

IN THE BOARD OF COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of An Amendment )  
to the Curry County Code ) ORDINANCE NO. 98-3  
Re: Facility Permits

The Board of Commissioners for the County of Curry ordains as follows:

SECTION 1: TITLE

This ordinance shall be known as Ordinance 98-3, an ordinance amending the Curry County Code.

SECTION 2: PURPOSE

The purpose of this ordinance is to amend Ordinance 96-7, (and all amendments thereto) which adopted the Curry County Code, a compilation of Ordinances of Curry County. This specific ordinance would repeal the current Article Three Division Four, and in its place adopt a new Article Three Division Four relating to facility permits.

SECTION 3: REPEALER

Article Three Division Four of the current Curry County Code is hereby repealed in its entirety.

SECTION 4: ADOPTION

Exhibit "A," which is attached hereto and incorporated herein by this reference, is adopted as an amendment to the Curry County Code (Ordinance 96-7 as amended).

SECTION 5: SEVERANCE CLAUSE

If any section, subsection, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this Ordinance; and it is hereby expressly declared that every other section, subsection, provision, clause or paragraph of this Ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

Adopted this 15<sup>th</sup> day of June 1998.

Attest:

Sean Speer  
Recording Secretary

BOARD OF CURRY COUNTY COMMISSIONERS

T. V. Skinner  
T. V. Skinner, Chairman

Reviewed As To Form:

M. Gerard Herbage  
M. Gerard Herbage  
Curry County Counsel

Lloyd Olds  
Lloyd Olds, Vice Chairman

Bill Roberts  
Bill Roberts, Commissioner

First Reading 5.18.98  
Second Reading 6.1.98  
Emergency Adoption NONE  
Effective Date 8.30.98

## ARTICLE THREE

### DIVISION FOUR

### USE OF ROAD RIGHTS OF WAY

#### SECTION 3.04.010

#### AUTHORITY

This division is adopted by the Board of Curry County Commissioners under authority of ORS 374.310.

#### SECTION 3.04.020

#### DEFINITIONS

For purposes of this division the following definitions shall apply:

- (1) "Board" or "Board of Commissioners" means Board of Curry County Commissioners.
- (2) "County" means Curry County, Oregon.
- (3) "County road" means a public road under the jurisdiction of the County that has been designated as a County road.
- (4) "Driveway/road approach permit" means a permit allowing construction or alteration of a facility which provides ingress to or egress from a County road (i.e., a driveway, an intersecting road or street, a footpath, a bikepath, widened vehicular access, etc.). The permit regulations apply to that portion of the facility which is or will be upon a County road right of way.
- (5) "Local access road" means a public road that is not a county road, state highway or federal road.
- (6) "Major improvement" means an improvement or alteration for which detailed plans and adherence thereto are deemed necessary by the Roadmaster.
- (7) "Minor improvement" means an improvement or alteration for which detailed plans are not deemed necessary by the Roadmaster.
- (8) "Public road" means a road over which the public has a right of use that is a matter of public record.
- (9) "Roadmaster" means the person designated by the Board of County Commissioners as being responsible for administration of the road activities of the County.
- (10) "Right of way" means land, property, or an interest therein, usually in a strip, acquired for or devoted to road purposes.
- (11) "Road" means the entire right of way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:
  - (a) Ways described as streets, highways, throughways or alleys;
  - (b) Road related structures that are in a right of way, such as tunnels, culverts or similar structures; and
  - (c) Structures that provide for continuity of the right of way, such as bridges.

(12) "Road encroachment permit" means a permit allowing private facilities of a diverse nature, such as fences, structures, signs and landscaping, to be placed within a County road right of way. The permit shall state whether the permitted use is temporary or permanent.

(13) "Road improvement permit" means a permit allowing alterations or improvements, such as grading, surfacing or oiling, of a County road by a person not associated with the County Road Department.

(14) "Roadway" means the portion of a road, including shoulders, for vehicular use.

(15) "Special permit" means a permit allowing temporary use of a County road right of way for business operations or public events, such as log loading, an aircraft taxiway, scheduled public walks, runs and biking events.

(16) "Utility permit" means a permit allowing the placement and routine maintenance of public facilities, such as water and sewer lines, gas lines and transmission lines, within a County road right of way.

Section 3.04.030 WORK IN RIGHTS OF WAY; PERMIT REQUIRED;  
CONDITIONS; EQUITABLE REMEDIES.

(1) Except as otherwise provided in this division, no person shall place, build, construct, extend, enlarge or otherwise work on any facility, thing or appurtenance in the right of way of a County road without first obtaining a permit from the County Roadmaster. This requirement applies to all work, including, but not limited to, the following:

- (a) Constructing, grading, surfacing or providing drainage facilities under the access to a private driveway or approach road;
- (b) Pipelines, irrigation lines, sewer lines, underground cables, overhead wires and utility poles;
- (c) Signs, billboards, symbols, notices, advertisements or directional guides;
- (d) Sidewalks, curbs, gutters, retaining walls, meters, inlet basins, fences and ornamental objects;
- (e) Planting of trees or other vegetation; and
- (f) Mailboxes and supports other than those conforming to design standards provided by the Road Department.

(2) No person shall construct or maintain any facility, thing or appurtenance within any such right of way in violation of any of the conditions of a permit or any of the provisions of this division.

(3) No person shall use, occupy or maintain any thing or facility placed wholly or partly within the road right of way in violation of, or without first obtaining the permits required by, any law in effect at the time such thing or facility is so placed.

(4) Nothing in this section shall be construed to prevent the County from removing anything from a County road right of way, whether or not the same is installed under a permit or in compliance with this division, where the Board of County Commissioners finds that such removal has become necessary to the public's use or improvement of the road.

SECTION 3.04.040 EXCEPTIONS TO CERTAIN REQUIREMENTS;  
INTERPRETATION.

- (1) A permit is not required for the following, providing the work does not involve excavation:
  - (a) Performing maintenance or minor improvement to existing facilities lawfully in place;
  - (b) Utilizing lawfully installed facilities as intended when installed, including the following:
    - (1) Inspection and cleaning of sewer and storm water facilities;
    - (2) Inserting cables in existing conduits or making service connections within a terminal structure; and
    - (3) Utilization that is expressly acknowledged by prior permit provisions; and
  - (c) Other miscellaneous minor activities as specifically approved in writing by the Roadmaster.
- (2) Nothing in this section shall:
  - (a) Limit or affect any of the powers granted to, or duties imposed upon, the Board of County Commissioners, the Department of Transportation or the Public Utility Commissioner by ORS 758.010 and 758.020, or any rights granted or authorized under those statutes or any other statutes pertaining to powers, duties and rights of the aforesaid;
  - (b) Grant any right for the construction or placing of an approach road, structure, pipeline, ditch, cable, wire or other facility, thing or appurtenance on the right of way of any County road; or
  - (c) Be deemed to affect any approach road, structure, pipeline, ditch, cable, wire or other facility, thing or appurtenance lawfully placed or constructed upon the right of way of any County road prior to September 13, 1967, subject, however, to the authority reserved to the Board of County Commissioners in Section 3.04.030 (4).

SECTION 3.04.050 CHANGE IN USE OF APPROACH ROAD; PERMIT  
REQUIRED.

A change in the manner of using an approach road that connects to or intersects a County road requires a permit, as provided by ORS 374.305. A changed use includes, but is not limited to:

- (1) Any physical change requiring excavation, placing of an embankment, a culvert extension, construction of headwalls and repair or alteration of any existing lawfully installed facility pertinent to a driveway or approach road;
- (2) Any substantial change in the type or number of vehicles reasonably anticipated during the application for, and the review and approval of the latest existing permit on file for a driveway or approach road; and
- (3) Any other change in the approach road or its use which the Roadmaster finds may adversely affect the public's safety or the public's interest in the County road in the absence of limitations or conditions.

