AGENDA COVER MEMO

Memorandum Date:	June 12, 2024
First Reading Date:	July 9, 2024
Second Reading / Public Hearing Date:	July 30, 2024

TO:	Board of County Commissioners
DEPARTMENT:	Public Works
PRESENTED BY:	Becky Taylor, Senior Transportation Planner
AGENDA ITEM TITLE:	**ORDINANCE NO: 24-05 / In the Matter of Amending Lane Code Chapter 15 Modernize and Update Certain Practices (LC 15)**

I. MOTION

A. July 9, 2024: I move to approve the first reading of Ordinance No. 24-05 and to set the second reading and public hearing for July 30, 2024, at 1:30 PM in the Lane County Public Service Building, 125 E. 8th Ave, Eugene, Oregon.

B. July 30, 2024: Alternative motions after public hearing:

1. Move to approve Ordinance No. 24-05.

2. Move to set a third reading and to direct staff to return with a revised ordinance for the Board's consideration and action.

3. Move to deny Ordinance No. 24-05.

II. AGENDA ITEM SUMMARY

This item is a work session and first reading on July 9, 2024, followed by a second reading and public hearing on July 30, 2024, on the attached Ordinance No. 24-05 to amend Lane Code Chapter 15 Roads. Following the public hearing, the Board may deliberate and act on the alternative motions provided above.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Lane Code (LC) Chapter 15 Roads establishes requirements to implement Lane County's transportation policies and protect Lane County's transportation facilities. The last comprehensive update to the chapter occurred in 2020 (Ordinance No. 20-09). The proposed amendment package is a complete replacement of Chapter 15 as the entire chapter has been renumbered for consistency with other chapters. As part of the renumbering process, staff recommended additional edits for consistency with current practices, but without making any policy or substantive changes. A summary of the edits is provided in the analysis section, below.

B. Policy Issues

Staff believes the proposed amendments are consistent with current policy and are a better reflection of current practices.

C. Board Goals

Chapter 15 implements the policies and standards of the Lane County Transportation System Plan (TSP) which aligns with the County's Strategic Plan, especially Strategic Priorities 1 and 3 regarding safe and robust infrastructure, respectively.

D. Financial and/or Resource Considerations

Staff believes there are no financial or resource consequences with the proposed amendments.

E. Health Implications

Chapter 15 implements the policies of the TSP which support safe, multi-modal transportation access for all roadway users as being essential determinants of health.

F. Analysis

The proposed amendments are primarily a reflection of renumbering the entire chapter for consistency with other chapters. To support the comprehensive renumbering, several sections were moved or merged. A summary of the moves

and mergers are listed below.

- Merged "Road Requirements" with "Functional Classification and Right-of-Way Width"
- Merged "Access" with "Frontage" and, as a result, merged the Purpose statements of each.
- Moved "Standards for Culverts and Private Approaches on County Roads" (which are design standards) to the section on roadway design standards.
- Merged "Road System Development" and "Design Standards"
- Merged the trip-related triggers of the TIA requirements (i.e., 25, 50 or 100 peak trips). (No new triggers were added.)
- Deleted "Sidewalks" as a separate section and moved the relevant content to the appropriate sections, such as specifications to Design Standards and restrictions to Prohibited Activities.
- Merged Variances and Enforcement with Statutory Ways of Necessity.

Other minor edits were made to include definitions of existing code terms, such as "Americans with Disabilities Act (ADA)" and "Temporary Pedestrian Accessible Routes (TPAR)". Regarding definitions, other terms were clarified, as listed below.

- Building – to be more specific about structures erected by a person.
- Comprehensive Plan – to be inclusive, especially of rural cities, of all related plans co-adopted by the Board.
- Modernization – to clarify projects are not limited to traffic growth, but inclusive of transportation needs identified in the TSP which primarily recommends multi-modal safety projects, such as shoulder widening.
- Visual Clear Zone – moving the non-defining terminology (i.e., regulatory terminology) out of the definition section and into the applicable regulatory section of the chapter.
- Functional Class Maps – consistent with OAR 660-012, which requires TSPs to "map" functional classifications, clarifying that is the official inventory (not a "text" inventory).

A summary of proposed edits to improve readability and grammar are listed below.

- Removed unnecessary/redundant references to the Definitions section throughout the chapter.
- Added titles to numbered references for clarity (e.g., instead of just listing a number, LC 15.400, helping the reader understand the relationship and find the section by adding what that number refers to, such as "access management standards").
- Spelled out numbers when quantifying days, distance, etc.
- Formatted tables for consistent numbering.
- Removed unnecessary/redundant references to "or designee" which is already established within the Definition of County Engineer and Public Works Director.

- Removed Diagrams which are illustrations of code text in which the text explicitly prevails in the event of inconsistencies. The Diagrams will then be bundled into a user-friendly, customer-service resource on the webpage. This will make it easier to continue to add illustrations that help customers visualize some of the code language.
- Replaced "Notwithstanding the provisions of [code number]", stating what that code section means, such as "Unless specified as a condition of land use approval".

Lastly, the following edits are recommended to modernize the language consistent with current practices.

- Regarding the existing regulation that accesses be a minimum of 100 feet from a railroad track, changed "must be permitted by the railroad" to "unless written permission is provided by the affected railroad for the proposed location". Actual "permits" may not be required by the railroad.
- Clarified which sections are subject to Deviations (design standards only) vs. Variances.
- Clarified that "culverts" are relevant to "bridges."
- Pursuant to direction from County Counsel for consistency with Lane Manual Chapter 3 regarding administrative decisions being appealable directly to the Board, in the Deviations process, removed extra administrative step of an appeal of an administrative decision to the Public Works Director; instead, appeals would go directly to the Board.
- As noted previously, moved the Visual Clear Zone regulation out of the definitions section and into the relevant standards. This is moved text only with no regulatory changes.

G. Alternatives/Options

Following the public hearing on July 30, 2024, the Board has the following alternative motions:

1. Move to approve Ordinance No. 24-05.

2. Move to set a third reading and to direct staff to return with a revised ordinance for the Board's consideration and action.

3. Move to deny Ordinance No. 24-05.

IV. RECOMMENDATION

Staff recommends the first motion, above, for approval.

