



AGENDA COVER MEMO

Memorandum Date: March 13, 2023
First Reading Date: April 4, 2023
Second Reading/ Public Hearing: April 25, 2023

TO: Board of County Commissioners

DEPARTMENT: County Counsel and Public Works

PRESENTED BY: Jim Chaney, Assistant County Counsel and Becky Taylor, Senior Transportation Planner

AGENDA ITEM TITLE: ORDINANCE NO. 23-02 / In the Matter of Amending Lane Code Chapter 15 “Roads” to enable right-of-way setbacks to be established in a Board-approved design concept; to remove the additional setback requirement from the eastern portion of Blue River Drive; to recognize the platted rights-of-way as the planned rights-of-way for building setbacks in the “downtown” portion of the Blue River community; and declaring an emergency. (LC 15.083 and LC 15.070)

I. MOTION

- A. April 4, 2023: Move to approve the first reading of Ordinance No. 23-02 and to set the second reading and public hearing for April 25, 2023 at 1:30 PM in the Lane County Public Service Building, 125 E. 8th Ave, Eugene, Oregon.
- B. April 25, 2023: Alternative motions after public hearing:
1. Move to approve Ordinance No. 23-02.
 2. Move to direct staff to return with a revised ordinance for the Board’s consideration and to set a third reading and.
 3. Move to deny Ordinance No. 23-02.

II. AGENDA ITEM SUMMARY

The Board is being asked to consider approval of an ordinance to adopt amendments to Lane Code Chapter 15 “Roads” to enable right-of-way setbacks for Blue River to fit the unique needs of the community rather than based on countywide code standards, and to establish a process for Board Review and Approval of Design Concepts for setback requirements.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Lane County has committed to help residents affected by the Holiday Farm Fire rebuild and reclaim their community. The need for the proposed code amendments was brought forward by members of the Blue River community who desire to rebuild, but are unable to meet the right-of-way setback requirements of Lane Code Chapter 15 “Roads.” The Code’s minimum right-of-way widths greatly exceed the existing right-of-way widths within the older “downtown” portion of Blue River.

The right-of-way widths contained in the Code were established primarily so that buildings would not be placed in areas where roadway widening is likely or planned. However, the topographical constraints on the “downtown” area of Blue River—the area east of Blue River Bridge to the McKenzie Highway—are such that roadway widening in this area is neither planned nor likely at any time in the future.

The existing rights-of-way within the “downtown” area of Blue River were formally established by the plats that laid out the town. Most of the rights-of-way are 40 to 60 feet wide, whereas the Code currently requires widths of 50 to 80 feet, respectively. Many of the buildings in the area before the fire were built to the property lines, adjacent to the right-of-way, and several of those are allowed to be built back in their original placement under grandfathering provisions. To require other structures to be built with different setbacks would result in an inconsistent frontage alignment, with some buildings near the road right-of-way while adjacent buildings, not built under the grandfather provisions, are required to be setback an additional five to ten feet.

Further, the code requires an additional 10 feet of right-of-way setback from Blue River Drive to account for topographical constraints. While this additional setback is appropriate where there are steeper embankments on the western portion of Blue River Drive, the downtown area is relatively flat and the

topography does not warrant an additional ten foot right-of-way setback. The proposed code amendment would eliminate this additional ten feet from just the downtown portion of Blue River Drive.

Staff is currently developing a design concept for Blue River Drive that will more precisely determine the right-of-way needs, which will consider design elements for providing safe places to walk, bike, drive, ride the bus, and to accommodate utilities. The design concept process is in the needs-analysis phase, in which staff is consulting the community and other stakeholders, such as utilities, about issues and preferences. Design alternatives to meet those needs will be developed and discussed with the community in April. The goal is to select a community-preferred alternative for Board approval in August. The code amendments include enabling right-of-way setbacks to be established by a Board-approved Design Concept. In this way, building setbacks from the right-of-way would be based on actual right-of-way needs informed by a context-sensitive design rather than a typical code standard.

B. Policy Issues

Staff believes the proposed amendments are consistent with current policy and are a better reflection of the intent of the code regarding establishing setbacks from the right-of-way, when needed to provide for future improvement of the roadway.

The proposed amendments to LC 15.070(2) to add “Special setbacks may be established in a Board-approved design concept for a public improvement project” would be applicable countywide; as such, this amendment has broader implications than just the Blue River community. Enabling the Board to approve road-specific setback requirements in this manner is consistent with the existing code provision that enables deviations from design standards by Board Order, but would set specific criteria for doing so. By adopting the change, the amendment would resolve an internal inconsistency in the Code.

The proposed amendment to LC 15.083 to reduce the extent of the 10 foot additional setback to exclude the downtown portion of Blue River Drive is primarily a housekeeping amendment, as additional setbacks are intended to be specific to locales with topographical constraints that would potentially necessitate slope easements. The result of this change would be that none of the downtown properties abutting Blue River Drive east of Blue River Bridge would be subject to the burden of additional paperwork for processing a waiver of the 10 foot setback. There is no benefit to retaining the 10 foot additional setback for the downtown portion of Blue River Drive because the topographical conditions

there, which are relatively flat, do not meet the code definition that substantiates additional setbacks.

Finally, the proposed amendment to recognize the platted right-of-way widths for downtown Blue River for establishing building setbacks is consistent with grandfathering provisions that enable fire-damaged buildings to be rebuilt in their prior location; many of those buildings were adjacent to the existing right-of-way. Since Lane County, under a grant from the State of Oregon, is in the process of re-establishing survey markers in downtown that were damaged by the Holiday Farm Fire, adoption of the existing platted widths will support the rebuilding of the Blue River the area, and remove a substantial burden to Blue River residents for whom the greater right-of-way widths in the Lane Code have been a frustrating surprise.

C. Board Goals

The proposed amendments align with the County's Strategic Plan for **Robust Infrastructure** by establishing setbacks from the right-of-way that enable future construction of the needed transportation improvements. Robust infrastructure is being planned for the area and will not be sacrificed by the proposed amendments. Staff believes the infrastructure needs can be accommodated within the existing right-of-way widths for downtown Blue River. Outside of the downtown area, the right-of-way needs for Blue River Drive will be determined through the design concept process which may necessitate right-of-way widths greater than the current width.

D. Financial and/or Resource Considerations

No direct financial or resource considerations apply to adoption of the proposed right-of-way setback amendments. However, it is noted, that without the code amendments specific to the downtown portion of Blue River, expansion of the rights-of-way currently prescribed by the Code would require right-of-way dedication/acquisition, which has financial implications.

E. Health Implications

Establishing setbacks that better reflect the intent of the code and protect the area needed for future improvement of the roadway supports positive health outcomes with the ability for those future improvements to improve the safety and mobility of all modes of transportation. The design concepts for Blue River Drive will specifically include infrastructure to support safety for people walking, biking, driving, and riding the bus.

F. Analysis

As explained at LC 15.065 *Purpose*, the intent of development setbacks from the road right-of-way is "...to protect the vested interest of the public in the existing and proposed capacity of roads...and to prevent or reduce deterioration of property values..." LC 15.070 *Building Setback Requirements* establishes minimum right-of-way widths according to the road's functional classification. Specifically, LC 15.070(1) establishes a minimum right-of-way width of 80 feet for a rural collector. This constitutes the "planned" right-of-way width. If the existing right-of-way width is narrower than the planned width, building setbacks are measured from the latter; as such, it is considered a "special building setback." Therefore, the proposed change is consistent with the established County policy for setbacks.

LC 15.070(2) states that special building setbacks may be established that are greater or lesser than would otherwise be required by this chapter; however, the instances in which this may be considered are limited. The intent of the code to recognize an adopted Board decision on a design concept that has more precisely determined the right-of-way needs than typical standards is clear at LC 15.709 *Deviations from Design Standards and Facility Permits*, which includes "Adopted Board decisions, including those found in project specific Design Concept and Findings documents." The proposed amendment to LC 15.070(2) that adds a provision to enable the Board to establish the right-of-way setback based on a Design Concept is consistent with the established County policy for setbacks.

LC 15.083 *Additional Setback Requirements* prescribes additional setbacks for specific roads, in addition to the planned minimum width. For Blue River Drive, an additional 10 feet of setback is required. LC 15.010 *Definitions* clarifies that an "additional setback" is to:

. . . reserve areas required where soil conditions or topographical features necessitate significant cut or fill requiring slope easements for a roadway. These areas are site specific and are not generally required for an entire roadway segment. Additional setbacks are determined by physical characteristics of the land rather than the width of the roadway.

The topography of downtown Blue River is relatively flat, and the conditions do not warrant an additional setback along Blue River Drive east of the Blue River Bridge. Therefore, the proposed amendment to retain the additional setback only for the portion of Blue River Drive west of Blue River Bridge is consistent with the established County policy.

G. Alternatives/Options

Alternatives following the April 25, 2023 public hearing include:

1. Approve proposed Ordinance No. 23-02
2. Direct staff to return with a revised ordinance for the Board's consideration and action, and set a third reading
3. Deny approval of Ordinance No. 23-02

IV. RECOMMENDATION

Following the public hearing on April 25, 2023, staff recommends approval of the Ordinance as presented (Option 1, above).

V. TIMING/IMPLEMENTATION

Rather than waiting 30 days, the ordinance provides an emergency clause to enable effectiveness upon approval. Timing is urgent for adjacent land owners in Blue River trying to rebuild. At least two property owners are trying to secure building permits and contractors this spring to enable summer construction.

VI. FOLLOW-UP

Should the Board choose Option 2, staff will return with a revised Ordinance for a third reading.

VII. ATTACHMENTS

Draft Ordinance

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 23-02

IN THE MATTER OF AMENDING LANE CODE
CHAPTER 15 "ROADS" TO ENABLE RIGHT-OF-WAY
SETBACKS TO BE ESTABLISHED IN A BOARD-
APPROVED DESIGN CONCEPT AND TO REMOVE
THE ADDITIONAL SETBACK REQUIREMENT FROM
THE EASTERN PORTION OF BLUE RIVER DRIVE;
AND RECOGNIZE THE PLATTED RIGHTS-OF-WAY
AS THE PLANNED RIGHTS-OF-WAY FOR BUILDING
SETBACKS IN THE "DOWNTOWN" PORTION OF THE
BLUE RIVER COMMUNITY, AND DECLARING AN
EMERGENCY (LC 15.010, LC 15.070, and LC 15.083)

The Board of County Commissioners of Lane County ordains as follows:

Lane Code Chapter 15 is amended by removing, substituting and adding the following sections:

REMOVE THESE SECTIONS

15.010
15.070
15.083

INSERT THESE SECTIONS

15.010
15.070
15.083

These sections are attached hereto and incorporated herein by this reference. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

Nothing herein is intended to, nor acts to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.