### SECTION 3.04.060 REVIEW OF PERMIT APPLICATIONS.

From the date this division becomes effective the authority contained in ORS 374.305 through 374.325 relating to County roads applies to any facility, thing or appurtenance within a County road right of way. After a completed application with the required fee has been submitted, the Roadmaster, or his or her authorized representative, shall review the application and shall issue the permit if he or she determines that the proposal will comply with the provisions of this division and the applicable requirements imposed by State law. The Roadmaster may impose additional written conditions on a permit consistent with the provisions of this division if he or she finds such conditions to be necessary to the public interest in the safe use of the road and the preservation of the public improvements therein and on the property adjoining the same. The Roadmaster may also require the applicant to submit plans which, when approved, will become part of the conditions of the permit. The Roadmaster shall prepare appropriate forms to assist the applicant in providing the information necessary for the application review. If the applicant disagrees with the Roadmaster's interpretation of the regulations or with the conditions imposed by the Roadmaster, or if the Roadmaster finds that the proposal raises problems of public safety or problems having to do with the public use or protection of the road, which problems are not addressed in the regulations, then either may refer the application to the Board of County Commissioners, which Board shall, within thirty days, afford them an opportunity to be publicly heard and make its final decision in the matter. If the Board finds that the proposal creates a problem to public interests in the road which cannot be solved by the application of the regulations or of adequate conditions, the Board shall deny the application. The Roadmaster shall arrange for whatever field study and inspection he or she deems to be appropriate to assure compliance with the requirements.

### SECTION 3.04.070 PERMIT REGULATIONS AND CLASSIFICATION.

- (1) The regulations pertaining to each of the various permits issued by the Roadmaster, which are set forth in Exhibit A, following the text of this division, are hereby adopted and made a part of this division.
- (2) A permit fee shall be paid at the time the application for a permit is submitted to the Roadmaster. All permits issued by the Roadmaster shall be classified under one of the following headings on a general "Facility Permit" form.
  - (a) Driveway/road approach permit;
  - (b) Road encroachment permit;
  - (c) Road improvement permit;
  - (d) Special permit;
  - (e) Utility permit;
- (3) Copies of the regulations appropriate to the classification, as determined by the Roadmaster, shall be attached to, or referenced on, each permit issued.

#### SECTION 3.04.080 PERMIT FEES.

FEES FOR THE VARIOUS PERMITS REQUIRED BY THIS DIVISION SHALL BE SET BY BOARD ORDER.

#### SECTION 3.04.090 EXEMPTIONS FROM FEE REQUIREMENT.

No fee shall be required for a permit in the following circumstances:

- (1) Where installation of public facilities by public or quasipublic entities is involved;
- (2) Where the Roadmaster finds that the organization which proposes the installation is engaged in a nonprofit activity and that the activity is for the benefit of the general public.
- (3) Where the permitted facility, thing or appurtenance in the right of way of the County road is in lawful existence as of the effective date of this division except that this exemption does not apply to work done after such effective date; and
- (4) In any instance where the Roadmaster deems it to be in the best interests of the County to waive the permit fee.

#### SECTION 3.04.100. VIOLATIONS; REMOVAL OR CORRECTION OF INSTALLATIONS; PROSECUTION.

- (1) If any person fails to obtain a permit or to comply with the appropriate regulations or permit conditions, then the Roadmaster may take appropriate action to remove or correct the installation and recover the cost from the person responsible, all in accordance with the authority contained in ORS 374.307 and 374.320 as such statutes relate to County roads. However, such action shall not waive the County's right to prosecute the offender under Section 3.04.990.
- (2) In addition to the remedies set forth in subsection (1) hereof or prescribed by ORS 374.307 or 374.320, any person who violates or fails to comply with any of the provisions of this chapter shall be punished as provided in Section 3.04.990. A separate offense may be deemed committed each day during or on which such unlawful condition is maintained or continued after citation or notice of violation has been given. Offenses under this section may be charged under Article 10 of the Curry County Code.

#### SECTION 3.04.110. ALTERATION OR REMOVAL OF TREES AND VEGETATION IN COUNTY ROAD RIGHTS OF WAY.

- (1) All trees within a County road right of way are subject to the County's control, and no tree may be altered or removed without a permit from the County. The permit requirement does not apply to public utilities exercising their rights within the right of way pursuant to State law or franchise. The authority to issue a permit under this section is delegated to the Roadmaster or his or her authorized representative. In issuing a permit, the County shall have the authority to impose such conditions as it deems necessary for public safety and convenience.

(2) The County has and claims the right to remove or alter any tree, or remove any other vegetation, situated entirely within the County road right of way if, in the judgment of the Roadmaster, such removal is necessary to the use or improvement of the road or related facilities or for the public safety.

(3) If the Roadmaster finds that a tree to be removed may have marketable or ornamental value to the owner of the land abutting the half of the right of way on which the tree is situated, the County shall first send notice to the abutting owner, giving the owner thirty days within which to secure a permit and alter or remove the tree or vegetation. If within that period of time the tree or other vegetation is not removed or altered to the extent necessary to the public safety and convenience as found by the Roadmaster, the County may remove or alter the tree or vegetation and, if it is a merchantable tree, retain it to defray the cost of removal. For purposes of giving notice under this subsection, the owner according to the Assessor's records of the property abutting the half of the right of way within which the tree is situated shall be deemed the owner of the underlying tree. Notwithstanding the foregoing, if the Roadmaster or his or her authorized representative determines that an emergency exists which may affect the public safety, no notice shall be required prior to the removal of the tree or vegetation.

(4) The Roadmaster may define by written policy those criteria by which he or she determines that the removal or alteration of a tree or other vegetation within a County road right of way is necessary for public safety or convenience; that a tree is marketable or has ornamental value to abutting property; or that an emergency exists which may affect the public safety. When such written policy is approved by the Board of Commissioners, any determination made by the Roadmaster pursuant to the policy is final.

(5) Notwithstanding subsection (4) hereof, the Board of Commissioners may, on its own motion, within the said thirty days, review a proposal to remove a tree under this division and may determine, at its discretion, whether there is a public interest which outweighs the public safety issue raised by the presence or condition of the tree, or may determine at its discretion that the public safety and convenience can be adequately served without the removal of the subject tree considering its value or function.

#### SECTION 3.04.990. PENALTY.

(Penalties are as described in Article 10 of the Curry County Code.)

## EXHIBIT A

### PERMIT REGULATIONS

#### Driveway/Road Approach Permit Regulations

What type of vehicle will regularly use this driveway?:

Car/pick-ups \_\_\_\_\_ Driveway top width minimum is sixteen feet

Light trucks \_\_\_\_\_ Driveway top width minimum is twenty feet

Truck/trailer

combinations \_\_\_\_\_ Driveway top width minimum is thirty feet

Note: Culvert length shall generally be ten feet longer than the required driveway width. Headwalls may be permitted to reduce required culvert length.

This driveway/road approach requires:

Culvert \_\_\_\_\_

Diameter \_\_\_\_\_

Length \_\_\_\_\_ (to be determined by road supervisor)

Curb cut \_\_\_\_\_

Entrance inlet \_\_\_\_\_

Intermediate inlet \_\_\_\_\_

Bridge \_\_\_\_\_

Improvements to County road \_\_\_\_\_

Engineering plans \_\_\_\_\_

Compliance with the appropriate standard drawing(s) attached hereto is required.

#### Materials

Culverts shall be double wall plastic (ADS N-12 or Hancor Hi-Q) pipe for diameters through twenty-four inches. Consult with the County Engineer for diameters larger than twenty-four inches. Backfill material shall be crushed rock with a twelve-inch minimum cover over the pipe.

#### Construction

(1) Notify the County Road Department twenty-four hours before beginning work by writing, by phone, or in person.

(2) Culvert should be installed on straight lines, both vertical and horizontal. Bell ends of pipe shall be placed facing upstream.

(3) The culvert flowline should match the flowline of the ditch. The minimum fall should be one inch in twenty feet.

(4) The driveway/road approach should intersect the County road as near to a right angle as possible.

(5) The maximum grade of the driveway/road approach on the County right of way should be ten percent and constructed so that the low point in the grade is over the culvert or so that the slope is away from the road, to prevent storm water and surfacing materials from encroaching on the road shoulder.

### General Provisions

(1) The applicant declares that he or she is the owner or lessee of the real property abutting the above described highway and has the lawful authority to apply for this permit.

(2) The County assumes no liability for any damage which may be caused to the approach due to routine road maintenance or road improvement. It shall be the responsibility of the holder of this permit to construct the approach to such lines and grades so as not to interfere with normal road maintenance operations.

