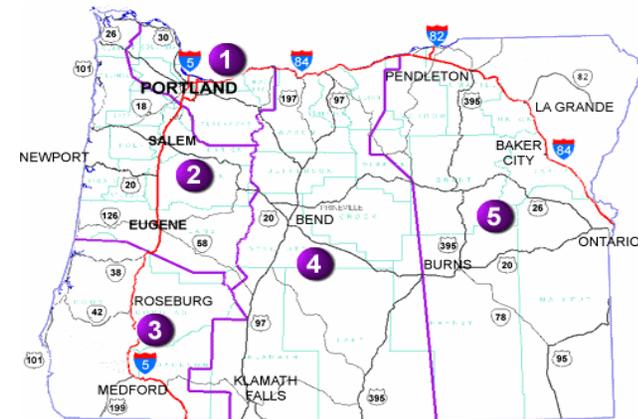


# The Permit Process for an Application for State Highway Approach

A permit is required to establish a new approach to a state Highway or change the use of an existing approach, pursuant to Oregon Revised Statutes (ORS) Chapter 374. Permits require satisfying the conditions specified in Oregon Administrative Rule (OAR) 734 Division 51 which can be found at:

<http://arcweb.sos.state.or.us/banners/rules.htm>



This brochure details the procedures and criteria used by the Oregon Department of Transportation (ODOT) to evaluate and process an *Application for State Highway Approach* which can be found at:

[http://www.odot.state.or.us/tdb/planning/access\\_mgt/](http://www.odot.state.or.us/tdb/planning/access_mgt/)



## Submitting an *Application for State Highway Approach Form*

An *Application for State Highway Approach* is required under the following circumstances:

- For a new approach road.
- If the use of an existing approach road changes.
- To modify or relocate an existing approach road.
- To remove a restriction, such as farm use only, from an existing approach road.
- Construction of a temporary approach for a limited time duration.

See the detailed list of required attachments on the *Application for Highway Approach* form. If any other items are required, the applicant will be notified, in writing, by ODOT.

## Pre-Application Conference Option

Minimize the costs of site design and engineering by contacting ODOT to schedule a Pre-Application Conference. This is an opportunity to anticipate any difficulties that may arise in the permitting process and, if necessary, adjust the design to meet safety and spacing standards.

## Change of Use

An *Application for State Highway Approach* must be submitted when any action or event changes the impact of the approach traffic on the highway, even when a valid *Permit to Operate, Maintain and Use an Approach* exists or an existing approach is grandfathered. See OAR 734-051-0045.

A change of use of the approach may occur under one or more of the following conditions:

For answers to questions about the approach permitting process, contact a District Permit Specialist at the local ODOT District Office.

### Region 1

District 2A  
5440 SW Westgate  
Drive Suite 350  
Portland, OR 97221  
(503) 229-5002

District 2B  
9200 SE Lawnfield Road  
Clackamas, OR 97015  
(503) 653-3086

District 2C  
999 NW Frontage Road  
Suite 250  
Troutdale, OR 97060  
(503) 669-9314

### Region 2

District 1  
350 W Marine Drive  
Astoria, OR 97103  
(503) 325-7222

District 3  
885 Airport Road SE  
Salem, OR 97310-4788  
(503) 986- 2874

District 4  
3700 SW Philomath Blvd.  
Corvallis, OR 97333  
(541)757-4211

District 5  
644 A Street  
Springfield, OR 97477  
(541) 726-2552

### Region 3

District 7 – Roseburg  
3500 Stewart Parkway  
Roseburg, OR 97470  
(541) 957-3588

District 7 – Coquille  
307 Highway 42E  
Coquille, OR 97423  
(541) 396-3707

District 8  
200 Antelope Road  
White City, OR 97503  
(541) 774- 6299

### Region 4

District 9  
3313 Bret Clodfelter Way  
The Dalles, OR 97058  
(541) 296-2215

District 10  
63055 Highway 97  
PO Box 5309  
Bend, OR 97708  
(541) 388-6192

District 11  
2557 Altamont Drive  
Klamath Falls, OR 97603  
(541) 883-5662

### Region 5

District 12  
1327 SE 3<sup>rd</sup>  
P.O. Box 459  
Pendleton, OR 97801  
(541) 276-1241

District 13  
3014 Island Avenue  
LaGrande, OR 97850  
(541)963-8406

District 14  
1390 SE 1<sup>st</sup> Ave.  
Ontario, OR 97914  
(541) 889-9115

## Definitions

See OAR 734-051-0040 for complete definitions of terms associated with the permit process.