An emergency is hereby declared to exist and this Ordinance, being enacted by the Board in exercise of its police power for the purpose of meeting such emergency and for the immediate preservation of the public peace, health and safety, takes effect upon execution by the Chair of the Board of Commissioners.

ENACTED this ____ day of _____ 2023.

Pat Farr, Chair
Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date _____ Lane County

OFFICE OF LEGAL COUNSEL

DEFINITIONS

The definitions in LC 15.010 apply to all actions and interpretations under this chapter. The meanings of some terms in this chapter may, in certain contexts, be clearly inapplicable. In such cases, the context in which a term is used will indicate its intended meaning, and that intent will control. Where a term defined in LC 15.010 is defined in another section of Lane Code or by other regulations or statutes referenced by this chapter, the definition in this section will control.

15.010 Definitions.

For the purposes of this chapter, the following words and phrases mean:

(1) AASHTO, American Association of State Highway and Transportation Officials. Publisher of “A Policy on Geometric Design of Highways and Streets,” nationally accepted source for contemporary road design standards.

(2) Access. Subject to adopted policies and standards, the means by which a property, area or tract directly obtains safe, adequate and usable ingress and egress.

(3) Access Management. The regulation of vehicular and pedestrian access to streets, roads and highways from public and private roads and driveways to reduce potential conflicts and promote safety as well as to preserve the capacity, speed, and traffic flow for which the road system was planned and designed. These measures may include, but are not limited to, policies and spacing standards for access to roadways, and use of physical controls such as channelization and raised medians.

(4) Additional Setback. Reserve areas required where soil conditions or topographic features necessitate significant cut or fill requiring slope easements for a roadway. These areas are site specific and are not generally required for an entire roadway segment. Additional setbacks are determined by physical characteristics of the land rather than the width of the roadway.

(5) American Association of State Highway and Transportation Officials. See AASHTO.

(6) Approach (Road Approach, Driveway Approach). The area of intersection of an approaching road or driveway with a road.

(7) Board. The Lane County Board of Commissioners.

(8) Building. The terms “building” and “structure” are synonymous for the purpose of this chapter as they pertain to setback and site plan locations.

(9) Capacity.

(a) The maximum number of vehicles that can reasonably be expected to traverse a point or segment of road under prevailing conditions and during a specified period of time.

(b) The structural capacity of a roadway, or the ability of the pavement structure, bridges, or other cross-sectional elements to carry loads created by traffic or the dead-load of the elements themselves.

(10) Capital Improvement Program (CIP). A short range plan that identifies and prioritizes funding for construction projects within the County transportation system, the funding for which is allocated to the County Road Fund from various sources.

(11) Channelization. The separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly movement of both vehicles and pedestrians. Examples include but are not limited to left turn refuges, right turn refuges, including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only selected turning movements.

(12) Clear Zone. The roadside clear zone is an unobstructed, traversable roadside area, extending away from the outside edge of the vehicle travel lane, which allows a driver to stop safely, or regain control of a vehicle that has left the roadway.

(13) Comprehensive Plan. For the purpose of this chapter the Comprehensive Plan consists of the Lane County General Plan, including the following documents which provide the overall policy direction for roads within Lane County:

(a) The Lane County Transportation System Plan (TSP);

(b) The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan);
(c) The Eugene 2035 Transportation System Plan;
(d) The Springfield 2035 Transportation System Plan; and
(e) The transportation system plans adopted by the incorporated communities within Lane County that are outside of the Eugene-Springfield metropolitan area.

(14) Congestion. A condition under which the number of vehicles using a roadway is great enough to cause reduced speeds and increased travel times.

(15) Connectivity. A term used to describe a network of streets and roads that intersect with the purpose of maximizing travel efficiency. Connectivity may also be used to describe the ease of transfer between different modes of travel, such as from rail to bus.

(16) County Engineer. The County Engineer, or the person authorized by the County Engineer to exercise authority under any section of this chapter.

(17) County Road. As defined in ORS 368.001, a Public Road which is part of the County Road system and has been assigned a County Road number pursuant to ORS 368.016. A description of each County Road is kept in the Master Road Files in the Lane County Surveyor's office. County Roads constructed to County road standards pursuant to this chapter are maintained by Lane County. See also Functional Class definitions.

(18) Demand Management. Actions that are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include but are not limited to the use of alternative modes, ride-sharing and vanpool programs, and trip-reduction ordinances.

(19) Department. The Lane County Department of Public Works.

(20) Design Concept means a conceptual design of a capital improvement project showing the proposed alignment, typical section, and right-of-way width requirements.

(21) Director. The Director of the Lane County Department of Public Works or the person authorized by the Director to exercise the Director's authority under any section of this chapter.

(22) Egress. A means or place of leaving a property.

(23) Emergency. Any public health, economic or other event deemed an emergency by County, State, or Federal declaration.

(24) Expressway. Two-lane and multi-lane highways that provide for safe and efficient high speed and high volume traffic movements. Their primary function is to provide for interurban travel and connections to ports and major recreation areas with minimum interruptions. A secondary function is to provide for long distance intra-urban travel in metropolitan areas. In urban areas, speeds are moderate to high. In rural areas, speeds are high. Usually there are no pedestrian facilities and bicycle facilities may be separated from the roadway. Private access is discouraged and Public Road connections are highly controlled.

(25) Freeway. Arterial roadways with full control of access. Preference is given to through traffic by providing access connections with selected public streets only and by prohibiting crossings at grade and direct private driveway connections. They are intended to provide for high levels of service in the movement of large volumes of traffic at high speeds.

(26) Frontage Road. A road that is parallel and adjacent to an arterial or other limited access road or railroad right-of-way and which provides access to abutting properties. The primary purpose of a frontage road is to reduce direct access to an arterial or other limited access road or railway right-of-way.

(27) Functional Class. The classification of a road according to its expected level of service and function. The following functional class definitions apply to County Roads as defined under Roads in this section:

(a) Principal Arterial. A road which provides for through traffic between major centers of human activity in urban, suburban and rural areas.

(b) Minor Arterial. A road which provides for intracommunity traffic flow to principal arterials and within urban areas. In rural areas, minor arterials serve as a direct connection between communities and also bring traffic to principal arterials.

(c) Major Collector. A road or street which is used primarily to channel traffic from neighborhoods to arterials, and to commercial or industrial districts in urban areas. In rural areas, major collectors provide connections from outlying areas to the arterial system (primarily State Highways).

(d) Minor Collector. A road or street which gathers traffic within the neighborhood and directs it to a major collector or arterial.

(e) Local Road or Street. A road intended solely for the purpose of providing access to adjacent properties. A local road may terminate in a cul-de-sac or be part of a larger network. For purposes of this chapter, constructed roads functionally classified as Local Roads are County-maintained.

(28) Herbicide. Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating plant growth.

(29) Improvement Agreement. An agreement that may, under prescribed circumstances, be used in lieu of required road improvements or a performance agreement. This agreement is executed between the County and a developer in a form approved by the Board. Such agreement runs with the land, whereby the developer agrees to sign at some future time any and all petitions, consents and other documents necessary to improve the abutting road to required County standards and to waive all rights to remonstrance against such improvements in exchange for which the County agrees that the execution of the improvement agreement will be deemed to provide compliance with the improvement requirements of the Lane Code.

(30) Ingress. A means or place of entering a property.

(31) Land Use Decision. As defined in LC Chapter 14.

(32) Land Use Regulation. As defined in LC Chapter 14.

(33) Level of Service. A transportation engineering concept used to evaluate existing and future traffic flow (congestion) and to describe the quality of the operating conditions of a roadway.

(34) Local Access Road. A Public Road that is not a County road, State Highway, or Federal road. Pursuant to ORS 368, neither the County nor its officers, employees and agents, are liable for maintenance or failure to improve Local Access Roads or to keep Local Access Roads in repair. The County will spend County moneys on Local Access Roads only if it determines that the work is an emergency or if:

(a) the Director recommends the expenditure; and

(b) the public use of the road justifies the expenditure proposed; and

(c) the Board enacts an order or resolution authorizing the work and designating the work to be either a single project or a continuing program.

(35) Modernization. Road improvement projects to accommodate existing traffic and/or projected traffic growth consistent with adopted state, regional, County, or other local Transportation System Plans. County modernization projects are typically included in the General Construction project list of the County Capital Improvements Program. Modernization projects include, but are not limited to: reconstruction of roads; realignment of roads; addition of paved shoulders, curb and gutter, sidewalks, or other pedestrian and bicycle facilities; reconstruction of slopes, embankments, or ditches to provide improved safety and drainage; addition of travel lanes; widening of bridges; passing and climbing lanes; median turn lanes, acceleration and deceleration lanes, other channelization as defined in this section; new alignments; new safety rest areas; grade separations; intersection improvements; intermodal connectors; high-occupancy vehicle lanes; and off system improvements.

(36) New Road. Construction of a Public Road or road segment that is not a realignment, reconstruction, or modification of an existing road or road segment.

(37) Operation, maintenance, and repair. Routine activities necessary to operate and maintain the road system. These activities include, but are not limited to, signing, pavement marking, traffic signals, pavement surface maintenance and repair; pothole patching, culvert pipe and ditch grading, maintenance, or repair; dust control; vegetation control; and litter and animal carcass cleanup. These activities and minor transportation system improvements associated with the activities are not listed as projects in the Transportation System Plan or Capital Improvement Program. These activities provide for increased efficiency and safer traffic operations and reliability. Activities may include some aspects of preservation

as defined in this section. Pavement surface maintenance does not include additional pavement structure needed as a result of a change in or intensification of a use of a property.

(38) Performance Agreement. A written agreement executed by an applicant or developer or the applicant's agent in a form approved by the Board and accompanied by an approved security in sufficient amount to ensure the faithful performance and completion of all required improvements in a specified period of time. LM 15.850 through LM 15.865 provides County performance agreement requirements.