(3) A driveway/road approach permit may be denied when, in the opinion of the Roadmaster, lack of adequate sight distance would create a traffic safety hazard. The applicant may be required to remove brush, widen cut banks, relocate the proposed approach or otherwise satisfy sight distance requirements and to ensure that those distances are maintained. The minimum recommended sight distances for the estimated speed of the traffic are given below. The sight distance should be measured from the height of the driver's eye or approximately forty-five inches.

<u>Speed (mph)</u>	<u>Minimum Sight Distance (ft.)</u>
25	150
30	200
35	225
40	275
45	325
50	400
55	450

(4) Failure to construct the approach or approaches in conformance with the provisions written herein or with plans attached hereto may result in cancellation of the permit and removal of the partially constructed approach or approaches at the applicant's sole expense.

(5) Proper barricades and warning signs must be maintained at all times during construction by the holder of this permit so as to ensure the safety of the public.

(6) The County road is to be restored to its original or to a better condition. All excess rock or dirt is to be removed from the traveled portion of the road by brooming or washing, as directed. Final clean-up is to be completed within one week after the approach is constructed.

## Encroachment Permit Regulations

Pertinent encroachment permit conditions will be issued with the permit. They are:

### (Example Conditions)

- (1) This permit is valid only for the three signs that are described on the facility permit.
- (2) The permit holder shall indemnify and hold the County harmless and blameless from damages that may be caused or contributed by the installation of the signs.
- (3) The signs shall be installed such that all posts and sign projections are located behind the roadside ditch (away from the road) or outside shoulder areas in fill sections.
- (4) The signs shall be installed in locations that do not restrict sight distance on the road.
- (5) In the event that County maintenance and/or construction activities require utilization of the public right of way or that the sign installations become safety hazards, in the opinion of the Roadmaster, this permit may be rescinded and the signs removed at the permit holders expense. The County will make a reasonable effort to provide the permit holder with prior notification of any such activity, but assumes no responsibility.

Permit No. \_\_\_\_\_

Road Improvement Regulations

This permit is for a major/minor road improvement. The special conditions applicable to this permit are:

(Example Conditions)

- (1) Proper barricades and warning signs must be maintained at all times during construction by the holder of this permit so as to ensure the safety of the public.
- (2) All work and materials shall conform to the Curry County Road Standards (Article Three, Division one of the Curry County Code).
- (3) Each phase of construction (culverts, subgrade, base rock, etc.) shall be inspected and approved by the Road Department before proceeding with the next phase.
- (4) Detailed plans prepared by an Oregon registered professional engineer will be required for major improvements.

Permit No. \_\_\_\_\_

Special Permit Regulations

Pertinent special permit conditions will be issued with the permit. They are:

(Example Conditions)

- (1) Prior to initiating work, the logger shall place a notice in the local paper advising of potential delays on Oak Flat Road.
- (2) The maximum traffic delay permitted is 20 minutes. In the event of an emergency, the road shall be opened immediately.
- (3) A cash deposit in the amount of \$10,000 shall be placed with the Curry County Road Department to insure repair of any road damage which may occur.

Permit No. \_\_\_\_\_

Utility Permit Regulations  
General Conditions

(1) This permit is granted for use only on roads under the jurisdiction of the Board of County Commissioners and is not valid upon any Federal highway, State highway, city or town street or any road not on the County road system.

(2) The Road Department is to be notified a minimum of twenty-four hours prior to starting work within a County road right of way (541) 247-7097.

(3) As provided in ORS 758.010, the Road Department, acting on behalf of the Board of County Commissioners, may designate where utilities may be located within a County road right of way and may order the location of a facility changed if deemed expedient.

(4) The permittee shall be responsible for all damage caused by any operation associated with the utility installation. All damaged areas shall be restored to a condition that is as good as or better than that which existed prior to the utility installation.

(5) By acceptance of this permit, the permittee agrees to be responsible for all permit conditions, including the attached special conditions, and such responsibility shall survive the suspension or termination of this permit.

(6) Utility permit applications must be accompanied by two sets of plans or a sketch that accurately depicts and locates the work to be done so that someone unfamiliar with the work can determine the location of the installation. Such plans must be adhered to unless written permission to vary therefrom is granted by the County Engineering Supervisor.

Special Conditions

Compliance with the applicable "Special Conditions for Underground Utilities Within County Road Rights of Way", "Special Conditions for Underground Electric Power Line Installation Within County Road Rights of Way" and/or "Minimum Signing Requirements for Construction and Maintenance areas" is required.



## PERMIT CONDITIONS:

- A. This permit covers public right-of-way and/or County property only.
- B. It is the responsibility of the permit holder to re-establish any survey monument moved, destroyed, etc. while working within County right-of-way. Re-establishment of survey monuments must be done by an approved registered surveyor and all costs will be borne by the permit holder.
- C. Notification to the Curry County Road Department is required 24 hours before beginning work under this permit - (541) 247-7097. Prior approval for modifications to permit specifications is required.
- D. Permits may be terminated or suspended when the permit holder is found to have obtained a permit through misrepresentation of the facts or when, in the judgment of the Roadmaster, terms of the permit are being violated or public safety is threatened. Access permits shall remain in effect until a change in land use occurs. The permit holder shall be responsible for the cost of design, installation or construction of additional roadway improvements and traffic control devices at any time in the future when the traffic generated by the use for which the access permit is authorized necessitate such installation in the interest of the public safety.
- E. **HOLD HARMLESS CLAUSE** - The permit holder agrees that their performance under this permit is at their own sole risk and that they shall indemnify Curry County, its agents and employees and hold them harmless from any and all liability for damages, costs, losses and expenses resulting from, arising out of, or in any way connected with this permit, or from the permit holder's failure to perform fully hereunder, and the permit holder further agrees to defend Curry County, its agents, and employees, against all suits, actions or proceedings brought by any third party against them for which the permit holder would be liable hereunder.
- F. The permit holder guarantees all restoration work for a period of one year from the date of completing the installation, except non-cement/sand slurry backfills under pavements shall be warranted for two years from the date of completing the installation.
- G. Any sight posts, sign posts, or mailboxes that are removed will be replaced immediately in like condition in the same location and the area around them will be restored to a like or better condition.
- H. As provided in O.R.S. 758.010 the Road Department, acting on behalf of the County Board of Commissioners, may designate where utilities may be located within a County road right-of-way and may order the location of such facility changed if deemed expedient.

## DRIVEWAY/ROAD APPROACH PERMIT APPLICATION

Phone: \_\_\_\_\_

Permit No. \_\_\_\_\_  
Road \_\_\_\_\_  
Mile \_\_\_\_\_  
Twp. \_\_\_\_\_ R. \_\_\_\_\_ S. \_\_\_\_\_  
Tax Lot(s) \_\_\_\_\_  
Expiration Date \_\_\_\_\_

### I. CONSTRUCTION REGULATIONS

1) Obtain permit from the Curry County Road Department. Permits are to be signed by the property owner unless the contractor has an authorized paper signed by the property owner to obtain permits for them.

2) Notify the Curry County Road Department 24 hours before beginning work by writing, by phone, or in person. Absolutely no work is to begin without having the permit in hand and notifying the department 24 hours in advance. **ALL WORK IS TO BE COMPLETED BEFORE THE EXPIRATION DATE.**

3) Culverts shall be placed in straight lines, both vertical and horizontal, and have a minimum fall of 1" in 20 feet. Bell ends of pipe shall be placed facing towards the inlet end of the culvert. Any questions or problems regarding this paragraph shall be resolved **prior to proceeding with any further work.**

4) Flow line of culvert shall match the flow line of the ditch and allow for a minimum of 12" of cover over the culvert. Cover materials shall maintain a 2% slope away from the roadway to the back of the ditch. Cover material shall be 1"-0 or 3/4"-0 crushed rock. Any questions or problems regarding this paragraph shall be resolved **prior to proceeding with any further work.**

5) The driveway/road approach shall intersect the county road as near to a right angle as possible.

6) Call for inspection a minimum of 24 hours prior to covering the culvert. The area supervisor will indicate on the culvert if it is okay to cover, and if not, the corrections that need to be made.

7) If corrections are indicated, make corrections and call again for inspection prior to covering the culvert.

8) After inspection, and if approved, cover pipe according to directions in #4 above.