V. TIMING/IMPLEMENTATION

On July 9, 2024, the Board will conduct a first reading for Ordinance No. 24-05. On July

30, 2024, the Board will conduct a second reading and public hearing prior to issuing a decision. If approved by the Board, the Ordinance will become effective 30 days following enactment.

VI. FOLLOW-UP

Should the Board choose Motion 2, staff will revise the Ordinance as directed and return for approval on a date certain set by the Board.

VII. ATTACHMENTS

Ordinance No. 20-09

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 24-05	IN THE MATTER OF AMENDING LANE CODE CHAPTER 15 MODERNIZE AND UPDATE CERTAIN PRACTICES (LC 15)

WHEREAS, the certain changes are needed to Lane Code Chapter 15 to modernize and update certain practices;

NOW THEREFORE 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	**INSERT THESE SECTIONS**
Entire Chapter 15	Entire Chapter 15

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.

ENACTED this ___ day of _____ 2024.

Laurie Trieger, Chair
Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

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Chapter 15 – ROADS

15.005 – GENERAL

15.005.005 – Purpose.

The general purpose of this chapter is to provide a consolidated resource for the policies and associated standards that support the current and future transportation, maintenance and access needs of Lane County. The intent of this chapter is to establish requirements for efficient, safe and reliable vehicular and pedestrian movement throughout the County and usable ingress and egress to properties, to protect the public investment in the County Road system and the capacity of existing transportation facilities, to provide for private and public participation in the improvement of roads when the same becomes necessary by reason of development of abutting property and to assist in guiding the future development or redevelopment of the County in accordance with the Comprehensive Plan for Lane County.

(Ordinance 6-75, 3.26.75; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.005.010 – Definitions.

The definitions in this section 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 15.005 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.

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

"AASHTO" means the 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.

"Americans with Disabilities Act (ADA)" means a federal civil rights law that prohibits discrimination against people with disabilities in everyday activities.

"Access" means, subject to adopted policies and standards, the way by which a property, area or tract directly obtains safe, adequate and usable ingress and egress.

"Access Management" means 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.

"Additional Setback" means the 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.

Approach," as in "Road Approach" or "Driveway Approach," means the area of the intersection of an approaching road or driveway with a road.

"Board" means the Lane County Board of Commissioners.

“Building” for the purpose of this chapter, means any structure erected by a person or person, and is used synonymous with “Structure” in this chapter as it pertains to setback and site plan locations.

“Capacity” means, according to the context:

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.

“Capital Improvement Program (CIP)” means the 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.

“Channelization” means 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.

“Clear Zone” means the 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.

“Comprehensive Plan” for the purpose of this chapter, means the Lane County Rural Comprehensive Plan, Lane County Transportation System Plan, and other City Comprehensive Plans and Transportation System Plans that have been adopted by the Board of County Commissioners, which provide the overall policy direction for roads within Lane County.

“Congestion” means a condition under which the number of vehicles using a roadway is great enough to cause reduced speeds and increased travel times.

“Connectivity” means, according to the context: a network of streets and roads that intersect with the purpose of maximizing travel efficiency; or the ease of transfer between different modes of travel, such as from rail to bus.

“County Engineer” means the person designated by the County to exercise authority under any section of this chapter.

“County Road” means, 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.

“Demand Management” means those 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.

“Department” means the Lane County Department of Public Works.

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

“Design Exception” means “Deviation” as defined in this section.

“Deviation” means a permission granted by the County pursuant to this chapter that provides an applicant relief from strict application of a design standard contained in this chapter.

“Director” means 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.

“Egress“ means a method or place of leaving a property.

“Emergency” means any public health, economic or other event deemed an emergency by County, State, or Federal declaration.

“Expressway” means two (2) 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.

“Freeway” means 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.

Frontage Road” means 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.

“Functional Class” means 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.

“Herbicide” means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating plant growth.

“Improvement Agreement” means an agreement that may, under prescribed circumstances, be used in lieu of required road improvements. 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.

"Ingress" means a method or place of entering a property.

"Land Use Decision" has the meaning defined in LC Chapter 14.

"Land Use Regulation" has the meaning defined in LC Chapter 14.

"Level of Service" means 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.

"Local Access Road" means 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:

the Director recommends the expenditure; and

the public use of the road justifies the expenditure proposed; and

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

"Modernization" means road improvement projects to meet transportation needs consistent with adopted state, regional, county, or other local Transportation System Plans. 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.

"New Road" means the construction of a Public Road or road segment that is not a realignment, reconstruction, or modification of an existing road or road segment.

"ODOT" means Oregon Department of Transportation.

"Operation, maintenance, and repair" means 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. 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.

"Performance Agreement" means 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.

“Permit Holder” means 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 Person, Permittee, Applicant, Owner, Property Owner or Authorized Agent, where the context so requires.

“Person” means, in the context of this chapter, individuals, public or private corporations, associations, firms, partnerships, joint stock companies, governmental agencies, political subdivisions of the State of Oregon (including municipal corporations), trusts, estates or any other legal entity.

“Preservation” means 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.

“Private Access Easement” and “Private Road” mean 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 (2) or more persons, association, corporation, firm, club, partnership or other similar entity having the right of administration and/or ownership thereof.

“Public Right-of-Way Accessibility Guidelines (PROWAG)” means Federal Highway Administration guidelines ensuring that sidewalks, pedestrian street crossings, pedestrian signals, and other facilities for pedestrian circulation and use constructed or altered in the public right-of-way are readily accessible to and useable by pedestrians with disabilities.

“Public Road” means 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.

“Realignment” means 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.

“Reconstruction or modification” means 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.

“Rehabilitation” means road resurfacing, sealing, paving, and restoration, over and above routine maintenance, to repair deteriorating road surfaces and to address safety concerns.

“Responsible Party” means the person, permit holder, property owner, permittee, or agent, that is responsible for the property, activity, application, or issued permit subject to regulation by this chapter.

“Right-of-Way (ROW, R/W)” means, depending on the context, the land or any interest in land acquired or dedicated for public rights of passage, construction of facilities, motorists, cyclists, pedestrians, and utilities; or the customary or legal right of a person or vehicle to pass before another.

“Road” means 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:

arterials, collectors, and local roads as in the functional classes defined under “Functional Class”;

road-related structures that are in the right-of-way such as drainage conveyance facilities;

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

underground or overhead utilities and utility easements that are within the right-of-way.

