



Oregon

Tina Kotek, Governor

Department of Transportation

District 14

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Ontario OR, 97914

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File Code: PMT 5-79

Thursday, May 2, 2024

Tyler Simpson
The Rock Store
2499 Hwy 201
Nyssa, OR 97913

Subject: Presumption of Written Permission for State Highway Approach

Highway Number-Name 450-Succor Creek at Mile Point 7.975

Application Number: 60148

Dear Mr. Simpson:

Connections (driveways) that provide access to Oregon highways must be operated with written permission from the Oregon Department of Transportation (ODOT) as set forth in Oregon Revised Statute (ORS) 374.305:

A person may not place, build, or construct on the right of way of any state highway . . . any approach road . . . without first obtaining written permission from the Department of Transportation . . .

The department provides written permission for a highway approach in one of four (4) different ways:

1. *A Permit to Use and Operate a State Highway Approach* issued pursuant to the application or project processes as set forth in Oregon Administrative Rule (OAR) 734-051.
2. *A Permit to Use and Operate a State Highway Approach* issued for an approach developed or redeveloped by ODOT during a highway project as set forth in OAR 734-051-5120.
3. *A Grandfathered Recognition Letter*, issued prior to January 1, 2014.
4. *A Presumption of Written Permission for an Existing Private Approach* as set forth in OAR 734-051-3015(2)(a) & (b).

EXHIBIT #

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Presumption of Written Permission for State Highway Approach

Highway Number-Name 450-Succor Creek, at Milepoint 7.975}

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ODOT does not have any records indicating we ever issued a written Permit to Use in response to an application or a highway construction project for the approach cited in the subject lines above. Similarly, we have no record of having issued a Grandfathered Recognition Letter for the approach.

However, it is apparent that the agency either built or rebuilt the approach as part of an ODOT project, or that a property owner developed the approach with permission from ODOT. For these reasons, ODOT recognizes the existence of A Presumption of Written Permission for an Existing Private Approach as set forth in OAR 734-051-3015(2)(a) & (b).

Characteristics of the Approach

Your Highway Approach is being recognized as having the following characteristics:

The approach is located at Highway Number- 450-Succor Creek, at Milepoint 7.975.

The approach width is undefined as the frontage is open.

The surface type is Concrete.

The designated use of the approach is for a 4-position gas station, convenience store and restaurant.

A change of use evaluation was performed for the addition of a 2,000 square foot tap house on the property and it has been determined it will not constitute a change of use for the properties access as per OAR 734-051-3020.

If you have questions or wish to speak to an ODOT representative, feel free to contact John Eden at (541) 216-1246.

Sincerely,



Paul WOODWORTH (May 6, 2024 13:57 MDT)

Paul Woodworth
ODOT District 14 Manager