9) For road approaches in curb and gutter sections of road, the curb cut construction must conform to the Department's standard drawing. Behind the curb a standard concrete apron must be constructed or the portion of the driveway on the right-of-way must be paved with asphaltic concrete. The County must inspect the forms prior to the concrete pour.

10) Call for a final inspection.

## II. GENERAL PROVISIONS

- 1) Applicant declares he/she is the owner of property abutting the above described highway and has the lawful authority to apply for this permit.
- 2) Curry County assumes no liability for any damage which may be caused to the approach due to routine road maintenance or road improvement. It shall be the responsibility of the holder of this permit to construct the approach to such lines and grades so as not to interfere with normal road maintenance operations.
- 3) A driveway/road approach permit may be denied when, in the opinion of the Roadmaster, lack of adequate sight distance would create a traffic safety hazard. The applicant may be required to remove brush, widen cut banks, relocate the proposed approach or otherwise satisfy sight distance requirements and to ensure that those distances are maintained. The minimum recommended sight distances for the estimated speed of the traffic are given below. The sight distance should be measured from the height of the driver's eye or approximately 45":

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

- 4) Failure to construct the approach or approaches in conformance with the provisions written herein or plans attached hereto may result in cancellation of the permit and removal of the partially constructed approach or approaches at the applicant's sole expense.
- 5) Proper barricades and warning signs must be maintained at all times during construction by the holder of this permit so as to insure the safety of the public.
- 6) The County road is to be restored to its original or to a better condition. All excess rock or dirt is to be removed from the traveled portion of the road by brooming, or washing as directed. Final cleanup is to be completed within one week after the approach is constructed.

### III. MATERIALS

What type of vehicle will regularly use this driveway?

/1 /3 Cars/Pickups \_\_\_\_\_ Driveway top width minimum is 16'

/1 /2 /3 Light Trucks \_\_\_\_\_ Driveway top width minimum is 20'

/1 /2 /3 Truck/Trailer  
Combinations \_\_\_\_\_ Driveway top width minimum is 30'  
What will be driveway use? \_\_\_\_\_

NOTE: /1 Culvert length shall generally be ten feet longer than the required driveway width.

/2 Requires review and approval by Engineering prior to issuance of permit.

/3 Headwalls may be permitted subject to approval by the County Engineer.

This driveway/road approach requires:

Culvert \_\_\_\_\_

Is N-12 or Hi-Q culvert acceptable for this installation? \_\_\_\_\_ Yes \_\_\_\_\_ No

Diameter \_\_\_\_\_

Length \_\_\_\_\_

(To be determined by road supervisor)

Culverts shall be new 16 gauge corrugated metal (Aluminized Steel) pipe. Consult the County Engineer for diameters larger than 24".

Plastic pipe (where acceptable by the District Maintenance Supervisor) shall be N-12 or Hi-Q.

Backfill material shall be of 1"-0 or 3/4"-0 crushed rock.

Curb Cut \_\_\_\_\_

Entrance Inlet \_\_\_\_\_

Intermediate Inlet \_\_\_\_\_

Bridge \_\_\_\_\_

Improvements to County Road \_\_\_\_\_

Engineering Plans \_\_\_\_\_

/2 Engineering Department approval by \_\_\_\_\_

Compliance with the appropriate standard drawing(s) attached hereto is required.

## ENCROACHMENT PERMIT EXAMPLE

Phone: \_\_\_\_\_

Permit No. \_\_\_\_\_  
Road \_\_\_\_\_  
Mile \_\_\_\_\_  
Twp. \_\_\_\_\_ R. \_\_\_\_\_ S. \_\_\_\_\_  
Tax Lot(s) \_\_\_\_\_

### ENCROACHMENT PERMIT REGULATIONS

#### GENERAL CONDITIONS

This permit is issued subject to the below listed terms and conditions. The violation of any of said terms and conditions will constitute sufficient cause for cancellation of this permit.

#### DESCRIPTION OF INSTALLATION

Installed without permit - Concrete block walls as per attached sketch. No part encroaches onto shoulder area.

#### LOCATION OF INSTALLATION

\_\_\_\_\_ (see attached sketch)

#### SPECIAL TERMS AND CONDITIONS

1. This permit is valid only for work within the scope and extent as described above.
2. The holder of this permit shall indemnify and hold the County of Curry harmless and blameless from damages that may be caused or contributed by the above described installation.
3. In the event that County maintenance and/or construction requires additional utilization of the public right-of-way this permit may be rescinded and the permit holder may be required, **at his/her own expense**, to relocate his facilities to accommodate the work contemplated by the County. Curry County will make reasonable effort to provide the permit holder prior notification of any such planned activity.
4. In the event that the above described installation, in the opinion of the Roadmaster, adversely affects public safety, the Roadmaster shall rescind this permit. In this event, the permit holder shall immediately, **and at his/her own expense**, provide for the elimination of said concrete block walls and other items associated with the above described installation.

**ROAD IMPROVEMENT PERMIT EXAMPLE**

Phone: \_\_\_\_\_

Permit No. \_\_\_\_\_  
Road \_\_\_\_\_  
Mile \_\_\_\_\_  
Twp. \_\_\_\_ R. \_\_\_\_ S. \_\_\_\_  
Tax Lot(s) \_\_\_\_\_

ROAD IMPROVEMENT PERMIT REGULATIONS

GENERAL CONDITIONS

This permit is issued subject to the below listed terms and conditions. The violation of any of said terms and conditions will constitute sufficient cause for cancellation of this permit.

DESCRIPTION OF INSTALLATION

Install new curb and gutter and pave to existing edge of pavement on East Main St. as per plans attached.

LOCATION OF INSTALLATION

\_\_\_\_\_

SPECIAL TERMS AND CONDITIONS

1. Traffic safety and convenience shall receive utmost consideration at all times. Permittee shall follow the attached signing plan.
2. Permittee shall be responsible for all damages caused by any operations associated with the road improvement. All damaged areas shall be restored to an "as good as, or better than" condition as existed prior to the road improvement.
3. The permittee guarantees all parts of the road construction for a period of two years from the date of completing the project.
4. The holder of this permit shall indemnify and hold the County of Curry harmless and blameless from damages that may be caused or contributed by the above described installation.
5. The County may order the work suspended as set forth in Section 180 of the specifications for any reason deemed to be in the public interest.
6. All work and materials must conform to Curry County Road Department specifications.
7. The contractor is to call the Road Department at (541) 247-7097 for subgrade and form inspections (24 hour notice).

## UTILITY PERMIT REGULATIONS

### GENERAL CONDITIONS

1) This permit is granted for use only on roads under the jurisdiction of the Curry County Board of Commissioners and is not valid upon any federal highway, state highway, city or town street, or any road not on the County road system of Curry County.

2) The CURRY COUNTY ROAD DEPARTMENT IS TO BE NOTIFIED A MINIMUM OF 24 HOURS PRIOR TO STARTING WORK WITHIN A COUNTY ROAD RIGHT-OF-WAY (541) 247-7097.

3) As provided in O.R.S. 758.010 the Road Department, acting on behalf of the County Board of Commissioners, may designate where utilities may be located within a County road right-of-way, and may order the location of such facility changed if deemed expedient.

4) Permittee shall be responsible for all damages caused by any operations associated with the utility installation. All damaged areas shall be restored to an "as good as, or better than" condition as existed prior to the utility installation.

5) By acceptance of this permit, permittee agrees to be responsible for all permit conditions, including the attached special conditions, and said responsibility shall survive the suspension or termination of this permit.

6) Utility permit applications must be accompanied by 2 sets of plans or a sketch that accurately depicts and locates the work to be done so that someone unfamiliar with the work can determine the location of the installation. Said plans must be adhered to unless written permission to vary is granted by the County Engineer.

### SPECIAL CONDITIONS

Compliance with the applicable "Special Conditions for Underground Utilities Within County Road Rights-of-Way", "Special Conditions for Underground Electric Power Line Installation Within County Road Right-of-Way" and/or "Minimum Signing Requirements for Construction and Maintenance Areas" is required.