(39) Permit Holder. The entity that is legally responsible for the performance of the permitted work. For the purposes of this chapter the Permit Holder is considered synonymous with the Permittee, Applicant, Owner, Property Owner or Authorized Agent, where the context so requires.

(40) Preservation. Activities that rebuild or extend the service life of existing transportation facilities. Road preservation projects add useful life to the road. Preservation includes but is not limited to reconstruction, pavement rehabilitation, pavement resurfacing, and minor safety and bridge improvements.

(41) Private Access Easement and Private Road. A private, nonpossessory interest in the land of another which entitles the holder(s) of the interest to use the roadway for access and to pass across another's land. A private road is intended to provide for ingress and egress to land and may include that portion of a panhandle or flag lot or property that is used for access purposes or an access road in which the underlying fee belongs to two or more persons, association, corporation, firm, club, partnership or other similar entity having the right of administration and/or ownership thereof.

(42) Public Road. As defined in ORS 368.001, a road over which the public has a right of use that is a matter of record. For purposes of this chapter, a Public Road is a road that has been dedicated for use by the public for road and right-of-way purposes either by good and sufficient deed presented to and accepted by the Board, or by a partition map and plat or a subdivision plat presented to and accepted by the Board. Once accepted and placed on record, Public Roads are held in trust for the public by the governing agency with jurisdictional authority, and specifically exclude private roads, private ways, Private Access Easements or agreements, Forest Service Roads, Bureau of Land Management Roads, any Gateway or Way of Necessity as defined by ORS Chapter 376 and any other road which has nominally or judicially gained a "public character" by prescriptive or adverse use. Public Roads over which the County has jurisdiction that have not been accepted by the Board as County Roads are Local Access Roads.

(43) Realignment. Constructing or rebuilding an existing roadway on a new alignment where the new centerline shifts outside of the existing right-of-way, and where the existing road surface is either removed, maintained as an access road, or maintained as a connection between the realigned roadway and a road that intersects the original alignment. The realignment may include channelization, and may increase capacity, but maintains the function of the existing road segment being realigned unless specified otherwise in adopted state, regional, County, or other local Transportation System Plans.

(44) Reconstruction or modification. Rebuilding an existing road in the same general location, either within the existing right-of-way or by acquiring new right-of-way. This may or may not include realignment and/or the addition of turn lanes or other channelization. Reconstruction or modification may increase capacity.

(45) Rehabilitation. Road resurfacing, sealing, paving, and restoration, over and above routine maintenance, to repair deteriorating road surfaces and to address safety concerns.

(46) Right-of-Way (ROW, R/W).

(a) Includes the land or any interest in land acquired or dedicated for public rights of passage, construction of facilities, motorists, cyclists, pedestrians, and utilities.

(b) The customary or legal right of a person or vehicle to pass before another.

(47) Road. The terms road, street or highway are considered synonymous and include the entire area and all lawful improvements between the right-of-way lines of any public or private way that is created to provide ingress or egress to land. "Road" includes but is not limited to:

(a) Arterials, collectors, and local roads as in the functional classes defined above under Functional Class;

(b) Road-related structures that are in the right-of-way such as drainage conveyance facilities;

(c) Other structures in the right-of-way that provide for continuity and stability of the right-of-way including tunnels, retaining walls, and bridges;

(d) Underground or overhead utilities and utility easements that are within the right-of-way;

(e) Roads are further defined throughout this section as County Road, Expressway, Freeway, Frontage Road, Local Access Road, Private Access Easement & Private Road, Public Road, Rural Road, State Highway, Stubbed Road, Turnaround (Cul-de-sac or Hammerhead), Unconstructed Road and Urban Road.

(48) Rural Road. A road or portion of a road that is not within an urban growth boundary.

(49) State Highway. As defined in ORS 366.005, a State Highway is any road or highway designated as such by law or by the Oregon Transportation Commission pursuant to law and includes both primary and secondary state highways.

(50) Stubbed Road. A road having only one outlet, and which is intended to be extended or continued to serve future development on adjacent lands. A stubbed road that is part of the County Road system is functionally classified as a Local Road. This can include a cul-de-sac or hammerhead turnaround area intended to be extended in the future.

(51) Threshold. The point at which maintenance is required to ensure set standards are maintained.

(52) Transportation Facility. A physical system, including any portion thereof, that moves or assists in the transport of people, animals, or goods, including roads, bicycle, pedestrian, and equestrian paths, rail lines, airport facilities, port facilities, and pipelines, and excluding electricity, water and sewerage systems.

(53) Travel Surface. Synonymous with Travel Way.

(54) Travel Way, Traveled Way. When applied to a road, the road surface used for vehicular travel, including bicycle lanes. Synonymous with travel surface.

(55) Turnaround (Cul-de-sac or Hammerhead). The area located at the terminus of a road and developed to the standards for Turnarounds in LC Chapter 15, the purpose of which is to allow motor vehicles to safely and efficiently reverse direction.

(56) Unconstructed Road. Any County Road or right-of-way that has not been constructed to County road standards. These roads and rights-of-way are not maintained by the County and are treated as Local Access Roads until such time they are constructed to current Lane County road standards. The terms “Unconstructed Road” and “Unopened Established County Rights of Way” are synonymous for the purpose of this chapter.

(57) Urban Growth Boundary (UGB). The boundary described in respective adopted City Comprehensive Plans to which urban services may be extended.

(58) Urban Road. A road or portion of a road that is within an urban growth boundary.

(59) Visual Clear Zone. A triangular area of a driveway or road intersection corner that is 15 feet in length along the driveway and along intersecting roads. No visual obstructions such as plantings, walls, fences, signs, or other structures or vegetation, either temporary or permanent in nature, between two and one-half and 15 feet in height above the road surface are permitted in this area. Diagrams 15 and 16 in LC 15.710 illustrate the visual clear zones as they pertain to road intersections and fences. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 11-75, 9.5.75; 10-76, 1.1.77; 10-80, 7.11.80; 1-91, 6.14.91; 10-04, 6.4.04; 20-09, 12.10.20)*

15.070 Building Setback Requirements for Local Access Roads, Public Roads, County Roads, and State Highways.

(1) Property adjoining a road designated as a Local Access Road, Public Road, County Road or State Highway must have a building setback which conforms to the following minimum requirements:

(a) Within all areas subject to the provisions of LC Chapter 16, the setback distance must be as specified in the applicable zoning district, unless a special building setback has been established pursuant to LC 15.070(2) or unless an additional building setback is specified in LC 15.083.

(b) Within all areas subject to the provisions of LC Chapter 10, "Zoning," the setback must as designated by the applicable Zoning District and the Building Setback Chart in LC 15.095, unless a special building setback has been established pursuant to the requirements of LC 15.070(2) below, or unless an additional setback has been established pursuant to the requirements of LC 15.083 below.

(c) Setbacks are measured at right angles to the centerline of the planned right-of-way of a straight road or as radii on a curved road to the nearest point of the structure when the right-of-way is equally divided on both sides. Setbacks will be taken from the minimum right-of-way width specified as follows:

(i) For County Roads as defined in LC 15.010, the minimum right-of-way width for planned right-of-way purposes is based upon the functional class of the road, as follows:

(aa) Urban Principal Arterial - 100 feet;

(bb) Urban Minor Arterial - 80 feet;

(cc) Urban Major Collector - 70 feet;

(dd) Urban Minor Collector - 60 feet;

(ee) Rural Arterial or Collector - 80 feet;

(ff) Urban Local - 60 feet, except that the right-of-way width may be reduced to a minimum of 45 feet for development setback purposes upon written approval of the County Engineer or designee;

(gg) Rural Local - 50 feet.

(ii) For Public Roads and Local Access Roads as defined in LC 15.010, the minimum right-of-way width for development setback purposes is 50 feet.

(iii) For State Highways, the minimum right-of-way width for setback purposes is as specified in LC 15.075.

(iv) For the portion of the community of Blue River north of Highway 126, the minimum right of way width for setback purposes is the public right of way width as dedicated in the plats of Blue River City and Spark's Addition to Blue River City.

(d) When a road has an existing right-of-way width greater than the minimum right-of-way specified in LC 15.070(1)(c), the building setback will be measured from said existing right-of-way line rather than the minimum right of-way line.

(e) When the right-of-way is inadequate on one or both sides, the setback is measured from the minimum planned right-of-way width.

(f) Setbacks for those areas requiring an additional setback pursuant to LC 15.083 are measured as specified in LC 15.070(1)(a) through (d) above, plus the distance specified in LC 15.083.

(g) Cornices, canopies, eaves and similar architectural features may extend no more than two and one-half feet into the setback from the wall nearest to the right-of-way.

(h) Uncovered porches, platforms, landing places, stairways and fire escapes may extend no more than three and one-half feet into the setback from the wall nearest to the right-of-way, provided that the floor of such porch, platform or landing place is no higher than the entrance or first floor of the structure. A railing no higher than three feet may be placed around each landing place.

(i) Signs conforming to all other applicable standards and requirements may project into the setback area.

(j) Visual screening including fences, walls, hedges, guard railings, or other similar landscaping or architectural devices, may be established within the setback area provided that such

screenings does not exceed three and one-half feet in height and complies with Visual Clear Zone requirements specified in LC 15.095(3) as referenced on Diagrams 15 and 16 in LC 15.701.

(k) Visual screening allowed by 15.070(1)(j) above may exceed three and one-half feet in height within the setback area, provided that the visual screening:

(i) Is located on private property, outside of public right-of-way, and not within the setback area required by LC 15.070(1)(c) or LC 15.083;

(ii) Otherwise complies with Visual Clear Zone Requirements of LC 15.095(3),

(iii) Does not exceed six feet in height, and

(iv) Does not create a visual obstruction for the purpose of roadway safety, considering the presence of roadway curves, topography, and vegetation. To determine whether the proposed visual screening will cause a visual obstruction, a certification from an Oregon registered professional engineer must be provided prior to construction of the visual screen according to a Type I procedure pursuant to LC Chapter 14.

(l) Wire fencing such as that used for livestock, may be established within the setback area, provided that the wire fencing:

(i) Is not “cyclone” or chain-link type fencing;

(ii) Otherwise complies with Visual Clear Zone requirements specified in LC 15.095(3) may be established within the setback area; and

(iii) Does not exceed seven feet in height.