**Access** is the right to cross state right-of-way to enter private property or to connect with the local street system.

An **approach** is a physical improvement at a point of access that allows vehicles to enter and leave the state highway. An approach may be a private road or driveway or a public street.

**Deemed complete** means all information necessary to determine approval or denial of the permit application has been received by ODOT.

An **easement** is typically a private agreement between property owners, and does not establish a right of access to the highway, but it may create an abutter's right to apply for an approach. An easement also does not guarantee the location where an approach may be approved. If it is necessary to move an easement to get to a safe location for an approach, moving the easement will be a civil matter between the easement holder and the underlying property owner.

A **grandfathered approach** is a legally constructed approach existing prior to 1949, or one that has been recognized to remain open through actions of ODOT based upon certain conditions set out in OAR 734-051-0285 sections (1) and (9).

An **owner** is a person, firm or corporation holding the title to real property or is the contract purchaser of such real property, or is the owner of record on the last complete available tax assessment roll.

- Change in zoning or comprehensive plan designation.
- Construction of new buildings.
- Increase in floor space of existing buildings.
- Division or consolidation of property boundaries.
- Change in the character of the traffic using the approach.
- Change in internal or inter-parcel circulation design.
- Reestablishment of a property's use after a period of two or more years.

## Timelines

ODOT has 30 days from the date of acceptance of an *Application for State Highway Approach* to determine if an application is complete, and to notify the applicant if it is not.

If supplemental information is required the applicant has up to 90 days from the date the original application was submitted to provide the information.

Once the application is deemed complete, ODOT has 60 days to review the application and to approve or deny it.

If the applicant receives an unsatisfactory decision on the application, the applicant has 21 days to request a Region Review or an Administrative Appeal.

## Fees

An administrative fee is required for each approach request and is based on the proposed land use. See Table 1 of OAR 734-051.

The administrative fee for a Single-family dwelling, a Temporary Approach, a Restricted Use Approach or a Farm Field Approach is \$200.00. Fee(s) for any other type

of approach will be calculated. The fee must be paid in full before the application can be deemed complete.

Other charges or deposits may also apply.

- Temporary approaches require a deposit for each approach to cover the costs of removing the approach once its temporary use is discontinued. Unused funds will be returned to the applicant when the approach is removed.
- A construction permit issued in conjunction with a *Conditional Approval*, which is conditioned upon favorable completion of a local land use application review, may require a deposit to cover the costs of removal if the local land use application is subsequently denied.
- If a *Grant of Access* application is approved, there is a charge for the purchase of the access right, based upon an appraisal of the value added to the property by granting the right of access.
- Other permits may also be required. Contact a District Permit Specialist for information concerning these permits.

### **Application Review and Decision**

A decision is based on the factual conditions of the subject property and the OAR 734-051 criteria.

When an application is approved, and the liability insurance and required bond deposit has been submitted, a *Permit to Construct* is issued.

Upon completion of construction, the approach will be inspected by ODOT. If the approach does not meet the conditions of the permit, correction of deficiencies will be required.

Once the inspection is passed, a final *Permit to Operate, Maintain and Use an Approach* is issued.

When an application is denied, the reason will be identified and the applicant will be notified of the options available for Region Review or Administrative Appeal.

### **Grants and Indentures**

Where *Access Control* exists because ODOT has acquired easements or rights of access, a *Grant of Access* or an *Indenture of Access* may be necessary.

A *Grant of Access* is a transfer of a property right, and is required to create a new approach where access control exists. A *Grant of Access* is also required to lift a farm use restriction.

*Grant of Access Evaluation criteria include:*

- Whether or not *Access Control* is still needed at the location.
- The effect of the proposed approach location on the safety and efficiency of the highway facility.
- Whether or not the proposal would create a benefit to the state highway system.

An *Indenture of Access* is a modification in the deed record of an existing *Reservation of Access* for any of the following:

- Change in location or width, or
- Removal of a use restriction (other than farm use).

### **Local Government Approval is Required**

It is the property owner's responsibility to contact the local planning office and to apply for any required land use approvals.