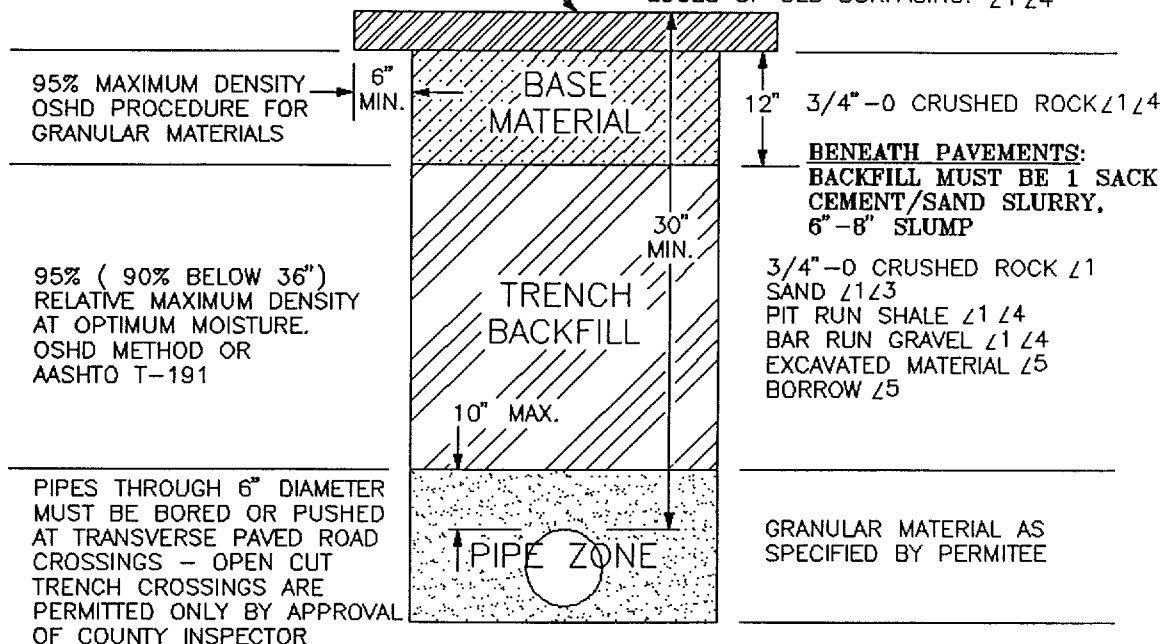
SPECIAL CONDITIONS FOR UNDERGROUND UTILITIES  
WITHIN COUNTY ROAD RIGHTS-OF-WAY

TYPICAL SECTION  
FOR  
TRENCHES WITHIN ROADWAY

SURFACE REPLACEMENT:

- 1) IF GRAVEL; NONE REQUIRED
- 2) IF OIL MAT; 0-7 ASPHALT PENETRATION  
MACADAM OVER ROCK AND OIL  
PRIME COAT.  $\angle 1 \angle 4$

- 3) IF CONCRETE OR ASPHALTIC CONCRETE;  
CLASS "C" ASPHALTIC CONCRETE, MATCH  
EXISTING THICKNESS - 2" MIN. IF OVER  
2" DEPTH CONSTRUCT IN 2 LIFTS. TACK  
EDGES OF OLD SURFACING.  $\angle 1 \angle 4$

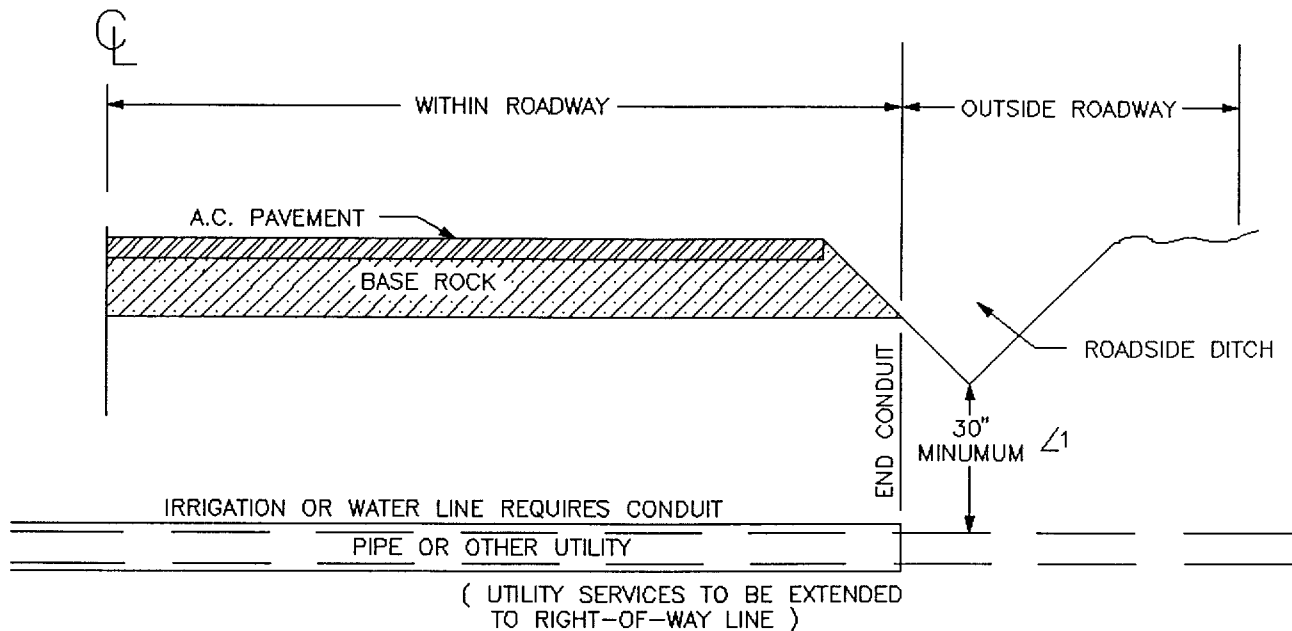


FAILURE TO OBTAIN A PERMIT OR NON-COMPLIANCE WITH THE PERMIT CONDITIONS IS A MISDEMEANOR, O.R.S. 374.305-374.310.

- $\angle 1$  Material used shall comply with the Road Department's Standard Specifications.
- $\angle 2$  Requires prior approval of the Roadmaster.
- $\angle 3$  Water settlement method of compaction may be used only with prior approval of the Roadmaster.
- $\angle 4$  Methods of construction shall comply with the County Road Standards.
- $\angle 5$  Material and method of construction shall comply with the County Road Standards.

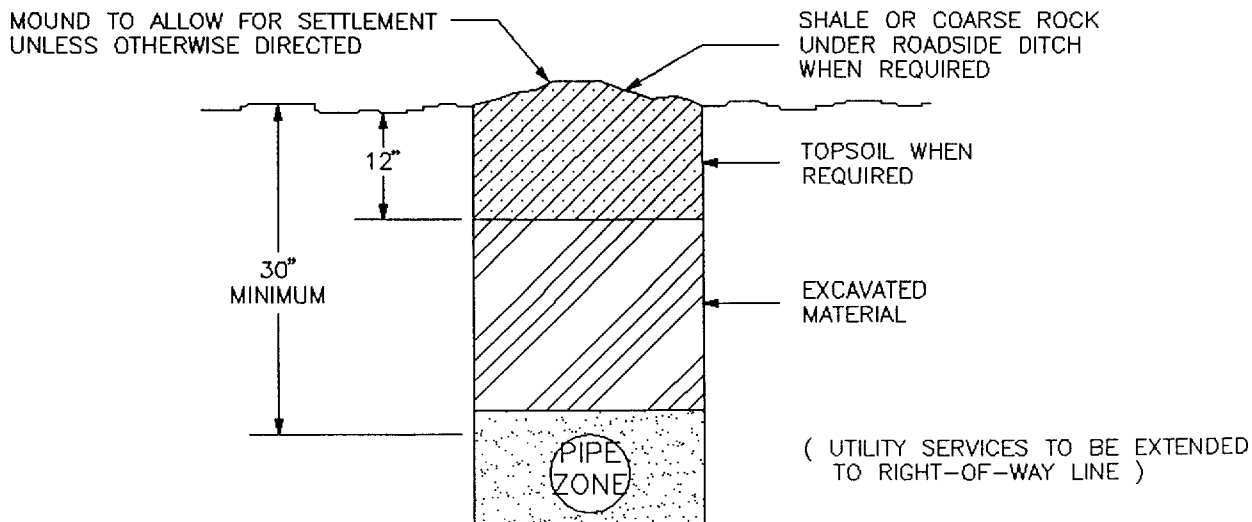
TRENCH BACKFILL MATERIAL - The moisture content of materials to be mechanically compacted shall be within Plus 2 or Minus 4 percentage points of optimum moisture at the time of compaction.