(m) In no case may any cornices, canopies, eaves or any other architectural features, porches, platforms, landing places, stairways, fire escapes, fences, walls, guard railings, or signs extend into the right-of-way.

(2) Special building setbacks may be established that are greater or lesser than would otherwise be required by the provisions of this chapter as follows:

(a) A special setback may be established when it is incidental to a subdivision, partitioning, or other land use decision processed through a Type II or III procedure pursuant to LC Chapter 14 and it is found to be necessary for proper development of the area or to achieve the purpose set forth in the Comprehensive Plan.

(b) Special setbacks may be established in a Board approved design concept for a County capital improvement project, pursuant to LM 15.050.580H.

(c) Special setbacks may be established when it is deemed necessary along a road in order to either implement the Comprehensive Plan, provide for special scenic or distinctive conditions, facilitate adequate right-of-way improvements or to promote the public interest and general welfare. Establishment of a special setback that is not incidental to a partitioning or subdivision application of LC Chapter 13, or to another land use decision processed through a Type II or III procedure pursuant to LC Chapter 14, will be subject to the General Variance Provisions for this chapter. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-80, 7.11.80; 10-04, 6.4.04; 20-09, 12.10.20)*

15.083 Additional Setback Requirements.

(1) Additional Setbacks as defined in LC 15.010 are measured as specified in LC 15.070(1)(e) and required to be as specified below for the following County Roads:

Applegate Trail (Hwy. 36 to Territorial Hwy.)	+10'
Bailey Hill Rd. (City limits to Lorane Hwy.)	+20'
Bernhardt Creek Rd.(Sweet Creek Rd. to End County maint.)	+20'
Big Fall Creek Rd.(Jasper-Lowell Rd. to End County maint.)	+20'
Blue River Dr. (Blue River Bridge to western terminus at McKenzie Hwy.)	+10'
Bolton Hill Rd. (City limits to Vaughn Rd.)	+10'
Brice Creek Rd. (Row River Rd. to Champion Creek Rd.)	+10'
Briggs Hill Rd. (Territorial Hwy. to Spencer Creek Rd.)	+20'
Camas Swale Rd. (Mile Post 2.2 to Hamm Rd.)	+20'
Camp Creek Rd. (Marcola Rd. to McKenzie Hwy.)	+20'
Canary Rd. (Mile Post 1.33 to Canary Rd. South)	+20'
Canary Rd. South (Canary Rd. to Siltcoos Station Rd.)	+10'
Clear Lake Rd. (Canary Rd. to Hwy. 101)	+10'
Cottage Grove-Lorane Rd. (City limits to Old Lorane Rd.)	+10'
Cottage Grove Reservoir Rd. (London Rd. to London Rd.)	+10'
Crest Dr. (Lorane Hwy. to Blanton Rd.)	+10'
Crow Rd. (Green Hill Rd. to Territorial Hwy.)	+20'
Deadwood Creek Rd. (Hwy. 36 to Brooks Rd.)	+20'
Deerhorn Rd. (McKenzie Hwy. to Bridge St.)	+20'
Dillard Rd. (Urban Growth Boundary to Hwy. 99)	+20'
Fox Hollow Rd. (Urban Growth Boundary to So. Willamette St.)	+20'
Garoutte Rd. (Mosby Creek Rd. to Shoreview Dr.)	+10'
Gimpl Hill Rd. (Bailey Hill Rd. to Pine Grove Rd.)	+20'
Goodpasture Rd. (McKenzie Hwy. to End County maint.)	+10'
Hamm Rd. (Territorial Hwy. to Camas Swale Rd.)	+20'
Heceta Beach Rd. (Hwy. 101 to Rhododendron Dr.)	+10'
High Prairie Rd. (East 1st St. to End County maint.)	+10'
Hill Rd. (Old Mohawk Rd. to Marcola Rd.)	+10'
Jasper Rd. (City limits at 42 nd St to Parkway Rd.)	+10'
Jasper-Lowell Rd. (Jasper Rd. to Pengra Rd.)	+10'
Jasper-Lowell Rd. (Place Rd. to Hwy. 58)	+10'
Knight Rd. (Route F to West Sheffler Rd.)	+10'
Little Fall Creek Rd. (Jasper-Lowell Rd. to End County maint.)	+10'
Marcola Rd. (Camp Creek Rd. to County line)	+10'
McFarland Rd. (Westfir-Oakridge Rd. to High Prairie Rd.)	+10'
McKenzie View Dr. (Coburg Rd. to Hill Rd.)	+20'
Munsel Lake Rd. (Hwy. 101 to North Fork Siuslaw Rd.)	+10'
Petzold Rd. (Central Rd. to Crow Rd.)	+10'
Pine Grove Rd. (Crow Rd. to Spencer Creek Rd.)	+10'
Row River Rd. (Shoreview Dr. to Shoreview Dr.)	+20'
Row River Rd. (Sharps Creek Rd. to Brice Creek Rd.)	+10'
Shoreview Dr. (Row River Rd. to Row River Rd.)	+20'
Siltcoos Station Rd. (Canary Rd. South to County line)	+20'
South Jetty Rd. (Hwy. 101 to End County maint.)	+10'
Suttle Lake Rd. (Hwy. 101 to Hwy. 101)	+10'
Sweet Lane (Hwy. 99 to End County maint.)	+10'
Thompson Creek Rd. (Hwy. 36 to Indian Creek Rd.)	+20'

Vaughn Rd. (Noti Loop Rd. to Bolton Hill Rd.)	+20'
Vaughn Rd. (Bolton Hill Rd. to Territorial Hwy.)	+10'
Wendling Rd. (Marcola Rd. to End County maint.)	+10'

(2) An application for a waiver to the additional setback requirements listed in LC 15.083(1) may be requested from the Director. The Director may grant a waiver on road sections where existing soil conditions and topographic features will allow future road development within the applicable minimum right-of-way width specified in LC 15.702 through LC 15.706 for the road. If the request for a waiver is denied, an application for a Variance to setback requirements may be requested in accordance with LC 15.085 below and the General Variance Provisions in LC 15.900. *(Revised by Ordinance No. 10-80, Effective 7.11.80; 10-04, 6.4.04; 20-09, 12.10.20)*

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DEFINITIONS

The definitions in LC 15.010 apply to all actions and interpretations under this chapter. The meanings of some terms in this chapter may, in certain contexts, be clearly inapplicable. In such cases, the context in which a term is used will indicate its intended meaning, and that intent will control. Where a term defined in LC 15.010 is defined in another section of Lane Code or by other regulations or statutes referenced by this chapter, the definition in this section will control.

15.010 Definitions.

For the purposes of this chapter, the following words and phrases mean:

(1) AASHTO, American Association of State Highway and Transportation Officials. Publisher of “A Policy on Geometric Design of Highways and Streets,” nationally accepted source for contemporary road design standards.

(2) Access. Subject to adopted policies and standards, the means by which a property, area or tract directly obtains safe, adequate and usable ingress and egress.

(3) Access Management. The regulation of vehicular and pedestrian access to streets, roads and highways from public and private roads and driveways to reduce potential conflicts and promote safety as well as to preserve the capacity, speed, and traffic flow for which the road system was planned and designed. These measures may include, but are not limited to, policies and spacing standards for access to roadways, and use of physical controls such as channelization and raised medians.

(4) Additional Setback. Reserve areas required where soil conditions or topographic features necessitate significant cut or fill requiring slope easements for a roadway. These areas are site specific and are not generally required for an entire roadway segment. Additional setbacks are determined by physical characteristics of the land rather than the width of the roadway.

(5) American Association of State Highway and Transportation Officials. See AASHTO.

(6) Approach (Road Approach, Driveway Approach). The area of intersection of an approaching road or driveway with a road.

(7) Board. The Lane County Board of Commissioners.

(8) Building. The terms “building” and “structure” are synonymous for the purpose of this chapter as they pertain to setback and site plan locations.

(9) Capacity.

(a) The maximum number of vehicles that can reasonably be expected to traverse a point or segment of road under prevailing conditions and during a specified period of time.

(b) The structural capacity of a roadway, or the ability of the pavement structure, bridges, or other cross-sectional elements to carry loads created by traffic or the dead-load of the elements themselves.

(10) Capital Improvement Program (CIP). A short range plan that identifies and prioritizes funding for construction projects within the County transportation system, the funding for which is allocated to the County Road Fund from various sources.

(11) Channelization. The separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly movement of both vehicles and pedestrians. Examples include but are not limited to left turn refuges, right turn refuges, including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only selected turning movements.

(12) Clear Zone. The roadside clear zone is an unobstructed, traversable roadside area, extending away from the outside edge of the vehicle travel lane, which allows a driver to stop safely, or regain control of a vehicle that has left the roadway.

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(13) Comprehensive Plan. For the purpose of this chapter the Comprehensive Plan consists of the Lane County General Plan, including the following documents which provide the overall policy direction for roads within Lane County:

- (a) The Lane County Transportation System Plan (TSP);
- (b) The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan);
- (c) The Eugene 2035 Transportation System Plan;
- (d) The Springfield 2035 Transportation System Plan; and
- (e) The transportation system plans adopted by the incorporated communities within Lane

County that are outside of the Eugene-Springfield metropolitan area.

(14) Congestion. A condition under which the number of vehicles using a roadway is great enough to cause reduced speeds and increased travel times.

(15) Connectivity. A term used to describe a network of streets and roads that intersect with the purpose of maximizing travel efficiency. Connectivity may also be used to describe the ease of transfer between different modes of travel, such as from rail to bus.

(16) County Engineer. The County Engineer, or the person authorized by the County Engineer to exercise authority under any section of this chapter.

(17) County Road. As defined in ORS 368.001, a Public Road which is part of the County Road system and has been assigned a County Road number pursuant to ORS 368.016. A description of each County Road is kept in the Master Road Files in the Lane County Surveyor's office. County Roads constructed to County road standards pursuant to this chapter are maintained by Lane County. See also Functional Class definitions.

(18) Demand Management. Actions that are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include but are not limited to the use of alternative modes, ride-sharing and vanpool programs, and trip-reduction ordinances.

(19) Department. The Lane County Department of Public Works.