“Rural Road” means a road or portion of a road that is not within an urban growth boundary.

“State Highway” means, as defined in ORS 366.005, 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.

“Stubbed Road” means a road having only one outlet, and which is intended to be extended or continued to serve future development on adjacent lands. This can include a cul-de-sac or hammerhead turnaround area intended to be extended in the future.

“Temporary Pedestrian Accessible Routes (TPAR)” means an area within a work zone marked by signing, delineation and temporary control devices for the use of pedestrians to navigate through or around the work area.

“Threshold” means the point at which maintenance is required to ensure set standards are maintained.

“Transportation Facility” means 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.

“Travel Surface” and “Travel Way” mean the road surface used for vehicular travel, including bicycle lanes.

“Turnaround,” “Cul-de-sac,” or “Hammerhead” mean the area located at the terminus of a road and developed to allow motor vehicles to safely and efficiently reverse direction.

“Unconstructed Road” means 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 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.

“Urban Growth Boundary (UGB)” means the boundary described in respective adopted City Comprehensive Plans to which urban services may be extended.

“Urban Road” means a road or portion of a road that is within an urban growth boundary.

“Utility” or “Utility Provider” means the entity or person that has ownership of utility infrastructure installed within the public right-of-way.

"Visual Clear Zone" means a triangular area of a driveway or road intersection corner that is fifteen (15) feet in length along the driveway and along intersecting roads.

(Ordinance 6-75, 3.26.75; Ordinance 11-75, 9.5.75; Ordinance 10-76,1.1.77; Ordinance 10-80, 7.11.80; Ordinance 1-91, 6.14.91; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20; Ordinance 23-02, 4.25.03)

15.100 – FUNCTIONAL CLASSIFICATIONS, RIGHT-OF-WAY WIDTH, AND ROAD REQUIREMENTS

15.100.010 – County Road Functional Classifications.

Street classifications are assigned to roads making up a circulation network that will adequately handle anticipated traffic demands without unduly disturbing local residential neighborhoods. Collector and arterial streets are designed to carry through traffic (non-local trips) and generally require wider rights-of-way and higher design standards in order to serve their intended function. Local roads primarily provide access to abutting property.

A. County Roads are classified in Table 1.

Table 1: Functional Classifications for County Roads
Functional Class
Local
Minor Collector
Major Collector
Minor Arterial
Principal Arterial

B. For purposes of the access management standards at LC 15.400 and other applicable sections of this chapter, County Road functional classification is ranked as higher or lower according to the volume and type of traffic flow they are anticipated to handle, as follows:

1. Arterial is the highest functional classification.
2. Collectors are the next highest functional classification.
3. Local will be the lowest classification.
4. Local Access Roads and Public Roads are ranked as equivalent to Local.

C. The Functional Class Maps in the adopted Lane County Transportation System Plan provides the official inventory of County Roads and their functional classifications.

D. Jurisdictional Transfers. A road that is transferred to the County from another jurisdiction where the functional class remains equivalent to the existing classification and is exempt from a Type IV procedure pursuant to LC 15.100.030.

(Ordinance 6-75, 3.26.75; Ordinance 4-80, 7.11.80; Ordinance 1-91, 6.14.91; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.100.020 – Urban and Rural Roads.

A. Roads that are located within an urban growth boundary are designated as Urban Roads.

B. Roads that are located outside of an urban growth boundary are designated as Rural Roads.

C. A change in the location of an urban growth boundary will result in a corresponding change in the urban or rural designation of a road.

(Ordinance 4-80; 7.11.80; Ordinance 10-04, 6.4.04)

15.100.030 – Additions and Changes to County Road Functional Classifications.

A. Application. An application for additions or changes to County Road functional classifications is an amendment to the Transportation System Plan, a special purpose plan within the Rural Comprehensive Plan. The Application must be submitted and processed as a Type IV procedure, in accordance with LC Chapter 14. An application may only be submitted by the owners of the property abutting an existing or proposed road, the Board of County Commissioners, or the Department of Public Works.

B. Review.

1. The Planning Director must work with the Director and County Engineer during completeness review to determine if additional information is needed if a recommendation from the Transportation Advisory Committee (TrAC) is necessary, or both. If deemed necessary, the TrAC will review the proposal and provide a recommendation prior to the first Planning Commission public hearing.

2. The Planning Director will review the proposal against the approval criteria in LC 15.100.030D and prepare a report for the Planning Commission for review and recommendation to the Board and subsequently to the Board for review and action.

C. Planning Commission Notice. In addition to Type IV notice requirements, at least twenty-one (21) days prior to the first hearing, notice will be given to adjacent property owners by:

1. Posting not fewer than three public notices along the alignment of the existing or proposed road, not more than five hundred (500) feet apart; or

2. Mailing notices to the owners of record of all property abutting the existing or proposed road alignment, using for this purpose the names and addresses on the most recent property tax assessment.

D. Criteria. An addition or change to a County Road functional classification may be approved if:

1. The addition or change will result in the County Road being used consistent with the functional classification.

2. The addition or change will be consistent with the adopted General Plan Policies, including the policies of the Transportation System Plan.

(Ordinance 6-75, 3.26.75; Ordinance 4-80, 7.11.80; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.100.040 – Minimum Requirements for Public Roads and Local Access Roads.

The following minimum requirements apply to Public Roads and Local Access Roads when new development is proposed to ensure that such roads will reasonably conform to the purpose of this chapter. Public Roads as defined in ORS 368.001(5) that have been dedicated to the County but never accepted by the Board must also meet the requirements in this section.

A. A Public Road or Local Access Road that is part of or serves a land division must comply with the following:

1. the land division requirements in LC 13; and

2. road dedication and improvement requirements in LC 15.300; and

3. the provisions in LC 15.100.040C through LC 15.100.040H.

B. When a Public Road or Local Access Road is used to provide access to a vacant property where development other than a land division is proposed, prior to land use and zoning authorization for the proposed development the following applies:

1. The applicant for the proposed development must provide written certification from the applicable Fire District, on a form prepared by Lane County, that the Public Road or Local Access Road meets minimum Fire District requirements to provide emergency services to the property.