# TYPICAL SECTION FOR CONDUIT UNDER A COUNTY ROAD

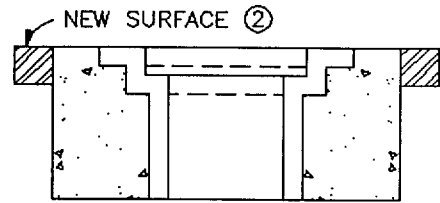
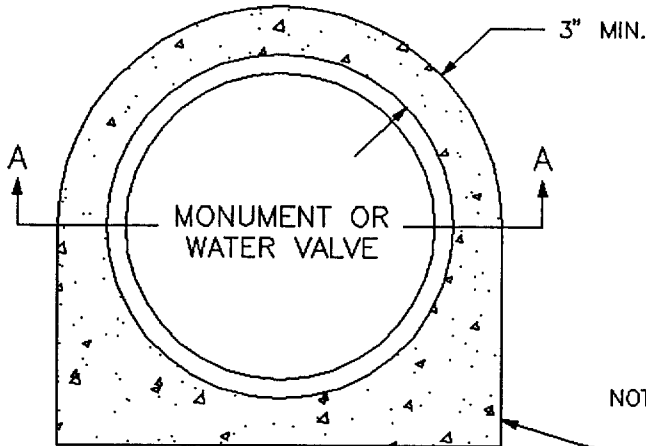


∠1 36" MINIMUM FOR ELECTRIC POWER CABLES

# TYPICAL SECTION FOR TRENCHES OUTSIDE ROADWAY

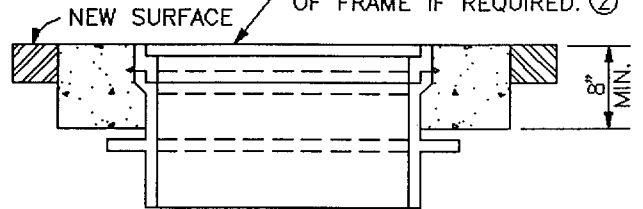
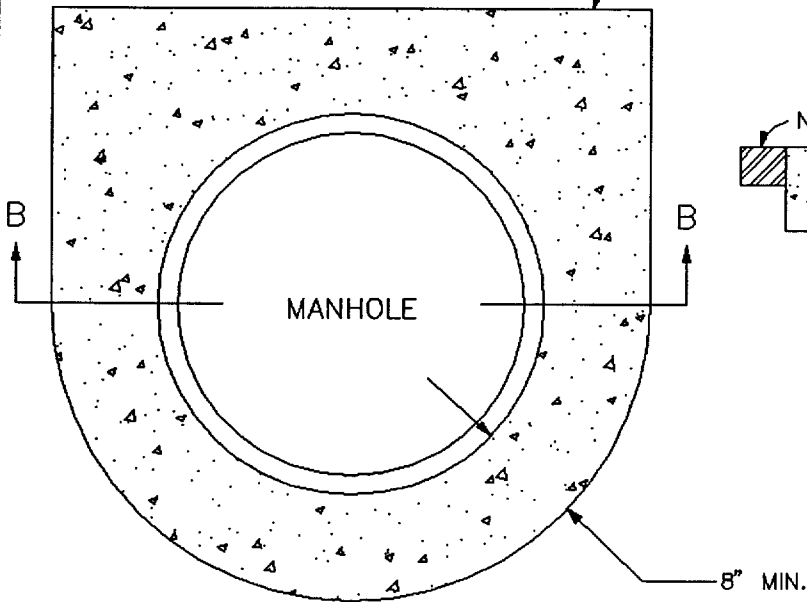


# CONCRETE COLLARS FOR MANHOLES, VALVE BOXES, ETC. ①



NOTE: CONCRETE COLLAR  
MAY BE CIRCULAR OR  
SQUARE. JOINT TO  
BE SMOOTH AND  
UNIFORM. CLASS  
3300 - 1 1/2"  
CONCRETE.

BRING TO GRADE WITH  
CONCRETE RINGS BENEATH  
THE FRAME. NO MORE  
THAN ONE STEEL RISER  
MAY BE PLACED ON TOP  
OF FRAME IF REQUIRED. ②



- ① SEE SPECIAL CONDITIONS, PAGE 7, TO DETERMINE WHEN CONCRETE COLLARS ARE REQUIRED.
- ② STRUCTURE SURFACE SHALL BE NO GREATER THAN 1/4" HIGHER OR LOWER THAN THE SURROUNDING SURFACE WHEN TESTED WITH A 10 - FOOT STRAIGHTEDGE. RAISE MANHOLES TO GRADE AFTER PAVING UNLESS OTHERWISE APPROVED BY THE ROADMASTER.

NOT TO SCALE

## SPECIAL CONDITIONS FOR UNDERGROUND UTILITIES

### WITHIN COUNTY ROAD RIGHT--OF--WAY

#### 1. MINIMUM LENGTH OF OPEN TRENCH

Unless otherwise approved by the Roadmaster, backfilling of longitudinal trenches shall be accomplished so that no more than 200 feet of trench is left open at any time. No more than half the road may be closed at any time for either longitudinal or transverse trenches.

#### 2. CEMENT/SAND SLURRY BACKFILL AND BACKFILL MAINTENANCE

All paved surface cuts shall be backfilled with 1 sack cement/sand slurry poured at a 6"-8" slump. Slurry shall extend from the pipe zone to finish grade and be plated with 1/2" minimum steel plates of sufficient width to overlap the trench by 6". "BUMP" signs must be placed on either side of the plates to warn traffic. The slurry backfill is to stand on the angle of repose or it may be vertical if the edges are formed first. The edge of the slurry shall extend one foot outside of the edge of pavement. Steel plates shall be left in place until slurry is set. Plywood may not be used for traffic to pass over. The surface of backfilled trenches using an alternate backfill material on larger longitudinal trenches shall be watered and graded as often as necessary to keep the travel way smooth and dust free. If required by the Roadmaster, an approved dust palliative shall be applied.

#### 3. TEMPORARY PAVEMENT REPLACEMENT

Cross trenches or other local pavement cuts shall be repaved immediately unless the contractor chooses to wait until all trenching and backfilling is completed. Temporary asphalt covering (cold mix) may be constructed. The temporary surfacing shall be removed in its entirety before placement of the permanent pavement.

#### 4. COMPACTION TESTING

Compaction testing shall proceed within a short distance behind the compaction phase. Permittee shall perform the testing at such locations and elevations as will be representative of the entire backfill. Final decision as to the location and frequency of testing shall reside entirely with the County Roadmaster or his authorized representative.

Areas showing failing compaction tests shall receive further attention without undue delay. Further attention may involve additional compactive effort, other compactive method or removal of the backfill material. In no case shall the main excavation phase proceed until the failing section has been corrected unless otherwise approved by the County Roadmaster.

5. Traffic safety and convenience shall receive utmost consideration at all times. Permittee shall ensure that road restoration work is prosecuted diligently and completed as quickly as practicable after trench compaction and testing. On lengthy projects complete road restoration may be required on one section prior to continuance of the excavation phase on another.

6. INSPECTION AND SUPERINTENDENCE

When required by the Roadmaster, permittee shall provide for a full time representative on the project. The representative shall be an experienced inspector or engineer who will be responsible to ensure compliance with the contract documents and the County's General and Special Conditions of the project permit.

In case of conflict between the project plans and contract documents and the "Terms and Conditions of this Permit", the latter shall prevail.

7. STANDARDS AND SPECIFICATIONS

Except as otherwise shown or referred to in these Special Conditions or as otherwise approved by the Roadmaster all work and materials affecting roads and road structures shall conform to the Curry County Road Standards. Said standards and specifications include, by reference, the Oregon State Highway "Standard Specifications for Highway Construction" and "Manual on Uniform Traffic Control Devices" (M.U.T.C.D.).

8. CLEANUP AND REPAIR

All areas affected by the construction shall be brought to an "As good as or better" condition prior to completion of the project. Repairs shall include, but are not limited to:

A. Roadway Repairs

In addition to road reconstruction within the trench area, the permittee shall ensure the repair of any other pavement, base material or subgrade damaged as a result of project operations. This includes damage to shoulders and pavement edges caused by detouring traffic and equipment around the work area. In case of excessive damage, reconstruction or an asphaltic overlay may be required.