(20) **Design Concept means a conceptual design of a capital improvement project showing the proposed alignment, typical section, and right-of-way width requirements.**

(21) Director. The Director of the Lane County Department of Public Works or the person authorized by the Director to exercise the Director's authority under any section of this chapter.

~~(22)~~ Egress. A means or place of leaving a property.

~~(23)~~ Emergency. Any public health, economic or other event deemed an emergency by County, State, or Federal declaration.

~~(24)~~ Expressway. Two-lane and multi-lane highways that provide for safe and efficient high speed and high volume traffic movements. Their primary function is to provide for interurban travel and connections to ports and major recreation areas with minimum interruptions. A secondary function is to provide for long distance intra-urban travel in metropolitan areas. In urban areas, speeds are moderate to high. In rural areas, speeds are high. Usually there are no pedestrian facilities and bicycle facilities may be separated from the roadway. Private access is discouraged and Public Road connections are highly controlled.

~~(25)~~ Freeway. Arterial roadways with full control of access. Preference is given to through traffic by providing access connections with selected public streets only and by prohibiting crossings at grade and direct private driveway connections. They are intended to provide for high levels of service in the movement of large volumes of traffic at high speeds.

~~(26)~~ Frontage Road. A road that is parallel and adjacent to an arterial or other limited access road or railroad right-of-way and which provides access to abutting properties. The primary purpose of a frontage road is to reduce direct access to an arterial or other limited access road or railway right-of-way.

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(276) Functional Class. The classification of a road according to its expected level of service and function. The following functional class definitions apply to County Roads as defined under Roads in this section:

(a) Principal Arterial. A road which provides for through traffic between major centers of human activity in urban, suburban and rural areas.

(b) Minor Arterial. A road which provides for intracommunity traffic flow to principal arterials and within urban areas. In rural areas, minor arterials serve as a direct connection between communities and also bring traffic to principal arterials.

(c) Major Collector. A road or street which is used primarily to channel traffic from neighborhoods to arterials, and to commercial or industrial districts in urban areas. In rural areas, major collectors provide connections from outlying areas to the arterial system (primarily State Highways).

(d) Minor Collector. A road or street which gathers traffic within the neighborhood and directs it to a major collector or arterial.

(e) Local Road or Street. A road intended solely for the purpose of providing access to adjacent properties. A local road may terminate in a cul-de-sac or be part of a larger network. For purposes of this chapter, constructed roads functionally classified as Local Roads are County-maintained.

(287) Herbicide. Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating plant growth.

(298) Improvement Agreement. An agreement that may, under prescribed circumstances, be used in lieu of required road improvements or a performance agreement. This agreement is executed between the County and a developer in a form approved by the Board. Such agreement runs with the land, whereby the developer agrees to sign at some future time any and all petitions, consents and other documents necessary to improve the abutting road to required County standards and to waive all rights to remonstrance against such improvements in exchange for which the County agrees that the execution of the improvement agreement will be deemed to provide compliance with the improvement requirements of the Lane Code.

(3029) Ingress. A means or place of entering a property.

(310) Land Use Decision. As defined in LC Chapter 14.

(324) Land Use Regulation. As defined in LC Chapter 14.

(332) Level of Service. A transportation engineering concept used to evaluate existing and future traffic flow (congestion) and to describe the quality of the operating conditions of a roadway.

(343) Local Access Road. A Public Road that is not a County road, State Highway, or Federal road. Pursuant to ORS 368, neither the County nor its officers, employees and agents, are liable for maintenance or failure to improve Local Access Roads or to keep Local Access Roads in repair. The County will spend County moneys on Local Access Roads only if it determines that the work is an emergency or if:

(a) the Director recommends the expenditure; and

(b) the public use of the road justifies the expenditure proposed; and

(c) the Board enacts an order or resolution authorizing the work and designating the work to be either a single project or a continuing program.

(354) Modernization. Road improvement projects to accommodate existing traffic and/or projected traffic growth consistent with adopted state, regional, County, or other local Transportation System Plans. County modernization projects are typically included in the General Construction project list of the County Capital Improvements Program. Modernization projects include, but are not limited to: reconstruction of roads; realignment of roads; addition of paved shoulders, curb and gutter, sidewalks, or other pedestrian and bicycle facilities; reconstruction of slopes, embankments, or ditches to provide improved safety and drainage; addition of travel lanes; widening of bridges; passing and climbing lanes; median turn lanes, acceleration and deceleration lanes, other channelization as defined in this section; new alignments; new safety rest areas; grade separations; intersection improvements; intermodal connectors; high-occupancy vehicle lanes; and off system improvements.

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(365) New Road. Construction of a Public Road or road segment that is not a realignment, reconstruction, or modification of an existing road or road segment.

(376) Operation, maintenance, and repair. Routine activities necessary to operate and maintain the road system. These activities include, but are not limited to, signing, pavement marking, traffic signals, pavement surface maintenance and repair; pothole patching, culvert pipe and ditch grading, maintenance, or repair; dust control; vegetation control; and litter and animal carcass cleanup. These activities and minor transportation system improvements associated with the activities are not listed as projects in the Transportation System Plan or Capital Improvement Program. These activities provide for increased efficiency and safer traffic operations and reliability. Activities may include some aspects of preservation as defined in this section. Pavement surface maintenance does not include additional pavement structure needed as a result of a change in or intensification of a use of a property.

(387) Performance Agreement. A written agreement executed by an applicant or developer or the applicant's agent in a form approved by the Board and accompanied by an approved security in sufficient amount to ensure the faithful performance and completion of all required improvements in a specified period of time. LM 15.850 through LM 15.865 provides County performance agreement requirements.

(398) Permit Holder. The entity that is legally responsible for the performance of the permitted work. For the purposes of this chapter the Permit Holder is considered synonymous with the Permittee, Applicant, Owner, Property Owner or Authorized Agent, where the context so requires.

(4039) Preservation. Activities that rebuild or extend the service life of existing transportation facilities. Road preservation projects add useful life to the road. Preservation includes but is not limited to reconstruction, pavement rehabilitation, pavement resurfacing, and minor safety and bridge improvements.

(410) Private Access Easement and Private Road. A private, nonpossessory interest in the land of another which entitles the holder(s) of the interest to use the roadway for access and to pass across another's land. A private road is intended to provide for ingress and egress to land and may include that portion of a panhandle or flag lot or property that is used for access purposes or an access road in which the underlying fee belongs to two or more persons, association, corporation, firm, club, partnership or other similar entity having the right of administration and/or ownership thereof.

(421) Public Road. As defined in ORS 368.001, a road over which the public has a right of use that is a matter of record. For purposes of this chapter, a Public Road is a road that has been dedicated for use by the public for road and right-of-way purposes either by good and sufficient deed presented to and accepted by the Board, or by a partition map and plat or a subdivision plat presented to and accepted by the Board. Once accepted and placed on record, Public Roads are held in trust for the public by the governing agency with jurisdictional authority, and specifically exclude private roads, private ways, Private Access Easements or agreements, Forest Service Roads, Bureau of Land Management Roads, any Gateway or Way of Necessity as defined by ORS Chapter 376 and any other road which has nominally or judicially gained a "public character" by prescriptive or adverse use. Public Roads over which the County has jurisdiction that have not been accepted by the Board as County Roads are Local Access Roads.

(432) Realignment. Constructing or rebuilding an existing roadway on a new alignment where the new centerline shifts outside of the existing right-of-way, and where the existing road surface is either removed, maintained as an access road, or maintained as a connection between the realigned roadway and a road that intersects the original alignment. The realignment may include channelization, and may increase capacity, but maintains the function of the existing road segment being realigned unless specified otherwise in adopted state, regional, County, or other local Transportation System Plans.

(443) Reconstruction or modification. Rebuilding an existing road in the same general location, either within the existing right-of-way or by acquiring new right-of-way. This may or may not include realignment and/or the addition of turn lanes or other channelization. Reconstruction or modification may increase capacity.

(454) Rehabilitation. Road resurfacing, sealing, paving, and restoration, over and above routine maintenance, to repair deteriorating road surfaces and to address safety concerns.

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~~(465)~~ Right-of-Way (ROW, R/W).

(a) Includes the land or any interest in land acquired or dedicated for public rights of passage, construction of facilities, motorists, cyclists, pedestrians, and utilities.

(b) The customary or legal right of a person or vehicle to pass before another.

~~(476)~~ Road. The terms road, street or highway are considered synonymous and include the entire area and all lawful improvements between the right-of-way lines of any public or private way that is created to provide ingress or egress to land. "Road" includes but is not limited to:

(a) Arterials, collectors, and local roads as in the functional classes defined above under Functional Class;

(b) Road-related structures that are in the right-of-way such as drainage conveyance facilities;

(c) Other structures in the right-of-way that provide for continuity and stability of the right-of-way including tunnels, retaining walls, and bridges;

(d) Underground or overhead utilities and utility easements that are within the right-of-way;

(e) Roads are further defined throughout this section as County Road, Expressway, Freeway, Frontage Road, Local Access Road, Private Access Easement & Private Road, Public Road, Rural Road, State Highway, Stubbed Road, Turnaround (Cul-de-sac or Hammerhead), Unconstructed Road and Urban Road.

~~(487)~~ Rural Road. A road or portion of a road that is not within an urban growth boundary.

~~(498)~~ State Highway. As defined in ORS 366.005, a State Highway is any road or highway designated as such by law or by the Oregon Transportation Commission pursuant to law and includes both primary and secondary state highways.

~~(5049)~~ Stubbed Road. A road having only one outlet, and which is intended to be extended or continued to serve future development on adjacent lands. A stubbed road that is part of the County Road system is functionally classified as a Local Road. This can include a cul-de-sac or hammerhead turnaround area intended to be extended in the future. ~~(510)~~ Threshold. The point at which maintenance is required to ensure set standards are maintained.

~~(524)~~ Transportation Facility. A physical system, including any portion thereof, that moves or assists in the transport of people, animals, or goods, including roads, bicycle, pedestrian, and equestrian paths, rail lines, airport facilities, port facilities, and pipelines, and excluding electricity, water and sewerage systems.

~~(532)~~ Travel Surface. Synonymous with Travel Way.

~~(543)~~ Travel Way, Traveled Way. When applied to a road, the road surface used for vehicular travel, including bicycle lanes. Synonymous with travel surface.