2. If the applicant is unable to obtain the written certification specified in LC 15.100.040B, the property owner must record a Covenant and Hold Harmless Declaration to run with the land and in a form acceptable to Lane County that includes the following information and provisions:

a. a legal description of the property where development is proposed;

b. the name(s) of the owner(s) of the property;

c. a declaration and agreement that the property owner(s), it's successors, and assigns hold Lane County, its divisions, commissioners, officers, agents and employees harmless from any and all claims, losses, liability or damages that the owner(s) may incur as a result of failure to improve the Public Road or Local Access Road to the minimum Fire District requirements for providing emergency services to the property;

d. reasons why the fire district certification cannot be obtained. An applicant's refusal to obtain the certification is not in itself an allowable reason;

e. a statement that the property owner was advised and understands that the road may be inadequate for emergency vehicles;

f. a statement that the property owner declares and agrees that they have read the Covenant and Hold Harmless Declaration and has signed it of the property owner's own free will.

3. The requirements specified in LC 15.100.040B.1 and LC 15.100.040B.2 apply only to lands outside of a County-designated Forest zone. Lands within a Forest zone are governed by the siting and development standards of the applicable zoning district.

4. Public Roads and Local Access Roads that have previously been fully inspected and approved by Lane County as part of a land division final plat approval, for plats that were recorded after January 1, 1990, are not subject to fire district certification requirements of LC 15.100.040B.1 through LC 15.100.040B.2.

C. Whenever feasible, roads will be in alignment with existing or appropriate projections of existing roads by continuations of the centerline thereof.

D. When necessary to retain access to or permit a satisfactory future division of adjoining lands, roads must be extended to the boundary of a land division. A temporary turnaround meeting the requirements of LC 15.800.110 may be required for the resulting dead-end road.

E. In order to effect separation of through and local traffic, Frontage Roads or reverse frontage properties may be required by the County when a proposed property would otherwise abut an arterial or collector road. In addition, screening or other treatments may be required along arterial and collectors in order to provide adequate noise and visual protection of adjacent properties.

F. Where a cut or fill road slope is outside the normal right-of-way, a slope easement is required of sufficient width to permit maintenance of the cut or fill.

G. The County may require that at the entrance to any Public Road or Local Access Road a sign be constructed to County standards and posted at private expense stating the name of the road and indicating the road is not a County-maintained road.

H. The application for a new Local Access Road must be accompanied by a perpetual maintenance agreement that will be appurtenant to all properties to be served by the Local Access Road. The maintenance agreement must clearly allocate responsibility for maintenance of the Local Access Road. All maintenance agreements approved after December 10, 2020 must be recorded upon each of the properties receiving access from the new Local Access Road.

I. Any proposed placement of facilities or development within the road and right-of-way of a Public Road or Local Access Road is subject to the following:

1. Any person performing work does so at the person's own sole risk and must indemnify, save harmless and defend Lane County, its divisions, commissioners, officers, agents and employees, from all claims, suits, actions and damages arising out of or resulting from the work. Such indemnity is not limited by reason of the enumeration of any insurance coverage that may exist.

2. Due diligence must be completed prior to starting work to ensure compliance for items including, but not limited to, all of the following:

    a. Land Use requirements under Lane County Land Management Division (LMD),

    b. The Federal Endangered Species Act (ESA),

    c. The State Historic Preservation Office (SHPO),

    d. General construction standards or the ODOT Standard Specifications for construction,

    e. Public Utility Commission (PUC) requirements,

    f. The Oregon Utility Notification Center (OUNC) provisions and the Oregon Revised Statutes (ORS), and

    g. Traffic control requirements in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), ODOT, and Lane County standards.

3. Safety Requirements. Operations must ensure safety to the public and protection of the road system. Safety precautions must include such stipulations reasonably related to safety requirements. Should it be necessary to interrupt or redirect traffic, procedures designated by the Manual on Uniform Traffic Control Devices publication cited in LM 15.040 will apply. Roads must be kept free of debris. Flaggers, barricades and other safety devices must be employed as necessary to warn traffic of possible hazards. Lighted warning lights must be maintained where necessary between the hours of sunset and sunrise.

4. Construction. Facilities must be constructed or maintained in conformance with accepted engineering practices and standards.

(Ordinance 6-75, 3.26.75; Ordinance 4-80, 7.11.80; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.100.050 – Recording Requirements for Properties Served by Local Access Roads.

To provide notice to property owners of maintenance obligations related to properties receiving access from Local Access Roads:

A. Any seller of property receiving access from a Local Access Road must cause to be recorded upon the property a document that provides notice to any buyer in due course that, at a minimum, includes the following text:

> This property receives access from a Local Access Road named __[name of road]__. Under Oregon law, Local Access Roads have been dedicated as public right of way but are not constructed or maintained by Lane County. All costs and obligations of maintenance of the Local Access Road are the responsibility of the property owners receiving access from this road, unless the road is within the scope of a local road district or a road maintenance agreement.

B. A property receiving access from a Local Access Road that is subject to a recorded road maintenance agreement or is within a local road district is exempt from the requirements of LC 15.100.050A.

C. County will make a reasonable effort to identify each private property in Lane County that is adjacent to a Local Access Road from which the property may receive access, as of the date of adoption of this section,December 10, 2020, and for each property so identified will cause a notice to be placed in the electronic record maintained by the Lane Geographic Data Consortium. The notice is to read:

> "This property was identified as being adjacent to and may obtain its access from a Local Access Road. Local Access Roads are not maintained by the County, and responsibility for maintenance and repairs on Local Access Roads is upon the property owners who receive access from a Local Access Road. In addition, some properties receiving access from a Local Access Road may be bound by formal maintenance agreements regarding these obligations."

(Ordinance 20-09, 12.10.20)

15.100.060 – Minimum Requirements for Private Access Easements.

The following minimum requirements apply to Private Access Easements when new development is proposed to ensure that such roads will reasonably conform with the stated purpose of this chapter.

A. A Private Access Easement that is part of or serves a land division must comply with the following:

1. the land division requirements in LC 13; and
2. road dedication and improvement requirements in LC 15.300.010; and
3. the provisions in LC 15.100.060C through LC 15.100.060H.

B. When a Private Access Easement is used to provide access to a vacant property where development is proposed, prior to land use and zoning authorization for the proposed development the following requirements must be met:

1. The applicant for the proposed development must provide written certification from the applicable Fire District, on a form prepared by Lane County, that the Private Access Easement meets minimum Fire District requirements to provide emergency services to the property.

