manual on Uniform Traffic Control Devices. The City of Newport shall bear all costs of construction and maintenance of the gate. The Board of Commissioners reserves the right to repeal the permission granted pursuant to this section, and direct removal of any constructed gate. [1994 o.344 §2]

6.480 Election of Board Members of Certain Special Road Districts

(1) In accordance with ORS 371.318(2), the Lincoln County Board of Commissioners hereby changes the method of selecting the board members of the following special road districts:

- (a) California Street Special Road District.
- (b) Panther Creek Special Road District.
- (c) Little Switzerland Special Road District.
- (d) Coronado Shores Special Road District.
- (e) Surfland Special Road District.
- (f) Starr Creek Special Road District.

(2) The method of selecting board members for the road districts identified in subsection (1) of this section shall be by election.

(3) In accordance with ORS 371.349(1), the board of each district identified in subsection (1) of this section shall consist of three members elected by the electors of each respective district, and the term of office for a board member shall be four years commencing on July 1 following the date of election.

(4) ORS chapter 255 governs the nomination and election of the board members and the conduct of the elections.

(5) The first elected board of each special road district identified in subsection (1)(a) through (c) of this section shall be elected on the third Tuesday in May of 2003. In accordance with ORS 371.349(2) and notwithstanding the four-year term of office described in subsection (3) of this section, for each first board elected, the term of one board member shall end on June 30, 2005, as designated by the County Clerk.

(6) The first elected board of the special road district identified in subsection (1)(d) of this section shall be elected on the third Tuesday in May of 2005. In accordance with ORS

371.349(2) and notwithstanding the four-year term of office described in subsection (3) of this section, for each first board elected, the term of one board member shall end on June 30, 2007, as designated by the County Clerk.

(7) The first elected board of the special road district identified in subsection (1)(e) of this section shall be elected on the third Tuesday in May 2013. In accordance with ORS 371.349(2) and notwithstanding the four year term of office described in subsection (3) of this section, for each first board elected, the term of one board member shall end on June 30, 2015, as designated by the County Clerk.

(8) The first elected board of the special road district identified in subsection (1)(f) of this section shall be elected on the third Tuesday in May 2018. Notwithstanding the four year term of office described in subsection (3) of this section, for each first board elected, the term of one member shall end on June 30, 2019, and the term of the other two board members shall end on June 30, 2021, as designated by the County Clerk.

(9) In accordance with ORS 371.318(3), the County shall pay the costs of conducting the elections at which the board members are elected. [2001 o.419 §2; 2003 o. 423 §2; 2003 o.420 §2; 2004 o.435 §1; 2013 o.467 §1]

ROAD CONSTRUCTION STANDARDS

6.505 Construction Specifications

As provided in ORS 368.205, the county adopts as standard specifications for county road construction the standard specifications for highway construction adopted by the Oregon Department of Transportation with all future amendments thereto.

ROAD EVENT PERMITS

6.520 Definitions

As used in LCC 6.520 to 6.575, unless the context requires otherwise:

(1) “Bicycle Race or Tour” means any Organized Event involving bicycles and bicycle riders, for which directional signs or road markings and rest stops are provided, and for which registration is required.

(2) “Board” is the Board of County Commissioners for Lincoln County, or its designee.

(3) “County Road” means any County road, as defined in ORS 368.001(1), in Lincoln County.

(4) “County Roadmaster” means the Lincoln County Director of Public Works/Road Department or his or her designee.

(5) “Footrace” means an Organized Event run. Athletic competitions sponsored by the Lincoln County School District are not included within this definition.

(6) “Motorcade” means an Organized Event procession, except funeral processions and military convoys.