~~(554)~~ Turnaround (Cul-de-sac or Hammerhead). The area located at the terminus of a road and developed to the standards for Turnarounds in LC Chapter 15, the purpose of which is to allow motor vehicles to safely and efficiently reverse direction.

~~(565)~~ Unconstructed Road. Any County Road or right-of-way that has not been constructed to County road standards. These roads and rights-of-way are not maintained by the County and are treated as Local Access Roads until such time they are constructed to current Lane County road standards. The terms "Unconstructed Road" and "Unopened Established County Rights of Way" are synonymous for the purpose of this chapter.

~~(576)~~ Urban Growth Boundary (UGB). The boundary described in respective adopted City Comprehensive Plans to which urban services may be extended.

~~(587)~~ Urban Road. A road or portion of a road that is within an urban growth boundary.

~~(598)~~ Visual Clear Zone. A triangular area of a driveway or road intersection corner that is 15 feet in length along the driveway and along intersecting roads. No visual obstructions such as plantings, walls, fences, signs, or other structures or vegetation, either temporary or permanent in nature, between two and

| At left margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

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one-half and 15 feet in height above the road surface are permitted in this area. Diagrams 15 and 16 in LC 15.710 illustrate the visual clear zones as they pertain to road intersections and fences. <i>(Revised by Ordinance No. 6-75, Effective 3.26.75; 11-75, 9.5.75; 10-76, 1.1.77; 10-80, 7.11.80; 1-91, 6.14.91; 10-04, 6.4.04; 20-09, 12.10.20)</i>		

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15.070 Building Setback Requirements for Local Access Roads, Public Roads, County Roads, and State Highways.

(1) Property adjoining a road designated as a Local Access Road, Public Road, County Road or State Highway must have a building setback which conforms to the following minimum requirements:

(a) Within all areas subject to the provisions of LC Chapter 16, the setback distance must be as specified in the applicable zoning district, unless a special building setback has been established pursuant to LC 15.070(2) or unless an additional building setback is specified in LC 15.083.

(b) Within all areas subject to the provisions of LC Chapter 10, "Zoning," the setback must as designated by the applicable Zoning District and the Building Setback Chart in LC 15.095, unless a special building setback has been established pursuant to the requirements of LC 15.070(2) below, or unless an additional setback has been established pursuant to the requirements of LC 15.083 below.

(c) Setbacks are measured at right angles to the centerline of the planned right-of-way of a straight road or as radii on a curved road to the nearest point of the structure when the right-of-way is equally divided on both sides. Setbacks will be taken from the minimum right-of-way width specified as follows:

(i) For County Roads as defined in LC 15.010, the minimum right-of-way width for planned right-of-way purposes is based upon the functional class of the road, as follows:

(aa) Urban Principal Arterial - 100 feet;

(bb) Urban Minor Arterial - 80 feet;

(cc) Urban Major Collector - 70 feet;

(dd) Urban Minor Collector - 60 feet;

(ee) Rural Arterial or Collector - 80 feet;

(ff) Urban Local - 60 feet, except that the right-of-way width may be reduced to a minimum of 45 feet for development setback purposes upon written approval of the County Engineer or designee;

(gg) Rural Local - 50 feet.

(ii) For Public Roads and Local Access Roads as defined in LC 15.010, the minimum right-of-way width for development setback purposes is 50 feet.

(iii) For State Highways, the minimum right-of-way width for setback purposes is as specified in LC 15.075.

(iv) For the portion of the community of Blue River north of Highway 126, the minimum right of way width for setback purposes is the public right of way width as dedicated in the plats of Blue River City and Spark's Addition to Blue River City.

(d) When a road has an existing right-of-way width greater than the minimum right-of-way specified in LC 15.070(1)(c), the building setback will be measured from said existing right-of-way line rather than the minimum right of-way line.

(e) When the right-of-way is inadequate on one or both sides, the setback is measured from the minimum planned right-of-way width.

(f) Setbacks for those areas requiring an additional setback pursuant to LC 15.083 are measured as specified in LC 15.070(1)(a) through (d) above, plus the distance specified in LC 15.083.

(g) Cornices, canopies, eaves and similar architectural features may extend no more than two and one-half feet into the setback from the wall nearest to the right-of-way.

(h) Uncovered porches, platforms, landing places, stairways and fire escapes may extend no more than three and one-half feet into the setback from the wall nearest to the right-of-way, provided that the floor of such porch, platform or landing place is no higher than the entrance or first floor of the structure. A railing no higher than three feet may be placed around each landing place.

(i) Signs conforming to all other applicable standards and requirements may project into the setback area.

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(j) Visual screening including fences, walls, hedges, guard railings, or other similar landscaping or architectural devices, may be established within the setback area provided that such screenings does not exceed three and one-half feet in height and complies with Visual Clear Zone requirements specified in LC 15.095(3) as referenced on Diagrams 15 and 16 in LC 15.701.

(k) Visual screening allowed by 15.070(1)(j) above may exceed three and one-half feet in height within the setback area, provided that the visual screening:

(i) Is located on private property, outside of public right-of-way, and not within the setback area required by LC 15.070(1)(c) or LC 15.083;

(ii) Otherwise complies with Visual Clear Zone Requirements of LC 15.095(3),

(iii) Does not exceed six feet in height, and

(iv) Does not create a visual obstruction for the purpose of roadway safety, considering the presence of roadway curves, topography, and vegetation. To determine whether the proposed visual screening will cause a visual obstruction, a certification from an Oregon registered professional engineer must be provided prior to construction of the visual screen according to a Type I procedure pursuant to LC Chapter 14.

(l) Wire fencing such as that used for livestock, may be established within the setback area, provided that the wire fencing:

(i) Is not “cyclone” or chain-link type fencing;

(ii) Otherwise complies with Visual Clear Zone requirements specified in LC 15.095(3) may be established within the setback area; and

(iii) Does not exceed seven feet in height.

(m) In no case may any cornices, canopies, eaves or any other architectural features, porches, platforms, landing places, stairways, fire escapes, fences, walls, guard railings, or signs extend into the right-of-way.

(2) Special building setbacks may be established that are greater or lesser than would otherwise be required by the provisions of this chapter as follows:

(a) A special setback may be established when it is incidental to a subdivision, partitioning, or other land use decision processed through a Type II or III procedure pursuant to LC Chapter 14 and it is found to be necessary for proper development of the area or to achieve the purpose set forth in the Comprehensive Plan.

(b) **Special setbacks may be established in a Board approved design concept for a County capital improvement project, pursuant to LM 15.050.580H.**

(c) Special setbacks may be established when it is deemed necessary along a road in order to either implement the Comprehensive Plan, provide for special scenic or distinctive conditions, facilitate adequate right-of-way improvements or to promote the public interest and general welfare. Establishment of a special setback that is not incidental to a partitioning or subdivision application of LC Chapter 13, or to another land use decision processed through a Type II or III procedure pursuant to LC Chapter 14, will be subject to the General Variance Provisions for this chapter. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-80, 7.11.80; 10-04, 6.4.04; 20-09, 12.10.20)*

15.083

Lane Code

15.083

15.083 Additional Setback Requirements.

(1) Additional Setbacks as defined in LC 15.010 are measured as specified in LC 15.070(1)(e) and required to be as specified below for the following County Roads:

Applegate Trail (Hwy. 36 to Territorial Hwy.)	+10'
Bailey Hill Rd. (City limits to Lorane Hwy.)	+20'
Bernhardt Creek Rd.(Sweet Creek Rd. to End County maint.)	+20'
Big Fall Creek Rd.(Jasper-Lowell Rd. to End County maint.)	+20'
Blue River Dr. (McKenzie Hwy. Blue River Bridge to western terminus at McKenzie Hwy.)	+10'
Bolton Hill Rd. (City limits to Vaughn Rd.)	+10'
Brice Creek Rd. (Row River Rd. to Champion Creek Rd.)	+10'
Briggs Hill Rd. (Territorial Hwy. to Spencer Creek Rd.)	+20'
Camas Swale Rd. (Mile Post 2.2 to Hamm Rd.)	+20'
Camp Creek Rd. (Marcola Rd. to McKenzie Hwy.)	+20'
Canary Rd. (Mile Post 1.33 to Canary Rd. South)	+20'
Canary Rd. South (Canary Rd. to Siltcoos Station Rd.)	+10'
Clear Lake Rd. (Canary Rd. to Hwy. 101)	+10'
Cottage Grove-Lorane Rd. (City limits to Old Lorane Rd.)	+10'
Cottage Grove Reservoir Rd. (London Rd. to London Rd.)	+10'
Crest Dr. (Lorane Hwy. to Blanton Rd.)	+10'
Crow Rd. (Green Hill Rd. to Territorial Hwy.)	+20'
Deadwood Creek Rd. (Hwy. 36 to Brooks Rd.)	+20'
Deerhorn Rd. (McKenzie Hwy. to Bridge St.)	+20'
Dillard Rd. (Urban Growth Boundary to Hwy. 99)	+20'
Fox Hollow Rd. (Urban Growth Boundary to So. Willamette St.)	+20'
Garoutte Rd. (Mosby Creek Rd. to Shoreview Dr.)	+10'
Gimpl Hill Rd. (Bailey Hill Rd. to Pine Grove Rd.)	+20'
Goodpasture Rd. (McKenzie Hwy. to End County maint.)	+10'
Hamm Rd. (Territorial Hwy. to Camas Swale Rd.)	+20'
Heceta Beach Rd. (Hwy. 101 to Rhododendron Dr.)	+10'
High Prairie Rd. (East 1st St. to End County maint.)	+10'
Hill Rd. (Old Mohawk Rd. to Marcola Rd.)	+10'
Jasper Rd. (City limits at 42 nd St to Parkway Rd.)	+10'
Jasper-Lowell Rd. (Jasper Rd. to Pengra Rd.)	+10'
Jasper-Lowell Rd. (Place Rd. to Hwy. 58)	+10'
Knight Rd. (Route F to West Sheffler Rd.)	+10'
Little Fall Creek Rd. (Jasper-Lowell Rd. to End County maint.)	+10'
Marcola Rd. (Camp Creek Rd. to County line)	+10'
McFarland Rd. (Westfir-Oakridge Rd. to High Prairie Rd.)	+10'
McKenzie View Dr. (Coburg Rd. to Hill Rd.)	+20'
Munsel Lake Rd. (Hwy. 101 to North Fork Siuslaw Rd.)	+10'
Petzold Rd. (Central Rd. to Crow Rd.)	+10'
Pine Grove Rd. (Crow Rd. to Spencer Creek Rd.)	+10'
Row River Rd. (Shoreview Dr. to Shoreview Dr.)	+20'
Row River Rd. (Sharps Creek Rd. to Brice Creek Rd.)	+10'
Shoreview Dr. (Row River Rd. to Row River Rd.)	+20'
Siltcoos Station Rd. (Canary Rd. South to County line)	+20'
South Jetty Rd. (Hwy. 101 to End County maint.)	+10'