2. If the applicant is unable to obtain the written certification specified in LC 15.100.060B.1, the property owner must record a Covenant and Hold Harmless Declaration to run with the land and in a form acceptable to Lane County that includes the following information and provisions:

   a. a legal description of the property where development is proposed;

   b. the name(s) of the owner(s) of the property;

   c. a declaration and agreement that the property owner(s), it's successors, and assigns hold Lane County, its divisions, commissioners, officers, agents and employees harmless from any and all claims, losses, liability or damages that the owner(s) may incur as a result of failure to improve the Private Access Easement to the minimum Fire District requirements for providing emergency services to the property;

   d. Reasons why the fire district certification cannot be obtained, which may not be based only on the applicant's unwillingness to obtain the certification;

   e. A statement that the property owner was advised and understands that the road may be inadequate for emergency vehicle access; and

   f. A statement that the property owner declares and agrees that the property owner has read the Covenant and Hold Harmless Declaration and has signed it of the property owner's own free will.

3. The requirements specified in LC 15.100.060B.1 and LC 15.100.060B.2 apply only to lands outside of a County-designated Forest zone. Lands within a Forest zone are governed by the siting and development standards of the applicable zoning district.

4. Private Access Easements that have previously been fully inspected and approved by Lane County as part of a land division final plat approval, for plats that were recorded after January 1, 1990, are not subject to fire district certification requirements of LC 15.100.060B.1 and LC 15.100.060B.2.

C. The County may determine that the access and transportation needs of the public would be better served if the Private Access Easement being considered is established as a Public Road, Local Access Road or County Road and may require dedications and improvements pursuant to the requirements of LC 15.300.010.

D. The minimum width for Private Access Easement must be of a width determined by the County suitable for the intended use, but in no case less than thirty (30) feet. Notwithstanding this requirement, a pre-existing easement of not less than twenty (20) feet in width and serving a property created in its present configuration prior to April 28, 2004, is allowable provided the easement complies with other requirements of this chapter.

E. All approved documents creating a Private Access Easement must provide for the installation, construction and maintenance of all utilities and facilities which are now or may in the future be needed for the area abutting the road and the surrounding area.

F. Development on a property taking access over a railroad or limited access road right-of-way may require documentation that permanent or long-term access over the railroad or limited access road meeting the requirements of this section has been granted.

G. Any easement approved as a Private Access Easement must be an affirmative, perpetual easement appurtenant to the property that will be served by the easement, and contain at a minimum the names of the grantor and grantee, a description of the land encumbered by the easement, a description of the property or properties to be served by the easement, a statement of the intent or purpose of the easement and a statement allocating maintenance responsibility. All approved easements must be recorded.

H. The County may require that at the entrance to a Private Road a sign be constructed to County standards and posted at private expense stating the name of the private road and words such as "Private Road, Not Dedicated for Public Use or Maintained by Lane County."

(Ordinance 6-75, 3.26.75; Ordinance 9-76, 8.27.76; Ordinance 10-80 7.11.80; Ordinance 1-91, 6.14.91; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.200 – SETBACK REQUIREMENTS

15.200.005 – Purpose.

Setbacks are intended to protect the vested interest of the public in the existing and proposed capacity of roads, including pedestrian ways, bikeways and public transit lanes. Setbacks promote public safety and welfare by providing for adequate vision clearance, fire protection, light and air. The intent of the following requirements is to prevent or reduce deterioration of property values and promote conditions for desirable residential, commercial, industrial, institutional or public land uses.

(Ordinance 6-75, 3.26.75; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

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

A. 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:

1. 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 15.200.010B or unless an additional building setback is specified in LC 15.200.040.

2. 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 15.200.070, unless a special building setback has been established pursuant to the requirements of LC 15.200.010B or unless an additional setback has been established pursuant to the requirements of LC 15.200.040.

3. 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:

   a. For County Roads the minimum right-of-way width for planned right-of-way purposes is based upon the functional class of the road, as follows:

Table 2: Minimum Right-of-Way Width	Feet
Urban Principal Arterial	100

Urban Minor Arterial	80
Urban Major Collector	70
Urban Minor Collector	60
Rural Arterial or Collector	80
Urban Local	60, 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;
Rural Local	50

b. For Public Roads and Local Access Roads the minimum right-of-way width for development setback purposes is fifty (50) feet.

c. For State Highways, the minimum right-of-way width for setback purposes is as specified in LC 15.200.020.

d. 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.

4. When a road has an existing right-of-way width greater than the minimum right-of-way specified in LC 15.200.010A.3, the building setback will be measured from said existing right-of-way line rather than the minimum right of-way line.

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

6. Setbacks for those areas requiring an additional setback pursuant to LC 15.200.040 are measured as specified in LC 15.200.010A.1 through LC 15.200.010A.4 plus the distance specified in LC 15.200.040.

7. Cornices, canopies, eaves and similar architectural features may extend no more than two and one-half (2 1/2) feet into the setback from the wall nearest to the right-of-way.

8. Uncovered porches, platforms, landing places, stairways and fire escapes may extend no more than three and one-half (3 1/2) 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 (3) feet may be placed around each landing place.

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

10. 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 (3 1/2) feet in height and complies with Visual Clear Zone requirements specified in LC 15.200.070C.

11. Visual screening allowed by LC 15.200.010A.10 may exceed three and one-half (3 1/2) feet in height within the setback area, provided that the visual screening:

a. Is located on private property, outside of public right-of-way, and not within the setback area required by LC 15.200.010A.3 or LC 15.200.040;

b. Otherwise complies with Visual Clear Zone Requirements of LC 15.200.070C,

c. Does not exceed six (6) feet in height, and

d. 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.

12. Wire fencing such as that used for livestock, may be established within the setback area, provided that the wire fencing:

a. Is not “cyclone” or chain-link type fencing;

b. Otherwise complies with Visual Clear Zone requirements specified in LC 15.200.070C may be established within the setback area; and

c. Does not exceed seven (7) feet in height.

13. 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.

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

1. 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.

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

3. 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.

(Ordinance 6-75, 3.26.75; Ordinance 10-80, 7.11.80; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20; Ordinance 23-02, 4.25.03)

15.200.020 – State Highway Setbacks.