(7) “Organized Event” means any parade, foot race, motorcade, walkathon, bicycle race or tour, road rally or other similar event, held on a County road, and sponsored by an organization or other entity, and advertised in advance. “Organized Event” also includes an event, sponsored by an organization or other entity, and advertised in advance, which requires a detour or road closure, partial or complete, or the use of pilot vehicles to guide traffic, and which is expected to exceed 45 minutes of time, either for one period of time, or separate intervals of time which in the aggregate are expected to exceed 45 minutes of time. Road construction and maintenance, utility placement and maintenance, search and rescue activities, and response by law enforcement agencies, fire departments, ambulance companies or public works departments to criminal activities, fires, accidents, landslides or other emergencies are not considered “Organized Events” under this Ordinance.

(8) “Parade” means any Organized Event of any march or procession consisting of people, animals or vehicles, or combination thereof, except funeral processions, which do not comply with normal and usual traffic regulations and controls.

(9) “Road Rally” means any Organized Event of contest of speed or driving skills utilizing automobiles or motorized vehicles of any kind.

(10) “Walkathon” means any Organized Event walk.

6.525 Permit Required for Events

(1) It shall be unlawful for any person to conduct an Organized Event or knowingly participate in any such Organized Event unless and until a permit to conduct such Organized Event has been obtained from the County Roadmaster.

(2) It shall be unlawful, and no permit shall be issued, to conduct any Organized Event after sunset and before sunrise, unless the County Roadmaster finds that adequate steps have been taken to provide for the safety of the participants, the spectators, and the residents in the vicinity of the activity.

(3) Notwithstanding the above, the County Roadmaster may waive all or part of the permit requirements upon a showing by the applicant of good cause, when no significant public health, safety or welfare issues are involved or when the County Roadmaster determines that no County law enforcement or other County resources are necessary.

6.530 Application for Permit

(1) Any person who wants to conduct an Organized Event shall apply to the County Roadmaster for a permit at least sixty (60) days in advance of the date of the proposed Organized Event. The County Roadmaster may at his or her discretion consider any application for a permit to conduct an Organized Event which is filed less than sixty (60) days prior to the date the Organized Event is to be conducted, but in such case the application fee shall be double. The application for such permit shall be made in writing on a form approved by the County Roadmaster. In order that adequate arrangements may be made for the proper policing of the Organized Event, the application shall contain the following information:

(a) The name of the applicant, the name of the sponsoring organization, and the name of the Organized Event chairperson, and the mailing address, email address and telephone numbers of each.

(b) The purpose of the Organized Event, the date of when it is proposed to be conducted, the location of the assembly area(s), route(s) to be traveled, the approximate time when the Organized Event will assemble, start and terminate, and the estimated number of participants and spectators.

(c) An Organized Event control plan containing information regarding any need for road closures or partial closures, information on proposed flaggers, signage and barriers, and who will be responsible for them.

(d) Whether alcohol will be a part of the Organized Event, and if so, in what way, and what arrangements have been made for appropriate licensing.

(e) Such other information as the County Roadmaster may deem reasonably necessary.

(2) The person or organization applying for the Organized Event permit shall also tender along with the application an application fee. This fee shall be set by Board order or resolution.

(3) The person or organization applying for the Organized Event permit shall also tender along with the application an indemnity agreement, and except as may be waived as provided in Section 6.560, proof of insurance coverage in compliance with that Section and that names Lincoln County as an additional insured.

6.535 Issuance or Denial of a Permit

(1) Standards for Issuance. The County Roadmaster shall issue a permit conditioned upon the applicant's written agreement to comply with the terms of such permit unless the County Roadmaster finds that:

(a) The time, route and size of the Organized Event will disrupt to an unreasonable extent the movement of other traffic or will endanger the safety of participants or citizens, or cause a safety hazard other than traffic.

(b) The Organized Event is of a size or nature that requires the diversion of too many County law enforcement officers, Public Works/Road Department employees or other personnel to properly control the Organized Event or that allowing the Organized Event would deny reasonable law enforcement or other emergency service protection to the citizens of the County.

(c) Such Organized Event will interfere with another event for which a permit has been issued.

(d) The County Roadmaster determines the Organized Event would damage County roads.