At left margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE
FORMAT**

15.083	Lane Code	15.083
	Suttle Lake Rd. (Hwy. 101 to Hwy. 101)	+10'
	Sweet Lane (Hwy. 99 to End County maint.)	+10'
	Thompson Creek Rd. (Hwy. 36 to Indian Creek Rd.)	+20'
	Vaughn Rd. (Noti Loop Rd. to Bolton Hill Rd.)	+20'
	Vaughn Rd. (Bolton Hill Rd. to Territorial Hwy.)	+10'
	Wendling Rd. (Marcola Rd. to End County maint.)	+10'

(2) An application for a waiver to the additional setback requirements listed in LC 15.083(1) may be requested from the Director. The Director may grant a waiver on road sections where existing soil conditions and topographic features will allow future road development within the applicable minimum right-of-way width specified in LC 15.702 through LC 15.706 for the road. If the request for a waiver is denied, an application for a Variance to setback requirements may be requested in accordance with LC 15.085 below and the General Variance Provisions in LC 15.900. *(Revised by Ordinance No. 10-80, Effective 7.11.80; 10-04, 6.4.04; 20-09, 12.10.20)*

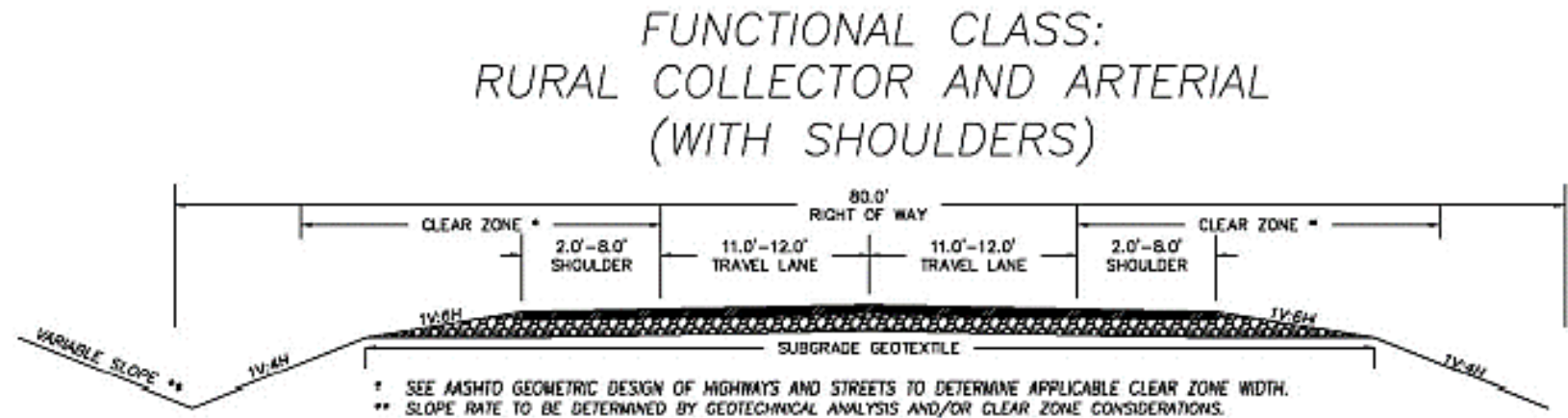
Lane Code Chapter 15 Amendments

April 25, 2023 Board of County Commissioners
Public Hearing

Right-of-Way Setbacks: Typical

Typical 80-foot right-of-way with for maximum roadway needs.

Building setbacks are measured from the code minimum which is often greater than the actual/existing right-of-way width.



MINIMUM WIDTHS FOR LANES, PAVED SHOULDERS, AND TOTAL PAVEMENT IN FEET FOR TERRAIN AND SPECIFIED DESIGN VOLUME (VEHICLES/DAY)

TERRAIN	TRAVEL LANE WIDTH (FT)			SHOULDER WIDTH (FT)			TOTAL PAVEMENT WIDTH (FT)			TRAVEL LANE WIDTH (FT)			SHOULDER WIDTH (FT)			TOTAL PAVEMENT WIDTH (FT)			TRAVEL LANE WIDTH (FT)			SHOULDER WIDTH (FT)			TOTAL PAVEMENT WIDTH (FT)					
	<250 ADT			250-400 ADT			400-1,500 ADT			1,500-10,000 ADT			>10,000 ADT			<250 ADT			250-400 ADT			400-1,500 ADT			1,500-10,000 ADT			>10,000 ADT		
LEVEL	11	2	26	11	4	30	11	5	34	12	5	36	12	8	40	11	0	22	11	2	26	11	4	30	11	6	34	12	8	40
ROLLING	11	0	22	11	2	26	11	4	30	11	4	30	11	6	36	11	0	20	11	0	22	11	2	26	11	4	30	12	6	36
MOUNTAINOUS	10	0	20	11	0	22	11	2	26	11	4	30	11	4	34	10	0	20	11	0	22	11	2	26	11	4	30	12	4	32

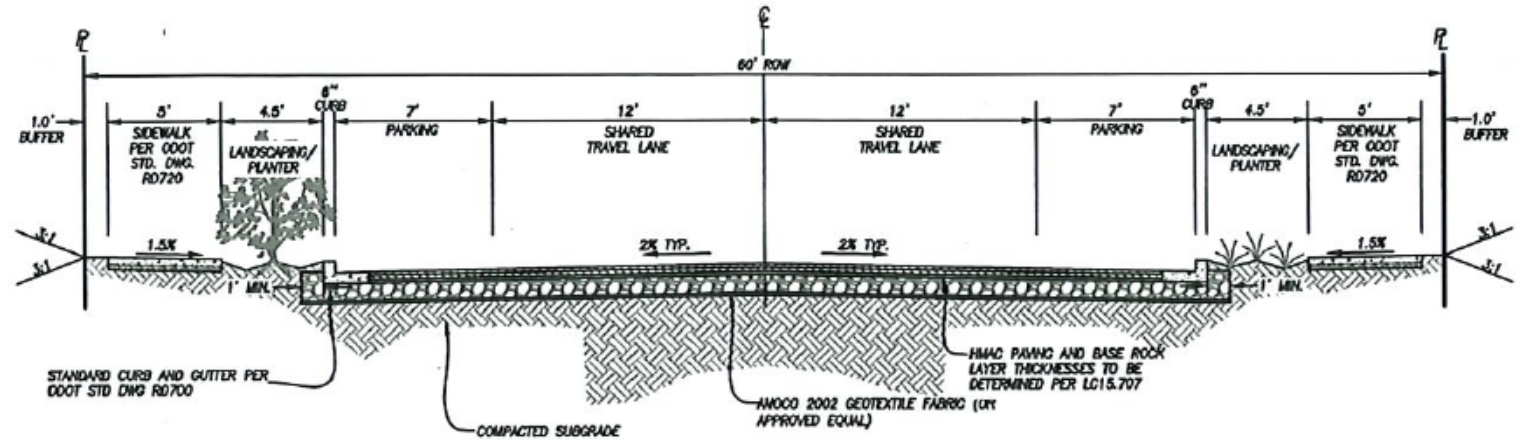
DIAGRAM 8

Right-of-Way Setbacks: Actual

Existing 60-foot right-of-way for Blue River Drive

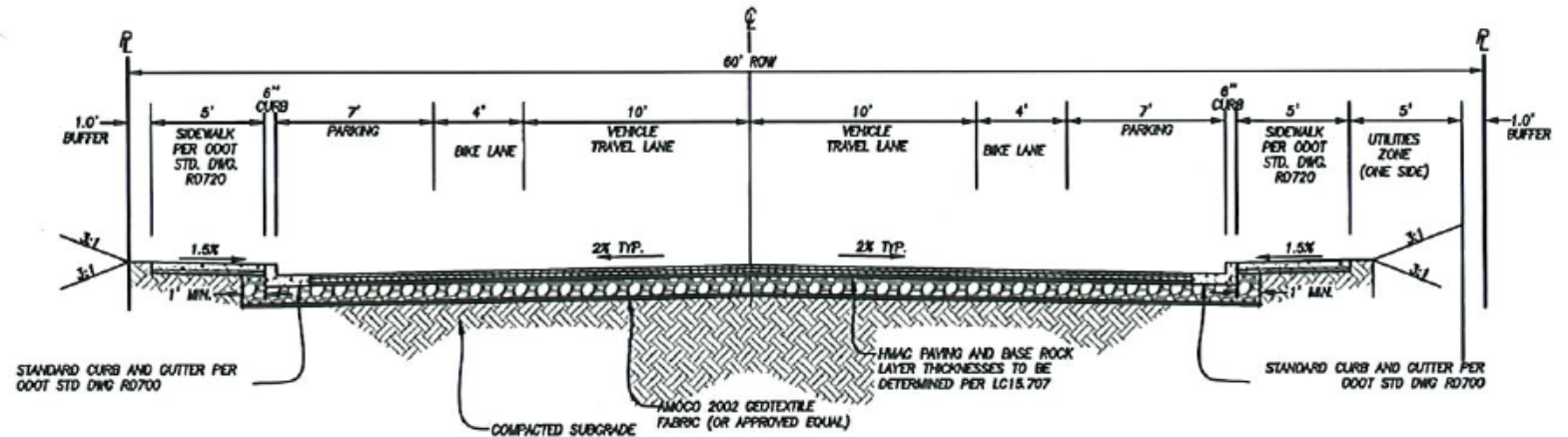
Examples of variety of designs to meet transportation needs within 60 feet, including sidewalks, parking, and utilities.

Actual design will be customized with the community and will focus on utilizing the existing 60 feet.