The following minimum right-of-way widths will be used in calculating the setback distance for new development subject to the provisions of LC Chapter 10 and LC Chapter 16 adjacent to State Highways:

Table 3: State Highway Setbacks		
Road Name	**Section Length (miles)**	**Setback R/W Width (feet)**
Franklin Boulevard/McVay Highway Highway 126 to 30th Avenue	2.19	80
Highway 36	5.52	80

Highway 99 to Territorial Territorial to Highway 126 West	45.97	70
Highway 58 I-5 to Jasper-Lowell Road Jasper-Lowell Road to County line	 5.73 56.34	 120 100
Highway 99 East Highway 99 West to County line	 3.37	 100
Highway 99 North Jessen Drive to Junction City limits	 8.67	 120
Highway 99 South I-5 at Goshen to County line	 20.51	 80
Highway 99 West Junction City limits to County line	 4.46	 90
Highway 101 Lincoln County line to Sutton Lake Road Sutton Lake Road to Canary Road Canary Road to Douglas County line	30.97	 80 100 80
Highway 126 W (Route F) Beltline Road to Florence City limits	 54.20	 100
Highway 242 Highway 126 East at Belknap Springs to east County line	 21.66	 60
McKenzie Highway (Highway126 East) Highway 99 to County line	 76.14	 100
Westfir Spur Highway 58 to Westfir-Oakridge Road	 1.00	 60

(Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.200.030 – Building Setback Requirements from Interior Property Lines.

Properties must have a building setback from interior property lines which conforms to the following minimum requirements:

A. Within all areas subject to the provisions of LC Chapter 16 “Lane County Land Use and Development Code,” the interior setback must be as designated by the applicable Zoning District.

B. Within all areas subject to the provisions of LC Chapter 10 “Zoning,” the interior setback must be as designated by Zoning District and the Building Setback Chart, LC 15.200.070.

C. Where a utility easement is recorded adjacent to an interior property line, the building setback cannot be closer to the property line than the width of the easement regardless of the building setback established by this section.

D. Cornices, canopies, eaves and similar architectural features may be extended beyond the interior building setback a distance not exceeding two (2) feet.

E. Visual screening such as, but not limited to, fences, walls or hedges not exceeding seven (7) feet in height may be located or maintained within the required interior building setback area, except where Visual Clear Zone requirements specified in LC 15.200.070C apply, or where a greater or lesser height may be required in connection with an action on a Conditional Use Permit, Temporary Permit, Site Review Permit or Planned Unit Development application.

(Ordinance 6-75, 3.26.75; Ordinance 10-80, 7.11.80; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.200.040 – Additional Setback Requirements.

A. Additional Setbacks are measured as specified in LC 15.200.010A.5 and required to be as specified for the following County Roads:

Table 4: Additional Setback Requirements	
Applegate Trail (Highway 36 to Territorial Highway)	+10’
Bailey Hill Road (City limits to Lorane Highway)	+20’
Bernhardt Creek Road (Sweet Creek Road to End County maintenance)	+20’
Big Fall Creek Road (Jasper-Lowell Road to End County maintenance)	+20’
Blue River Drive (Blue River Bridge to western terminus at McKenzie Hwy.)	+10’
Bolton Hill Road (City limits to Vaughn Road)	+10’
Brice Creek Road (Row River Road to Champion Creek Road)	+10’
Briggs Hill Road (Territorial Highway to Spencer Creek Road)	+20’
Camas Swale Road (Mile Post 2.2 to Hamm Road)	+20’
Camp Creek Road (Marcola Road to McKenzie Highway.)	+20’
Canary Road (Mile Post 1.33 to Canary Road South)	+20’
Canary Road South (Canary Road to Siltcoos Station Road)	+10’
Clear Lake Road (Canary Road to Highway 101)	+10’
Cottage Grove-Lorane Road (City limits to Old Lorane Road)	+10’
Cottage Grove Reservoir Road (London Road to London Road)	+10’
Crest Drive (Lorane Highway to Blanton Road)	+10’
Crow Road (Green Hill Road to Territorial Highway)	+20’
Deadwood Creek Road (Highway 36 to Brooks Road)	+20’
Deerhorn Road (McKenzie Highway to Bridge Street)	+20’
Dillard Road (Urban Growth Boundary to Highway 99)	+20’
Fox Hollow Road (Urban Growth Boundary to So. Willamette Street)	+20’
Garoutte Road (Mosby Creek Road to Shoreview Drive)	+10’
Gimpl Hill Road (Bailey Hill Road to Pine Grove Road)	+20’
Goodpasture Road (McKenzie Highway to End County maintenance)	+10’
Hamm Road (Territorial Highway to Camas Swale Road)	+20’
Heceta Beach Road (Highway 101 to Rhododendron Drive)	+10’
High Prairie Road (East 1st Street to End County maintenance)	+10’
Hill Road (Old Mohawk Road to Marcola Road)	+10’
Jasper Road (City limits at 42nd St to Parkway Road)	+10’
Jasper-Lowell Road (Jasper Road to Pengra Road)	+10’
Jasper-Lowell Road (Place Road to Highway 58)	+10’
Knight Road (Route F to West Sheffler Road)	+10’
Little Fall Creek Road (Jasper-Lowell Road to End County maintenance	+10’
Marcola Road (Camp Creek Road to County line)	+10’
McFarland Road (Westfir-Oakridge Road to High Prairie Road)	+10’
McKenzie View Drive (Coburg Road to Hill Road)	+20’
Munsel Lake Road (Highway 101 to North Fork Siuslaw Road)	+10’
Petzold Road (Central Road to Crow Road)	+10’
Pine Grove Road (Crow Road to Spencer Creek Road)	+10’
Row River Road (Shoreview Drive to Shoreview Drive)	+20’
Row River Road (Sharps Creek Road to Brice Creek Road)	+10’
Shoreview Drive (Row River Road to Row River Road)	+20’
Siltcoos Station Road (Canary Road South to County line)	+20’
South Jetty Road (Highway 101 to End County maintenance)	+10’
Suttle Lake Road (Highway 101 to Highway 101)	+10’
Sweet Lane (Highway 99 to End County maintenance)	+10’
Thompson Creek Road (Highway 36 to Indian Creek Road)	+20’
Vaughn Road (Noti Loop Road to Bolton Hill Road)	+20’

Vaughn Road (Bolton Hill Road to Territorial Highway)	+10’
Wendling Road (Marcola Road to End County maintenance)	+10’

B. An application for a waiver to the additional setback requirements listed in LC 15.200.040A 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 15.800.050 through LC 15.800.090 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 15.200.050 and the General Variance Provisions in LC 15.900.020.