B. Replacement of Contaminated Gravel

All gravel surfaces contaminated with mud, dirt, oversize rock or other foreign material shall be removed and replaced with 3/4"-0 crushed rock meeting the requirements hereinabove set forth.

C. Slopes and Roadside Ditches

Shall be trimmed, smoothed and compacted to the original lines and grades.

D. Driveways, Culverts and Ditches

Shall be replaced to the original lines and grades.

E. General Cleanup

The contractor shall at all times during the work keep the roadway clean and orderly. All broken pavement, concrete, excess excavation material or other objectionable material shall be promptly removed from the County road right-of-way.

9. MISCELLANEOUS CONDITIONS

A. Detours

All requests for detours shall be submitted well in advance with a detour plan showing traffic signing proposed. No detour will be permitted until approval of the plan by the County Roadmaster. When the plan is approved the permittee shall notify all emergency agencies, school districts and postal carriers concerning the location and duration of the detour.

B. Pavement Replacement

Immediately prior to patching the trench with asphaltic concrete the existing pavement shall be neatly cut with a pavement saw or other approved breaker. All cracked or ravelled pavement shall be removed without creating abrupt jogs in the cut line. Pavement trimming, finishing of the gravel surface, tacking the edges and pavement replacement shall be performed only under the immediate supervision of the Roadmaster or his authorized representative. Unless otherwise approved by the Roadmaster, all trenches within a paved, travelled way shall be resurfaced with asphaltic concrete within 10 calendar days after testing and approval of the backfill. The finished surface of the new pavement, when tested with a 10-foot straightedge, shall not vary from the testing edge by more than 1/4 inch at any point. The top course of asphalt shall be constructed only by workmen thoroughly familiar with asphalt finishing work.

A 0-33 seal coat of the entire paved surface may be required after the asphaltic concrete patching has been completed on projects having numerous cross trenches or where there has been extensive damage to the surface.

On longitudinal trenches, unless otherwise approved by the Roadmaster, the existing pavement shall be removed and replaced to full paving machine width (normally 10 feet). Drag boxes or other pull-type asphalt spreaders will not be permitted for longitudinal trench pavement replacement.

C. Manhole and Valve Box adjustment

Manholes, valve boxes and similar structures shall be raised to finish grade after paving is completed. The structure surface shall be no greater than 1/4 inch higher or lower than the surrounding surface when tested with a 10-foot straightedge. Class "C" asphaltic concrete may be used to fill in the void around the structure unless otherwise directed by the Engineer. If the Engineer so requires, concrete collars shall be constructed in accordance with the department's standard drawing "CONCRETE COLLARS FOR MANHOLES, VALVE BOXES, ETC.". Usually, concrete will only be required (a) when it is impractical to maintain adequate working temperature for asphaltic concrete and (b) where the structure configuration fails to provide adequate support to prevent being displaced by traffic.

10. UNDERGROUND ELECTRIC POWER LINE INSTALLATION WITHIN COUNTY ROAD RIGHTS-OF-WAY

Longitudinal power line installations shall not be allowed within the roadbed section, including ditches, unless the conditions are such that installation outside the ditch line would present an extreme difficulty. The burden of proving "extreme difficulty" shall lie with the applicant.

When located outside the roadbed section, the cable shall be placed as near the right-of-way line as possible while maintaining a generally uniform distance from the road centerline.

Warning signs shall be placed at frequent intervals over the cable, including both sides of road crossings.

The minimum depth for power cables shall be 36 inches including roadbed ditch crossings. **Under no circumstances shall the depth of power cable be less than 36 inches unless contained in steel conduit pipe.**

11. NORMAL WORKING HOURS

Working hours for the permitted work shall be from 6:00 a.m. to 10:00 p.m. on weekdays. Work on weekends or holidays must be approved by the Roadmaster. The permittee may be required to reimburse the County for inspection costs for any work that is permitted outside of normal departmental working hours.

**REVOCAION OF PERMIT**

Failure of the permit holder to ensure strict conformance with all permit conditions shall be considered good and sufficient cause for revocation of the permit allowing work within the County road rights-of-way.

Revocation of the permit will result in a "STOP WORK ORDER" on all or portions of the project.

Work performed within the County road right-of-way without a valid permit is a violation of the Curry County Code, Article Three, and is a criminal misdemeanor for all participants. The maximum penalty which may be imposed upon conviction is a fine not exceeding \$500.00.

**PHOTO REQUIREMENT FOR UTILITY PERMITS  
REQUIREMENTS FOR PHOTOS OR VIDEOS**

Prior to issuance of a utility permit the applicant must submit color photos or videos of the work area for approval by the County Inspector. All photographs or videos become the property of Curry County. If the applicant desires, the County Inspector will take the photos for the following fee: (Fees to be set by Board Order.)

The size project, in general, is determined by the County Inspector based upon the number of photos required due to the scope of the project and the complexity and build up of the area surrounding the work site.

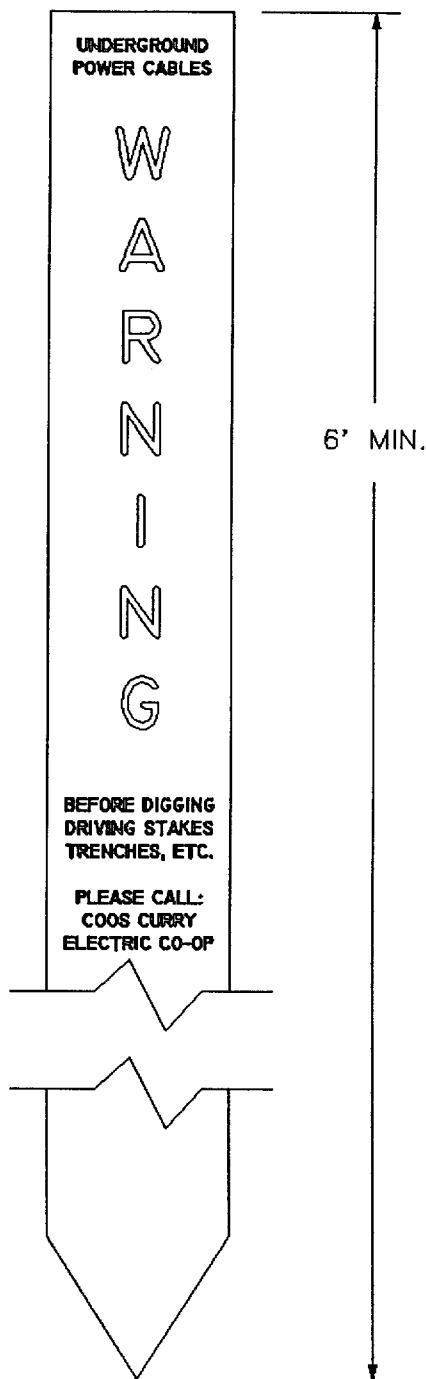
Photographs must be taken frequently enough to provide continuous, clear views of the work area, generally every 100'. Also, photographs must be taken of culvert ends, retaining walls, fences, unusual pavement conditions or any other thing or facility likely to be affected by the utility construction. Size of photos is to be the standard 3" x 5".