PROFILE A - BLUE RIVER DRIVE TYPICAL SECTION

7.0' ONSTREET PARKING BOTH SIDES, SHARED TRAVEL LANES, SETBACK SIDEWALKS
(NOT TO SCALE)



PROFILE B - BLUE RIVER DRIVE TYPICAL SECTION

7.0' ONSTREET PARKING BOTH SIDES, CURBSIDE SIDEWALK, SEPARATE BIKE LANES
(NOT TO SCALE)

Proposed Amendments

1. **LC 15.010(20)** Define “Design Concept”
2. **LC 15.070(1)(c)(iv)** Recognize the existing/platted right-of-way widths for downtown Blue River when determining building setbacks (rather than a typical code standard)
3. **LC 15.070(2)(b)** Enable building setbacks from the right-of-way to be based on a Board-approved Design Concept, which determines right-of-way needs from a context-sensitive design (rather than a typical code standard)
4. **LC 15.083(1)** Clarify extent of additional 10-foot setback intended for topographical constraints for Blue River Drive to remove the downtown area which is relatively flat.

Also: Request declaring an emergency for an immediate effective date (rather than waiting 30 days)



Blue River is
not “typical” –
it is special.

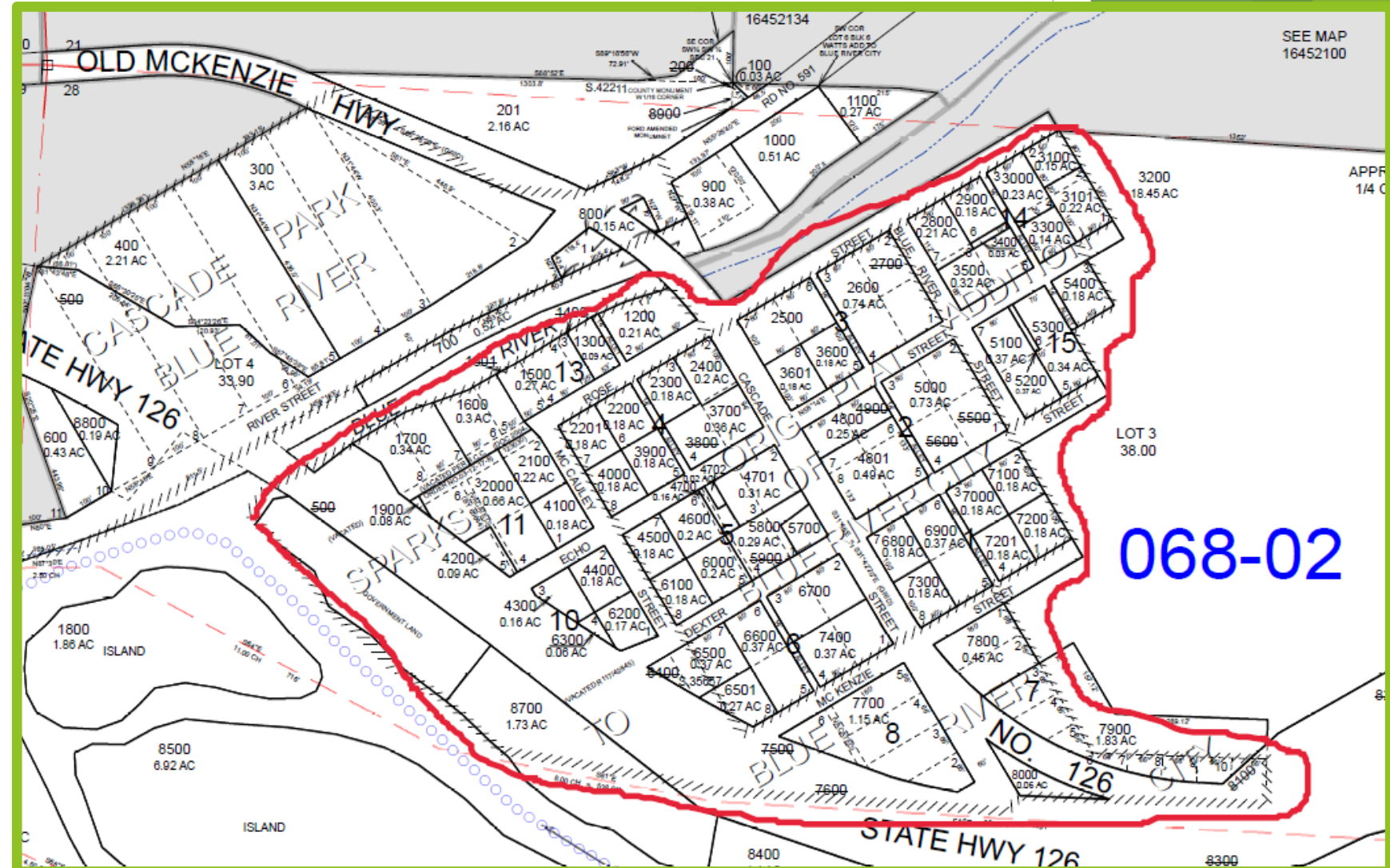
Design Concept

- ▶ **Definition to be added at LC 15.010(20):** Design Concept means a conceptual design of a capital improvement project showing the proposed alignment, typical section, and right-of-way width requirements.
- ▶ **Examples of previous Design Concepts approved by Board Order:**
 - ❖ Territorial Highway (Gillespie Corners – Town of Lorane)
 - ❖ East 30th Avenue
 - ❖ Gilham Road
- ▶ **Staff is currently working with the community to develop a Design Concept for Blue River Drive.** This is planned to come to the Board for approval later this summer.

Downtown Blue River Right-of-Way Setbacks

**Provision to be added
at LC 15.070(1)(c)(iv):**

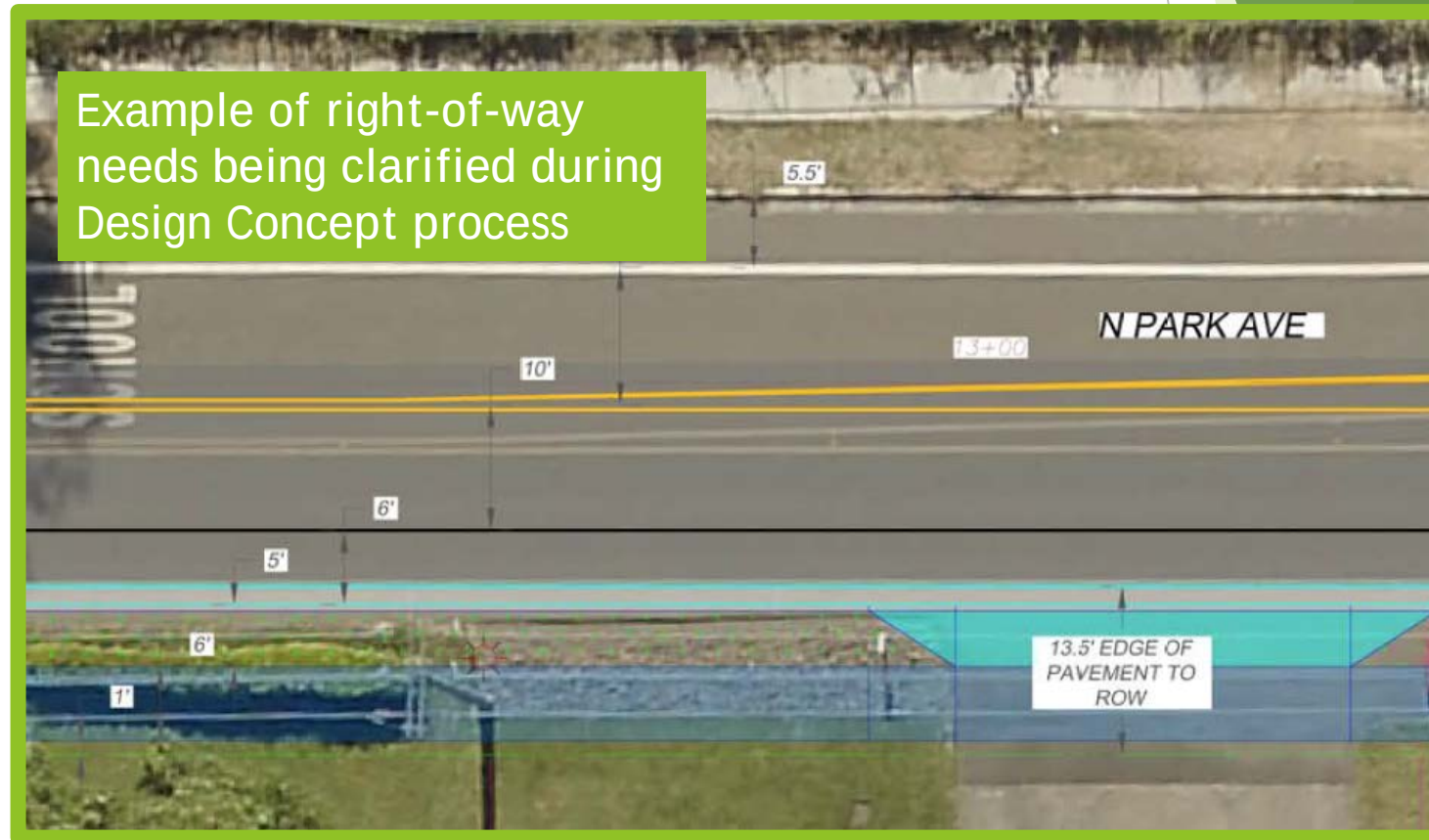
For the portion of the community of Blue River north of Highway 126, the minimum right of way width for setback purposes is the public right of way width as dedicated in the plats of Blue River City and Spark's Addition to Blue River City.



Right-of-Way Setbacks by Board-Approved Design Concept

Provision to be added at LC 15.070(2)(b):

Special setbacks may be established in a Board approved design concept for a County capital improvement project, pursuant to LM 15.050.580H.



Remove 10' Additional Right-of-Way Setback from Downtown Blue River Drive

Provision to be amended
at LC 15.083(1)

Blue River Dr. (~~McKenzie Hwy.~~
Blue River Bridge to
western terminus at
McKenzie Hwy.) +10'

**The purpose of this setback
is defined at LC 15.010(4):**
Reserve areas required where
soil conditions or
topographical features
necessitate significant cut or
fill requiring slope easements
for a roadway.