(Ordinance 10-80, 7.11.80; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20; Ordinance 23-02, 4.25.03)

15.200.050 – Variance to Setback Requirements.

A. An application for any Variance to the requirements of this subchapter may be requested in accordance with the General Variance Provisions in LC 15.900.020.

B. When an application for a Variance relating to land within the right-of-way setback or additional setback of a Public Road, Local Access Road, or County Road is, upon appeal, denied by the Planning Director or Hearings Official, the applicant may appeal the decision pursuant to the requirements of LC Chapter 14, and as part of the appeal process, request to the Board that the County purchase the land. If, in the opinion of the Board, the applicant is prevented from utilizing the land in a manner that is reasonable in light of the total ownership, the Board may, upon written request, purchase or condemn the land. Upon the failure of the County to purchase the property or initiate condemnation proceedings within six (6) months of such request, the subject land will be considered free of the requirements of this section affecting land within the planned right-of-way.

(Ordinance 6-75, 3.26.75; Ordinance 10-80, 7.11.80; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.200.060 – Right to Require Removal of Structures.

If an owner of any land, without authority of a Variance builds, makes, moves or enlarges a structure or other improvement on property in violation of a setback requirement under this chapter:

A. Neither that owner nor any of that owner’s successors in interest may recover damages for public taking or removal of the structure or other improvement as thus built, made, moved or enlarged; and

B. Upon expropriation of the land for public purpose for which this chapter makes reservations, the Board may require the owner or the owner’s successors in interest, to remove or pay the cost of removing from the property and any abutting land restricted by setback requirements the structures or improvements thus built, made, moved or enlarged.

(Ordinance 6-75, 3.26.75; Ordinance 10-80, 7.11.80; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.200.070 – Building Setback Chart.

A. In addition to the Building Setback requirements in LC 15.200 the following setback requirements apply to lands governed by LC Chapter 10, Zoning.

Table 5: Building Setback Chart			
	Minimum Setback (Feet)		
	From Road ROW Specified in LC 15.070	**From Interior Property Line**	
District	**(Feet)**	**(Side)**	**(Rear)**
Important Agricultural Land (A-1)	20	15*	20*
Exclusive Farm Use (EFU)	20	15*	20*
Forest Management (FM)	20	--	--
Natural Resource (NR)	20	15*	20*
Farm Forestry 20 (F-F 20)	20	15*	20*
General Rural (GR 10)	20	15*	20*
Agriculture, Grazing and Timber (AGT)	20	10*	10*
Recreational Combining (/R)	As per the District with which the /R is combined		
Interim Agriculture Combining (/IA)	20	15*	20*
Public Reserve (PR)	25	10	10
Rural Residential (RR-5) (RR-2) (RR-1)	20	15*	20*
Suburban Residential (RA)	15	5	5
Single Family Residential (R-1)	15	5	5
Garden Apartment Residential (RG)	15	10**	10**
Residential Professional (RP)	15	10	10
Rural Commercial (CA)	20	10	10
Limited Commercial (C-1)	15	5	5
Neighborhood Commercial (C-2)	0	0	0
Commercial (C-3)	0	0	0
Tourist Commercial	20	10	10
Limited Industrial (M-1)	15	0	0
Light Industrial (M-2)	0	0	0
Heavy Industrial (M-3)	0	0	0
Special Heavy Industrial (M-4)	0	0	0
Mobile Home Parks	25	5	5
Airport Operations (AO)	20	5	5
Airport Vicinity (AV)	20	5	5
Sand, Gravel, Rock Products (SG)	Distances variable depending on operations and adjacent uses and zoning.		
Controlled Processing (CP)	see LC Chapter 10, "Zoning" for requirements.		
Planned Unit Development (/PUD)	Distances for Parent District will serve as guide but may be varied-see LC Chapter 10 "Zoning" for requirements.		

* Exception: For any property of less than one (1) acre within a recorded subdivision, the setback may be five (5) feet.

** Zoning has specific exceptions.

B. Accessory Buildings. For properties subject to LC Chapter 10 Zoning requirements, the minimum setback distance for any residential accessory building is the same as that required for the main building, except that:

1. the minimum distance between the entrance to any garage or carport and the applicable minimum road right-of-way specified in LC 15.200.010A.3 for the road from which access is taken is twenty (20) feet; and

2. in EFU, F-F 20, GR 10 and AGT districts, the minimum setback for an accessory building from an interior property line must be five (5) feet.

C. Visual Clear Zone. All corner lots or parcels must have a visual clear zone. No visual obstructions such as plantings, walls, fences, signs, other structures, or vegetation, between two and one-half (2 1/2) and fifteen (15) feet in height above the road surface.

(Ordinance 6-75, 3.26.75; Ordinance 3-76, 4.7.76; Ordinance 10-80, 7.11.80; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.300 – DEDICATION AND IMPROVEMENT REQUIREMENTS

15.300.005 – Purpose.

The purpose of these requirements is to ensure that a property owner is responsible to provide appropriate portion of right-of-way and improvement costs when the development of that property, due to the development's size or type of use, necessitates the need for additional expansion or construction of existing or planned transportation facilities.

(Ordinance 6-75, 3.26.75; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.300.010 – Dedication and Improvement Requirements.

A. When a land division or land development is proposed, the County may determine that dedication of right of way, easements, or other improvements are required as a condition of an approval when related in nature and extent to the impact of the proposed division or development. Such dedications and improvements may include:

1. Dedications of right-of-way or easements and improvements necessary to meet the applicable road design standards at LC 15.800 and other requirements of this chapter. Road dedication or improvements must be adequate to serve traffic generated by the new development from the development site to the publicly maintained road providing access.

2. When a traffic impact analysis (TIA) is required pursuant to LC 15.800.030, the County may require Public Road or County Road dedications and improvements consistent with the County-approved TIA.

