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IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance, Authorized by ORS 810.060,
 to Designate a Portion of Niederberger Road near the City of
 Dundee as a Road Capable of Carrying a Vehicle of Greater
 Weight than Otherwise Allowed under ORS 818.010;)
 Declaring an Emergency.)

ORDINANCE 727

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on July 17, 2003, commissioners Leslie Lewis, Kathy George and Mary P. Stern being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

- A. Niederberger Road, located near the City of Dundee, is a county road under the jurisdiction of Yamhill County. The Board is therefore the "road authority" for Niederberger Road pursuant to ORS 810.010(2).
- B. An Oregon statute known as ORS 810.060 law allows a road authority to allow overweight vehicles on designated roads if the road authority determines the road is capable of carrying a greater weight than otherwise permitted. ORS 810.060 provides as follows:

810.060 Increase in weight or size if highway found capable of supporting increase; rules. A road authority shall adopt a rule, resolution or ordinance to allow vehicles or combinations of vehicles with a loaded weight in excess of the weight limitations established by Table III under ORS 818.010 or a length or width in excess of that authorized under ORS 818.080 and 818.090 to be operated over any highway of the road authority if the road authority determines that the highway is capable of carrying greater weight, length or width. The authority granted under this section is subject to all of the following:

- (1) The authority may only be exercised by rule, resolution or ordinance.
- (2) The authority does not allow any road authority to authorize any vehicle to be operated over any highway if the vehicle has a height in excess of that allowed under ORS 818.080 and 818.090.
- (3) The provisions of any rule, resolution or ordinance adopted under this section may be amended, rescinded or repealed at any time.

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(4) The provisions of any rule, resolution or ordinance adopted under this section are subject to the maximum size, weight and width limits established under ORS 810.050.

(5) A rule, resolution or ordinance adopted under this section shall fix the maximum loaded weight, length, width and types and classes of vehicles or combinations of vehicles that may be operated on the highway or highways or sections of highways described in the rule, resolution or ordinance.

(6) A duplicate original of a rule or resolution adopted by the Department of Transportation under this section and an amendment to or repeal of a rule or resolution by the department shall be filed with the Secretary of State. This subsection does not require an ordinance adopted by a city or county under this section to be filed with the Secretary of State.

(7) After the effective date of a rule, resolution or ordinance adopted under this section, a variance permit under ORS 818.200 is not required for the operation upon the described highway of a vehicle or combination of vehicles that is not in excess of the maximum loaded weight, length or width fixed by the rule, resolution or ordinance for vehicles or combinations of vehicles of that type or class.

(8) Penalties are provided under ORS 818.060 for violation of limits established under this section. [1983 c.338 §§150; 1985 c.16 §§48]

C. Crabtree Rock Crushing Company is located on Niederberger Road. Crabtree Quarry is also located on Niederberger Road. The operator of Crabtree Rock Crushing Company has requested the Board to approve a variance from normal weight restrictions so he can transport heavier loads of rock from the quarry to the rock crushing plant in an oversized articulated dump truck. The Board has determined it appropriate to grant the request based on the recommendation of the Director of Public Works. The Director's favorable recommendation is based on his determination that the type of vehicle proposed to be used by the operator will not cause any greater harm to Niederberger Road than the vehicles currently used.

D. This ordinance is made to grant the variance requested by the operator of Crabtree Rock Crushing Quarry. In the event the Director of Public Works determines the road suffers undue damage as a result of the variance, the Board will repeal this ordinance. NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

Section 1. **Variance; written approval of Director required.** The weight limit for any vehicle specifically approved in writing by the Director of Public Works as eligible for a weight variance under this ordinance is increased as provided in Section 2 on that portion of Niederberger Road identified on the attached Exhibit "A." Exhibit "A" is incorporated into this ordinance by reference.

Section 2. **Maximum loaded weight, length, width and types and classes of vehicles.** The maximum loaded weight, length, width and types and classes of vehicles or combinations of vehicles that may be operated under the variance granted by this ordinance is described as follows:

- Type of Vehicle: Two axle, articulated dump truck.
- Maximum Length: 23 feet, 5 inches
- Maximum Width: 8 feet, 2 inches
- Maximum Weight: 55,000 lbs Gross Vehicle Weight

Section 3. **Height limits not modified.** This ordinance does not change any height limit imposed by ORS 818.080 and 818.090. This ordinance is subject to the maximum size, weight and width limits established under ORS 810.050.

Section 4. **Penalties.** A person or entity who violates the weight limit allowed by this ordinance is subject to the penalties provided under ORS 818.060.

Section 5. **Effective date; emergency clause.** The first and second readings of this ordinance were made July 17, 2003. To carry out the intent of this ordinance an emergency is hereby declared to exist. In accordance with ORS 203.045(4) this ordinance shall take effect on July 18, 2003.

AYES: Commissioners Lewis, George and Stern.

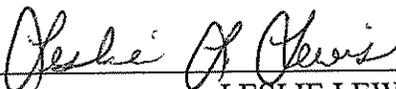
DONE at McMinnville, Oregon on July 17, 2003.