(2) Standards for Denial. The County Roadmaster shall deny an application for an Organized Event permit and notify the applicant of such denial where:

(a) The County Roadmaster makes any finding contrary to the findings required to be made for the issuance of a permit.

(b) The information contained in the application is found to be false or lacking in sufficient material detail.

(c) The applicant refuses to agree to or abide by or comply with all conditions of the permit.

6.540 Contents of a Permit

(1) In each permit the County Roadmaster shall specify:

(a) The assembly area, and the time of assembly;

(b) The date, and starting and ending time for the Organized Event;

(c) The minimum and maximum speeds, if applicable;

(d) The route of the Organized Event;

(e) Which portions of County roads to be traversed may be occupied by such Organized Event;

(f) An Organized Event control plan (This must indicate whether there will be a road closure or a partial closure, what traffic control measures will be used, who is responsible for any flaggers, barriers and signage, etc.);

(g) The number and types of vehicles, if any;

(h) That permittee shall advise all participants in the Organized Event by written notice of the terms and conditions of the permit prior to the commencement of the Organized Event;

(i) Such other requirements as are found by the County Roadmaster to be reasonably necessary for the protection of persons and property.

(2) All conditions of the permit shall be complied with so far as reasonably practicable.

6.545 Review Procedure

Approval or denial of an application by the County Roadmaster shall be reviewable only by the Lincoln County Circuit Court for the State of Oregon, and only by writ of review under the provisions of ORS 34.010 to 34.100.

6.550 Reserved

6.555 Revocation or Restriction of Permit

(1) Any permit for an Organized Event issued pursuant to this Ordinance may be summarily revoked or amended by the County Roadmaster prior to the commencement of the event, at any time by reason of disaster, public calamity, riot or other emergency, if it is determined that the safety of the public or property requires such revocation or amendment. Notice of such action revoking or amending a permit shall be delivered in writing to the permittee by email, personal delivery, or by certified or registered mail, return receipt requested.

(2) If at any time during the Organized Event held under a valid permit, the County Roadmaster believes an unreasonable threat to the health, safety and welfare of the public is present, or the permit holder cannot maintain order and compliance with all applicable state and local laws or refuses or is unable to adhere to the terms and conditions of the permit, the County Roadmaster may terminate the Organized Event or reduce the number of participants, or take any lawful action to remedy the unsafe action.

6.560 Hold Harmless

Applicants shall agree in writing to indemnify, defend and save and hold harmless the County, its Commissioners, boards, officers, employees and agents, from all suits, actions, damages or claims to which the County may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such Organized Event and the activities permitted in connection therewith. Applicants shall provide County with evidence of insurance with single limit policy limits of not less than \$2,000,000. The County shall be named as an additional insured. The County Roadmaster may waive proof of insurance if circumstances warrant for Organized Events. Applicants shall also agree to indemnify, defend, save harmless any Public Agency providing services to the Organized Event.

6.565 Compliance with Laws

Issuance of a Permit under this Ordinance shall not relieve applicant of the responsibility to comply with all applicable ordinances and laws, and to obtain all other required permits and licenses necessary to carry out an Organized Event.

6.570 Conditions in Permits

Any permit granted under this Ordinance may contain conditions reasonably calculated to reduce or minimize the dangers and hazards to vehicular or pedestrian traffic and the public health, safety, tranquility and welfare including but not limited to changes in time, duration and number of participants.

6.575 Penalty

This Ordinance is enforceable under, and violators hereof are subject to, the penalties provided for in Chapter 10 of the Lincoln County Code. In addition, Lincoln County shall have such other remedies available to it as are provided in law or equity. [2017 o.494 §1]

WAYS OF NECESSITY

6.600 Transfer of Jurisdiction Over Ways of Necessity

In accordance with the provisions of ORS 376.200, jurisdiction over the establishment of ways of necessity under ORS 376.150 to 376.200 is removed and transferred to the circuit court. [1995 o.353 §2]

LOCAL IMPROVEMENT PROJECTS (LIDs)

6.605 Definitions for LCC 6.605 to 6.660

As used in LCC 6.605 to 6.660, unless the context requires otherwise:

- (1) “Owner” means a vendee under a recorded land contract or if there is no such contract, the holder of the record title, which vendee or holder has a present interest equal to or greater than a life estate.
- (2) “Engineer” means the Lincoln County Public Works Director.
- (3) “Improvement” includes:
 - (a) The grading, graveling, paving or other surfacing of any road, or opening, laying out, widening, extending, altering, changing the grade of or constructing any road.
 - (b) The construction or reconstruction of sidewalks.
 - (c) The installation of ornamental street lights.
 - (d) The reconstruction or repair of any road improvement mentioned in this subsection.
 - (e) The acquisition, establishment, construction or reconstruction of any off-road motor vehicle parking facility.
 - (f) Installing, constructing, reconstructing, improving, extending or repairing lateral sewers, street mains, sewage disposal systems or similar facilities, and other facilities incidental thereto, within the right of way of a county road or public road.
- (4) “Road”, “county road” and “public road” have the meanings given those terms in ORS 368.001. [1981 o.163 §1; 1989 o.285 §§ 1 and 2; repealed 1995 o.353 § 3; 2000 o.398 §2]

6.610 Application of LCC 6.605 to 6.660 in Lieu of ORS 371.605 to 371.660

In accordance with ORS 371.610(3), in Lincoln County the provisions of LCC 6.605 to 6.660 supersede all provisions of ORS 371.605 to 371.660, except as otherwise provided in ORS 371.610. [1981 o.163 §1; 1989 o.285 §§ 1 and 2; repealed 1995 o.353 § 3; 2000 o.398 §3]

6.615 Petition for Improvement of Roads in Unincorporated Areas

Proceedings to cause any improvement to be made or constructed in an unincorporated area may be initiated by petition filed with the Board. The petition shall include at least the following:

- (1) A description of the proposed improvement, including at least an indication of where the improvement is to be made and a description of the nature of the improvement desired.
- (2) A list of properties and corresponding property owners which are thought to be specially benefited by the improvement.
- (3) A proposed method of assessment for properties which are thought to be specially benefited by the improvement.
- (4) The signatures of property owners representing not less than 50 percent of the proposed assessment as shown by the proposed method of assessment.
- (5) A designated chief petitioner.
- (6) If any of the improvement would lie within a special road district, an endorsement from the board of the special road district. [1989 o.285 § 2; 1993 o.313 § 12; repealed 1995 o.353 § 3; 2000 o.398 §4]

6.620 Signers of Petition and Objection in Event of Cotenancies

In case of tenants by the entireties, joint tenants or tenants in common the parcel of land is considered as having one owner, which owner shall be deemed to have signed the petition provided for in LCC 6.615 or the objection provided for in LCC 6.630 only if every cotenant of the parcel has signed. [1989 o.285 § 2; repealed 1995 o.353 § 3; 2000 o.398 §5]

6.625 Investigation and Estimation of Cost of Improvement by Engineer

When the petition is filed with the Board, the Board shall refer the petition to the engineer, who shall investigate the proposed improvement. If in the judgment of the engineer the improvement is feasible, the engineer shall make an estimate of the cost of the improvement and report the same to the Board. If the improvement is to be paid for in whole or in part by special assessments against property benefited by the improvement, the engineer shall include in the report:

- (1) A recommendation as to whether the proposed method of assessment will achieve a fair apportionment of the whole or any portion of the cost of the improvement to the properties specially benefited and, if not, a recommendation as to a method of assessment which will achieve a fair apportionment.
- (2) A recommendation as to whether the list of properties which are thought to be specially benefited by the improvement is adequate and, if not, which properties should be added or deleted.
- (3) The description and assessed value of each lot, parcel of land or portion thereof, to be specially benefited by the improvement, with the names of the record owners thereof, as shown on the most recent records of the Lincoln County Assessor.
- (4) Where the improvement petitioned for includes the construction and installation of lateral sewers, street mains or similar facilities, a separate statement of the estimated cost of the construction and installation of lateral sewers, street mains or similar facilities. [1989 o.285 § 2; repealed 1995 o.353 § 3; 2000 o.398 §6]

