

1 BEFORE THE BOARD OF COMMISSIONERS
2 FOR LINCOLN COUNTY, OREGON

3
4 ORDINANCE #539

5
6 REGARDING AN ORDINANCE AMENDING LINCOLN COUNTY CODE CHAPTER 6.310
7 TO PROVIDE FOR FEES FOR PERMITS FOR CERTAIN COUNTY ROAD RIGHT OF
8 WAY USES

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10 WHEREAS ORS Chapter 368 and ORS Chapter 382 require the County to adequately
11 supervise, plan, maintain, repair and regulate the uses of County roads and right of way, and;

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13 WHEREAS LCC 6.310 requires persons or parties using or occupying County Road right
14 of ways to obtain a permit, and;

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16 WHEREAS after legislative changes through adoption of Senate Bill 1566 (2024)
17 allowing counties to charge permit fees for use of county right of ways, including for utilities in
18 some instances, and;

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20 WHEREAS these changes will be beneficial to the citizens of Lincoln County.

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22 NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

23
24 SECTION 1.

25 Section 2 of this Ordinance amends LCC Chapter 6, Section 6.310 related to Road
26 Operation to provide for permit fees for certain uses of county right of way.

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28 SECTION 2.

29
30 6.310 Permits

31 (1) **Except as set forth in subsection (3), [A] any person seeking to use or who desires to**
32 **change, expand, or repair an existing use of a county road right-of-way, to construct, alter**
33 **relocate, maintain or repair a water, gas, electric or communications service line, fixture or**
34 **other facility within the right of way under the county jurisdiction** *[for a pole line, buried*
35 *cable, pipe line, sign, miscellaneous facility, or miscellaneous operation]* shall apply for and
36 obtain a permit from the county before commencing any construction or activity on a county
37 road right-of-way, **and pay the applicable permit fee.**

38 (2) **If a permit fee is assessed, the county shall issue or deny a permit describe in**
39 **subsection 1 within 15 business days after a complete application is filed with the county. A**
40 **complete application must consist of an engineering plan including final, stamped drawings**
41 **identifying the type of fixture or facility proposed, its location, and any additional and**
42 **necessary information as determined by the permitting authority, and payment of any**
43 **required permit fee.**

1 **(3) No fee shall be charged for the following permits:**

2 **(a) Where the permit is for vegetation management or vegetation clearance**
3 **maintenance, and the vegetation management or vegetation clearance is required by the**
4 **Oregon Public Utility Commission (“Commission”) under ORS 757.035 or ORS 757,039 or**
5 **by a national electric safety code, by rule, by the Commission;**

6 **(b) Where the permit is for routine replacement or maintenance of a line,**
7 **fixture, including but not limited to pole replacement;**

8 **(c) Where the permit is for replacement or maintenance of a line, fixture or**
9 **other facility required by the Commission under ORS 757.035 or ORS 757,039 or by a**
10 **national electric safety code, by rule, by the Commission;**

11 **(c) Where the permit is for maintenance of a line, fixture or other facility**
12 **related to a water system, including an air relief valve, pressure valve or fire hydrant, and**
13 **the maintenance is essential for the safe operation of the water system that is within the**
14 **right of way;**

15 **(d) Where the permit is for the relocation of a line, fixture or other facility,**
16 **and the relocation is required by the county; or**

17 **(e) Where the permit is for emergency or urgent work, regardless of the**
18 **duration of time of the work, to restore or maintain services, and the emergency or urgent**
19 **work is necessary to protect public health or safety. The county may not delay emergency**
20 **or urgent work under this paragraph to process an application for a permit under this**
21 **section. “Emergency or urgent work” include work required as a result of an accident or**
22 **casualty, fire, flood, drought, wind or other natural elements, court order or litigation,**
23 **breakdown of or damage to a facility, act of God, act of a civil, military or government**
24 **authority, or act or omission of a third party.**

25 **(4) The application fee shall be set on a schedule adopted by the Board of**
26 **Commissioners and the fee is subject to SB 1566 (2024).**

27 *[(2)]* **(5)** All permits shall be subject to the provisions of this chapter and any special provision
28 imposed by the county. In the case of conflict between the general provisions of this chapter and
29 special provisions in the permit, the special provisions shall control.

30 *[(3)]* **(6)** Permits shall not be issued to facilities not in compliance with LCC chapter 1.

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42 SECTION 3.
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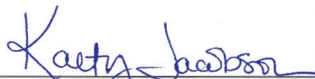
1 This Ordinance being necessary for the immediate preservation of the public peace,
2 health and safety, and emergency is declared to exist, and this Ordinance shall take effect upon
3 its passage.

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5 DATED this 8th day of January, 2025.
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8 LINCOLN COUNTY BOARD OF COMMISSIONERS
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12 Commissioner Claire Hall, Chair

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15 Commissioner Kaety Jacobson

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18 Commissioner Casey Miller
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27 ATTESTED TO:

APPROVED AS TO FORM:

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32 Kathleen Kellay, Recorder



Kristin Yuille, County Counsel