In lieu of photographs, videotapes may be accepted on medium and large projects. Videos must be standard VHS size. The following information must be recorded on the back of each photo or included on the video or video label:

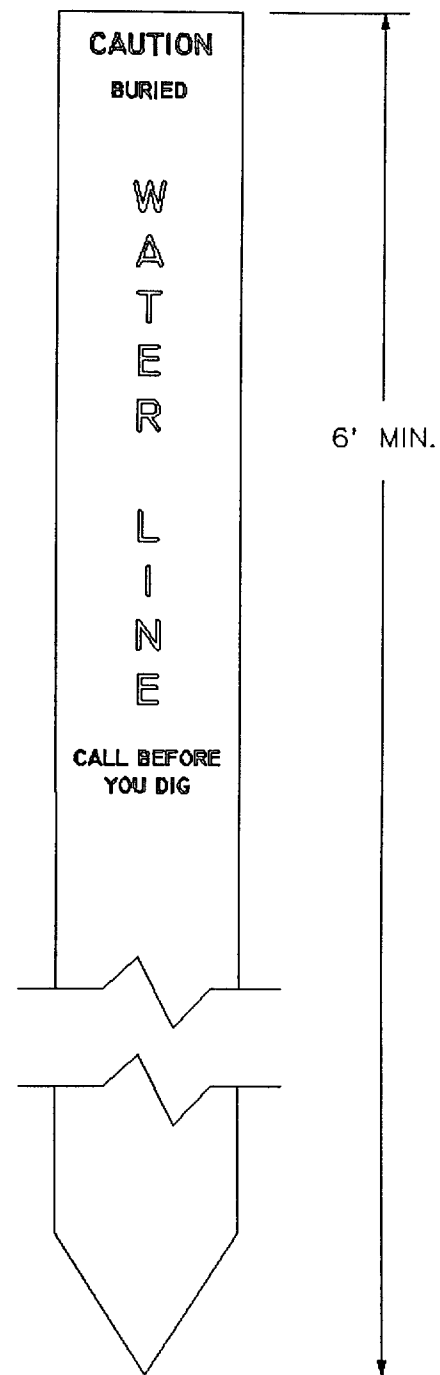
1. Date
2. Address or Location
3. Signature of person taking photos

Contact the County Road Department Engineering Staff at (541) 247-7097 if there are specific questions regarding photographs.

# UNDERGROUND CABLE & WATER SIGN

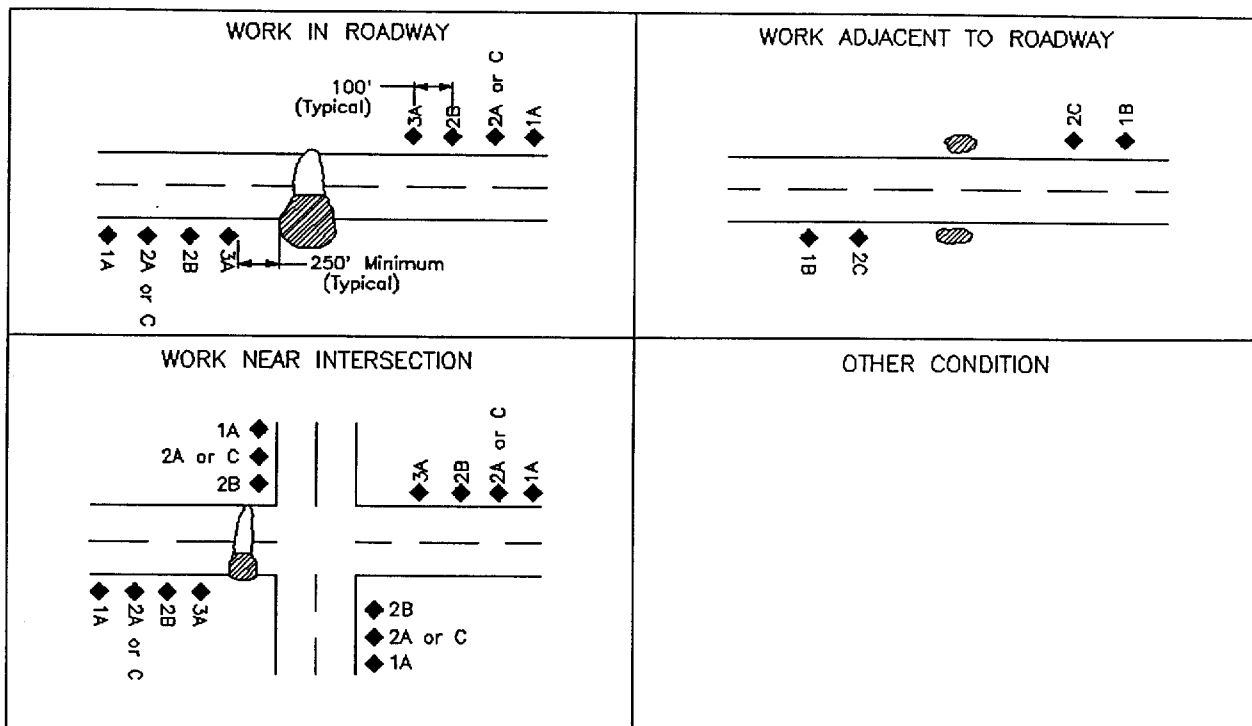


CALL YOUR LOCAL COOS-CURRY  
CO-OP OFFICE TO OBTAIN THIS  
POST, AND INSTALLATION INSTRUCTIONS.



THIS IS A MINIMUM STANDARD FOR  
BURIED WATER LINE MARKER. IT IS  
THE APPLICANTS RESPONSIBILITY TO  
PROVIDE THIS MARKER.

# MINIMUM SIGNING REQUIREMENTS CONSTRUCTION AND MAINTENANCE AREAS



## SIGN EXAMPLES ( USE SIGN(S) APPROPRIATE FOR CIRCUMSTANCES )

- 1) INFORMATIONAL
  - A. ROAD CONSTRUCTION AHEAD
  - B. WORKERS AHEAD
  - C. DETOUR AHEAD
  - D. OTHER AS APPROPRIATE
- 2) INSTRUCTIONAL
  - A. SLOW
  - B. WATCH FOR FLAGGER OR FLAGGERS AHEAD
  - C. BE PREPARED TO STOP
  - D. OTHER AS APPROPRIATE
- 3) SPECIFIC WARNING
  - A. ONE LANE ROAD
  - B. DETOUR
  - C. ROUGH ROAD
  - D. NO SHOULDER
  - E. DIP
  - F. BUMP
  - G. OTHER AS APPROPRIATE

## NOTES

Since it is not practical to prescribe detailed standards of application for all situations that may conceivably arise, minimum standards are presented here for the most common situations. It is emphasized that additional protection must be provided when special complexities and hazards prevail. "BUMP" signs must be placed on either side of utility trenches when jump plates are used.

As a "rule of thumb" the minimum signing required should convey "informational", "instructional", and "specific warning" ( see above ) messages to motorists on ALL approaches to a work site or hazard area.

Signs are to be located not less than 250' in advance of hazards and stop points. Minimum spacing between signs is to be 100' unless otherwise directed.

Sign stands are to be stable and weighted to prevent easy tipping. Signs are to be securely fastened to stands.

Signs, stands, barricades, etc., and the placement thereof, shall conform to the "Manual on Uniform Traffic Control Devices" (MUTCD). Warning signs for construction areas shall have a black legend on an orange background. The minimum dimensions for APPROACH signing to a work area shall be 36" x 36". Signs WITHIN the work area limits may be smaller (24" x 24" minimum) if approved by the Roadmaster or his authorized representative.

When not protected by flaggers all hazardous areas within the traveled way and road shoulder shall be barricaded with lighted/reflective barricades in addition to the prescribed signing. Non-appropriate signs, such as "FLAGGERS" shall be covered or removed when not needed.

Nothing herein shall prevent the permittee from installing such additional signing, barricading, etc. as he may judge necessary: provided however that all such installations shall be in accordance with the MUTCD.



Mac Arch on the Curry Coast

*COUNTY OF CURRY*

PLANNING DEPARTMENT  
25425 Hunter Creek Road

P.O. Box 746  
Gold Beach, Oregon 97444-0059

TEL: (541) 247-7801  
FAX: (541) 247-7804

**MEMO**

**TO:** M. Gerard Herbage  
**FROM:** Dan Crumley *Dan*  
**DATE:** May 11, 1998  
**RE:** Order for Facility Permit Charges

I have attached a copy of the proposed Facility Permit Code to be put on the Commissioner's agenda at your convenience. The following are suggested charges to be put in a Board Order if the Board desires to approve them.

- (A) Driveway/road approach permit \$ 75.00
- (B) Road encroachment permit \$190.00
- (C) Road improvement permit:
  - Major improvement \$ -0-
  - Minor improvement \$ -0-
- (D) Special permit \$ 30.00
- (E) Utility permit \$ -0-

UTILITY PERMIT PHOTO REQUIREMENTS

Fees required when County takes photos:

- Small projects ( 1-12 photos) - \$ 55.00
- Medium projects (13-36 photos) - \$160.00
- Large projects (37 or more photos) - \$435.00

Maybe we should get together to discuss this before it is put in the Order.