6.630 Notice to Owner; Ballot for Support or Opposition

(1) If the engineer makes a favorable report on the proposed improvement, the Board shall determine which properties are specially benefited, determine the method of assessment will achieve a fair apportionment of the whole or any portion of the cost of the improvement to the properties specially benefited, and direct the engineer to mail to the owner of each parcel of land to be assessed for the proposed improvement, as shown on the most recent records of the Lincoln County Assessor, a written notice of the favorable report, the estimated cost of the improvement and the estimated amount of the assessment against the land of the owner. The notice shall also include a ballot, in a form approved by legal counsel, which requests that the owner indicate the owner's support or opposition to the improvement on the ballot form, and return the ballot form to the engineer within the period of time indicated in the ballot form, which shall be no earlier than 45 days after mailing of the notice. The notice shall be mailed to each owner by both certified and regular first class mail.

(2) Upon expiration of the time period established for return of the ballot form to the engineer, the engineer shall prepare an abstract of the results of the ballots received. The abstract shall identify each property and whether the owner indicated support for the proposed improvement, opposition to the proposed improvement, or failed to return a ballot. The abstract shall also indicate the total amount of proposed assessment corresponding to owners who indicated support for the proposed improvement, and the total amount of proposed assessment corresponding to owners who indicated opposition to the proposed improvement. The engineer shall forward the completed abstract to the Board. [1989 o.285 § 2; repealed 1995 o.353 § 3; 2000 o.398 §7]

6.635 Order for Improvement; Recording; Vacation of Order and Removal of Lien

(1) If the abstract received by the Board pursuant to LCC 6.630 indicates that the total amount of proposed assessment corresponding to owners who indicated support for the proposed improvement is equal to or less than the total amount of proposed assessment corresponding to owners who indicated opposition to the proposed improvement, the proposed improvement shall, by order of the Board, be declared abandoned and no new petition may be filed for the improvement within a period of at least one year after the date of the order.

(2)(a) If the abstract received by the Board pursuant to LCC 6.630 indicates that the total amount of proposed assessment corresponding to owners who indicated support for the proposed improvement is greater than the total amount of proposed assessment corresponding to owners who indicated opposition to the proposed improvement, the Board may, by order describing the land to be assessed, direct the improvement to be made by contract, or by force account. If by contract, it shall be awarded in the same manner as provided for other contracted county road improvements.

(b) The order for the improvement shall be recorded by the Lincoln County Clerk. The recorded order is notice that the land described in the order is subject to a lien of an assessment for the cost of the improvement, in an amount to be determined later by an order of the Board. The Lincoln County Clerk shall indorse upon the order the date of the filing thereof, and shall record and index the same in a lien docket in the office of the county clerk.

(c) If the proposed improvement described in the order is not commenced within two years after the order for the improvement is recorded, the Board may by a new order vacate its former order for the proposed improvement. The Board shall record with the Lincoln County

Clerk the order vacating the former order for the proposed improvement. Thereupon the land described shall be free of such lien and the effect of the former order. The Lincoln County Clerk shall indorse upon the new order the date of the filing thereof, and shall record and index the same in the lien docket referred to in paragraph (b) of this subsection. [1989 o.285 § 2; repealed 1995 o.353 § 3; 2000 o.398 §8]

6.640 Engineer to Compile Improvement Cost; Source of Payment; Reimbursement of Source; Additional Work

(1) After the improvement has been made, inspected by the engineer and accepted by the Board, the engineer shall compile the total cost of the improvement. When compiling the total cost of the improvement, the engineer may add the actual and estimated future costs for engineering and administration. Where the improvement includes the construction and installation of lateral sewers, street mains or similar facilities, the engineer shall separately compile the total cost of those improvements.

