

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR LINCOLN COUNTY, OREGON

Ordinance # 245

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AN ORDINANCE AMENDING CHAPTER SIX, SECTION 6.410, LINCOLN COUNTY  
CODE, and DECLARING AN EMERGENCY

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The Lincoln County Board of Commissioners hereby ORDAINS as  
follows

[ see following pages ]

Lincoln County Legal Counsel  
Lincoln County Courthouse  
225 W. Olive Street  
Newport, OR 97365  
Phone: 263-6611 ext 308

"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 of \$150 shall accompany the application.

"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% of abutting property owners, the engineer may proceed to approve the opening of the road. If the application is not acknowledged by 100% of the property owners abutting the portion of the road to be opened, or if the engineer concludes that the opening of the 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 of commissioners 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. shall be completed by publication and by service as provided for in ORS 368.401 to 368.426.