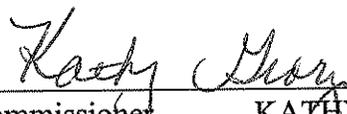
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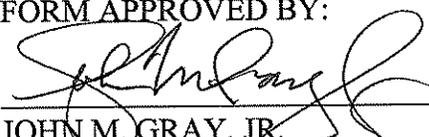
YAMHILL COUNTY BOARD OF COMMISSIONERS

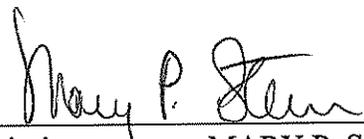


 CHARLES BERT
 County Clerk
 By: 
 Deputy KELLYE FETTERS


 Chair LESLIE LEWIS


 Commissioner KATHY GEORGE

FORM APPROVED BY:

 JOHN M. GRAY, JR.
 Yamhill County Legal Counsel


 Commissioner MARY P. STERN

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Yamhill County Scale Map

Legend

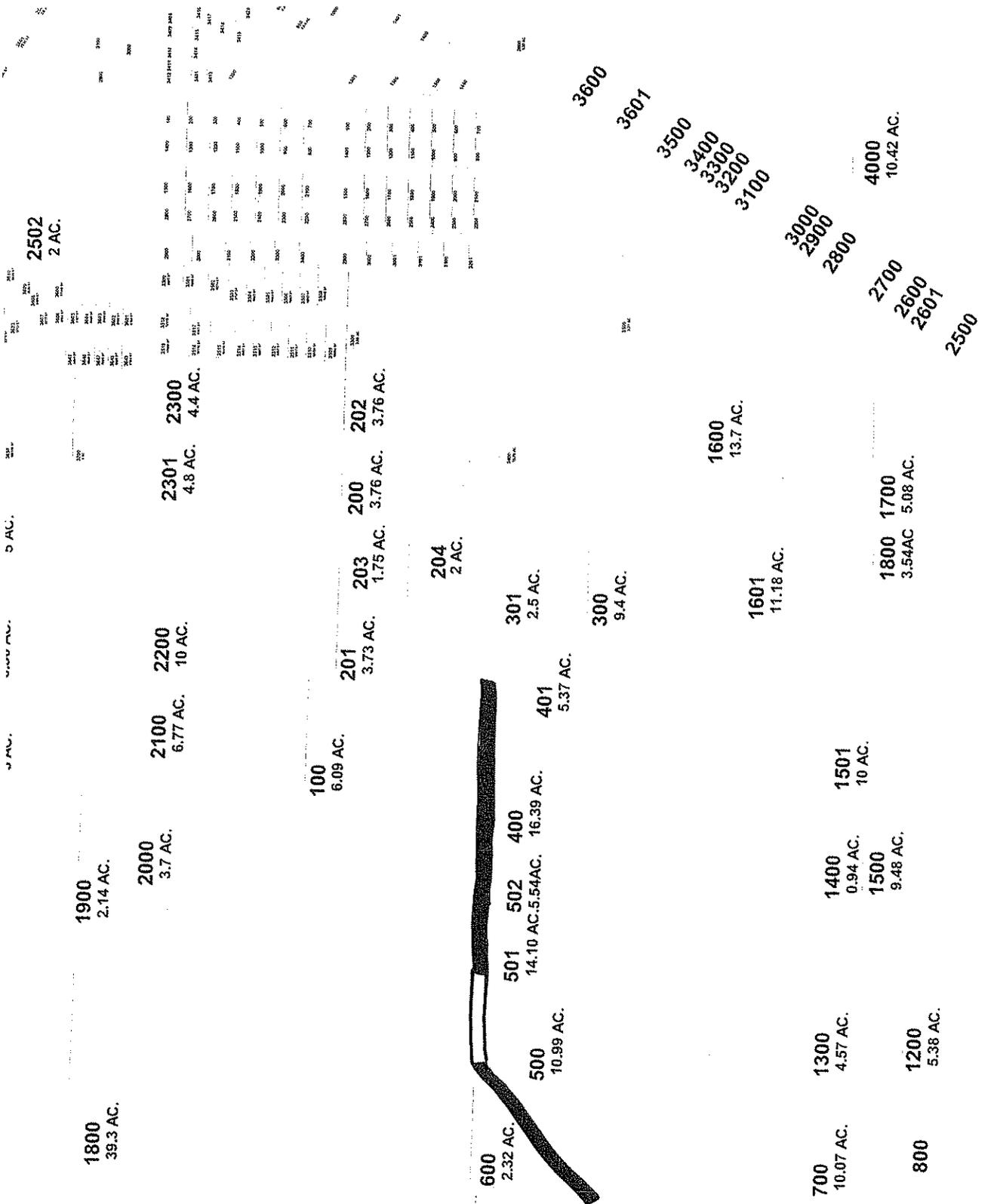
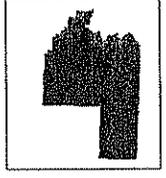
- County Park
- Taxway
- right of way
- water line
- water polygon
- Township

Section of
Naderberger field
Approved for
expiring 5/5/03

7/10/2003



Vicinity



The map was produced using the Yamhill County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, or misinterpretations.

EX "A"

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