(2) Payment of the cost of the improvement other than for the construction and installation of lateral sewers and street mains or similar facilities shall be made from the general road funds or from any funds available for the construction or improvement of county roads. Payment of the cost of the construction and installation of lateral sewers and street mains or similar facilities shall be made from any funds available to the county for such improvements.

(3) The funds expended for the improvement shall be reimbursed or the improvement warrants shall be retired to the extent of the proceeds of an assessment against the land benefited by the improvement, but no assessment shall be made against any operating railroad right of way without the consent of the owner thereof. Each landowner shall be assessed a portion of the cost of the improvement in the manner proposed in the petition pursuant to LCC 6.615(3), unless the Board otherwise directs a different method of assessment.

(4) All of the cost of improvements within intersections connected with any improvement under LCC 6.605 to 6.660 may be borne by the county.

(5) Unless notified to the contrary by the owner prior to the acceptance of bids for improvements under LCC 6.605 to 6.660, an existing driveway shall be reconstructed to the property line to conform with the new grade. [2000 o.398 §9]

6.642 Allocation of Costs of Sidewalk or Curb Construction and Other Improvements

Notwithstanding any provision to the contrary in LCC 6.605 to 6.660, the cost of construction of sidewalks under those sections shall be assessed in proportion to the front footage of the land or otherwise, as provided in those sections, to the owners of land abutting on the side of the street or road on which the sidewalks are constructed and fronting on such sidewalks. The cost of construction of all other improvements under those sections shall be assessed, in the manner provided in those sections, to the owners of land benefited by the improvement. [2000 o.398 §10]

6.645 Engineer to Ascertain Assessment; Hearing on Objections; Board Order

(1) The engineer shall ascertain the amount of the assessment against each parcel of land assessed for the improvement and report the same to the Board.

(2) The Board by order shall thereupon set the time, not less than 30 days after the filing of the report, and place for a hearing of objections to the assessments as fixed in the report of the engineer.

(3) Not less than 10 days prior to the date of the hearing, the engineer shall mail to the owner of each parcel of land proposed to be assessed, at the address of the owner as shown on the petition or on the latest tax roll of the county, a written notice of the time and place for the hearing of objections and of the amount of the proposed assessment against the land of the owner.

(4) After hearing objections, the Board shall by order find and determine from the evidence submitted the amount of assessment against each individual parcel of land. [2000 o.398 §11]

6.650 Certification of Assessment; Recording Order; Lien

(1) The Board shall certify a list and description of the ownership, stating the amount of assessment against each individual parcel of land, and shall record the order with the Lincoln County Clerk, who shall indorse thereon the date of the filing thereof and record and index it in the lien docket referred to in LCC 6.635(2).

(2) The assessments and interest are a lien upon the land against which the same are assessed from the date of the filing with the Lincoln County Clerk of the order of the Board for the improvement, as provided in LCC 6.635. Each parcel of land is deemed to be benefited by the improvement to the full amount of the assessment levied thereon. No transfer, sale or division of any such parcel, or change in the legal description thereof, in any way divests the lien from the original parcel and the whole thereof. Failing to enter the name of the owner or a mistake in the name of the owner does not in any way render void any assessment and does not in any way affect the lien on the land described. The lien has priority over all other liens and encumbrances whatsoever, except tax liens.

(3) Upon payment of the assessment in full, the Board shall satisfy the same by a notation in the lien docket referred to in LCC 6.635(2), and the parcel of land charged with such assessment is thereby discharged from the lien. [2000 o.398 §12]

6.655 When Assessment Due, Payable and Delinquent; Application of Other Statutes

(1) Except as provided in subsection (2) of this section, 30 days after the assessment is certified, the entire amount against each parcel of land shall be due and payable at the office designated by the Board and, if not so paid, shall be delinquent from that date and shall bear compound interest at a rate established by the Board.

(2) The owner of property assessed under LCC 6.605 to 6.660 shall have the right to apply for installment payment of the assessment as provided in ORS 223.210.

(3) Except as otherwise provided in this section, the provisions of ORS 223.205 and 223.210 to 223.314 (Bancroft Bonding Act) and 223.770 relating to the assessment of property benefited by public improvements and to the issuance of bonds and other obligations for the cost of the improvements shall apply in so far as practicable and applicable in relation to the assessment by counties of the cost or any portion of the cost of improvements against the property benefited in accordance with LCC 6.605 to 6.660 and to the issuance of bonds and other obligations by the county. However, notwithstanding the provisions of ORS 223.295, in issuing

bonds and other obligations under the provisions of this section, the county may incur indebtedness to an amount not exceeding .0375 of the latest real market valuation of the county.

(4) Where, in ORS 223.205 to 223.314 and 223.770, officials of governmental units are referred to, the corresponding officials of counties where applicable and unless otherwise designated by charter shall perform the required functions. [2000 o.398 §13]

6.660 Delinquent List; Execution and Sale.

(1) One year from the date an assessment for improvements under LCC 6.605 to 6.660 is delinquent, or, in case the assessment has been spread in semiannual installments, one year from the date any semiannual installment of the assessment is delinquent, the Board shall prepare a delinquent list of all assessments not wholly paid. The list shall contain a description of the land, the name of the person to whom assessed and the amount of the assessment and interest due.

(2) The Board shall transmit the list to the Lincoln County Clerk, who shall issue a writ of execution thereon, directed to the Lincoln County Sheriff.

(3) The Lincoln County Sheriff shall proceed to collect the unpaid assessments named in the list by advertising and selling each parcel of land in the manner provided by law for the sale of real property on execution, but no parcel shall be sold for a sum less than the amount of the unpaid assessment plus interest thereon and the cost of advertising and sale. [2000 o.398 §14]

SURVEYOR

6.705 Private Surveys, Mandated Surveys and Liability

(1) Except as provided in subsection (2) of this section, in addition to performing the duties of county surveyor, the county surveyor may perform a survey of any tract of land in the county at the expense of the person requesting the survey.

(2) A county surveyor shall not perform a survey pursuant to subsection (1) of this section that would interfere with the surveyor's duties as county surveyor.

(3) A survey performed pursuant to subsection (1) of this section shall not be considered a service rendered in the course or scope of the county surveyor's office or employment for any purpose. No liability shall attach to, or be assumed by, Lincoln County from the performance of, or agreement to perform, that survey by the surveyor.

6.710 County Line Surveys

In any survey affecting a county line, the county surveyor shall notify in writing the surveyor of the adjoining county and shall make reasonable efforts to cooperate with that surveyor in making the survey. Notice shall be considered given in accordance with this section if properly addressed and mailed at least six calendar days before commencing the survey. Upon completion of the survey, the surveyor shall file a copy of the plat and field notices of the survey in the county surveyor's office.

PUBLIC LAND CORNER PRESERVATION

6.715 [1986 o.235 §1; repealed 1993 o.313 §17]

6.720 [1986 o.235 §1; 1988 o.271 §1; 1989 o.278 §1; repealed 1993 o.313 §17]

6.725 [1986 o.235 §1; 1987 o.261 §1; repealed 1993 o.313 §17]

6.730 Establishment of Public Land Corner Preservation Fund

Pursuant to ORS 203.148(1), the County Treasurer shall establish a fund for Lincoln County known as the Public Land Corner Preservation Fund, which shall be separate and apart from other funds of the county. Revenues for this fund shall come from the fees charged pursuant to ORS 203.148(2) and order of the Board of Commissioners. Appropriations in this fund shall be used only as permitted by ORS 203.148(1). This section does not authorize the County Surveyor to incur expenses other than those provided for periodically in the adopted budget of the county. Payment of expenses within the Public Land Corner Preservation Fund will be pursuant to the fiscal policies of the county. [1986 o.235 §1; 1988 o.271 §1; 1989 o.278 §2; 1993 o.313 § 13]

6.735 [1986 o.235 §1; 1987 o.261 §1; repealed 1993 o.313 §17]