B. If the County-approved TIA requires changes or additions to County Road functional classifications, such changes or additions will be made in accordance with the procedures specified in LC 15.100.030.

C. Land division or land development conditions of approval requiring dedication of right-of-way, easement, or other improvements may be subject to appeal under LC Chapter 14.

D. If dedications or improvements are required, the Director may determine that it is in the best interests of Lane County and in the furtherance of the public convenience and welfare that construction of the required improvements be deferred, and may accept in lieu of the required completion of improvements a performance improvement agreement pursuant to the Performance Agreement Standards at LM 15.060.

(Ordinance 6-75, 3.26.75; Ordinance 10-80, 7.11.80; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.300.020 – Variance to Dedication and Improvement Requirements.

An application for any Variance to the requirements of LC 15.300 may be requested in accordance with the General Variance Provisions in LC 15.900.020.

(Ordinance 6-75, 3.26.75; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.400 – FRONTAGE AND ACCESS

15.400.005 – Purpose.

The frontage requirements of LC 15.400.010 and LC 15.400.020 are to ensure that all properties abutting a County Road, Public Road, Local Access Road, or Private Access Easement (Private Road) have the road frontage necessary for safe, usable and convenient ingress and egress and that does not adversely affect the use of the property, the abutting road and the surrounding area. The access requirements of LC 15.400.030 through LC 15.400.060 are intended to provide for reasonably safe and usable permanent access to all lawfully created properties while ensuring the safety and efficiency of all roads and the transportation system in Lane County. The need to travel to and from a lawfully established property, providing for safe ingress and egress of emergency and public service vehicles and delivery of necessary services is considered a basic requirement for development. All access must be created in accordance with acceptable construction and engineering practices and take into consideration all transportation, services, maintenance, and utility and facility needs, including the installation and maintenance of sewer, water and storm drainage improvements.

(Ordinance 6-75, 3.26.75; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.400.010 – Frontage Requirements.

A. Any property abutting the right-of-way of a Public Road, Local Access Road, County Road or Private Access Easement (Private Road) must have continuous and usable abutment along said road of not less than thirty (30) feet. However, a lawfully created property that existed on or before April 28, 2004, must have a continuous and usable abutment of not less than twenty (20) feet.

B. A property that meets the General Access Requirements of LC 15.400.030F is served by an easement of less than twenty (20) feet in width, will be deemed to meet the frontage requirements of LC 15.400.010.

(Ordinance 6-75, 3.26.75; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.400.020 – Variances to Frontage Requirements.

An application for any Variances to the Frontage Requirements of LC 15.400.010 may be requested in accordance with the General Variance Provisions in LC 15.900.020.

(Ordinance 6-75, 3.26.75; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.400.030 – General Access Requirements.

A. All properties or building sites must have reasonably safe and usable vehicular access either directly to a Public Road, Local Access Road, County Road, State Highway or an approved Private Access Easement.

B. A property will be considered to have legal access for the purposes of development if the property:

1. was created in an approved and recorded land division; or

2. is part of an unrecorded subdivision filed with the County as a survey recorded prior to January 1, 1955, and the roads in the unrecorded subdivision were dedicated to the County but may not have been accepted as Public Roads; or

3. is adjacent to a Public Road, Local Access Road, or County Road, and meets the frontage requirements of LC 15.400.010; or

4. is served by a Private Access Easement meeting the requirements of LC 15.100.060; or

5. is adjacent to a State Highway and meets any applicable state access and permit requirements.

C. A property will be considered to have reasonably safe and usable vehicular access for purposes of development if the road providing access to the property is:

1. a County-maintained road or State-maintained road; or

2. a Public Road, Local Access Road, or Private Access Easement physically constructed and maintained to the requirements specified in this chapter; and

3. any applicable dedication and improvement requirements of this chapter are met; and

4. when dedication, easement recordation, or improvements are required, compliance with the requirements of this chapter will be verified either:

a. at the time of final partition or subdivision, pursuant to LC Chapter 13; or

b. if not fully inspected and accepted at the time of final partition, prior to building permit through an Access Verification application that will be processed according to Type I procedure pursuant to LC Chapter 14.

D. Properties in platted subdivisions must take access from the adjacent platted road unless the County Engineer determines that alternate access should be allowed. Such platted roads must be adequate to serve the proposed development and must be:

1. constructed at private expense to the requirements specified in this chapter; and

2. located within the platted road right-of-way. A survey to determine the location of the right-of-way may be required at the discretion of the Director.

E. When an existing County Road is approved to provide access to a vacant property where development is proposed:

1. the approach for the driveway or private access easement serving the property must meet the Access Management Requirements at LC 15.400.040 and the Standards for Culverts and Private Approaches at LC 15.800.120; and

2. the County may require dedications of right-of-way or easements and improvements pursuant to LC 15.300.010; and

3. all work within the County Road right-of-way must comply with the facility permit requirements of LC 15.500.020 through LC 15.500.040.

F. When a property has an existing permitted building, the property will be deemed to meet the access provisions of LC 15.400.030 through LC 15.500.040 and the standards at LC15.800.120 only when:

1. the new building permit application is for the remodeling, alteration or replacement of an existing structure; or

2. the addition of an accessory building where no additional dwelling units or guest houses are created; or

3. the addition of a new cell tower or collocation of telecommunications equipment to an existing facility on non-residential property; and

4. no new accesses or access alterations are proposed.

(Ordinance 6-75, 3.26.75; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.400.040 – Access Management Requirements.

The following requirements apply when access is taken from a County Road:

A. Access decisions will be made in a manner consistent with the functional classification of the roadway.

B. Where a right of access from a property to a County Road exists, access may be allowed at less than the Spacing Standards at LC 15.400.050 only if the property does not have reasonable alternative access and the spacing standards cannot be met. When sufficient frontage is unavailable to meet spacing standards, reasonable alternative access will be provided subject to the following limitations:

1. Whenever practicable, joint access should be considered; and

2. Not more than one (1) access point is permitted;

C. For properties with frontage on two (2) or more roads, access will be limited to the street with the lower functional classifications. If the functional class is the same or undetermined for either road, access must be taken from the road with the lowest expected traffic volume. The County Engineer may make specific exceptions when necessary to ensure safe and efficient travel.

D. Where a right of access to a collector or arterial road exists, the maximum number of approaches to the road from adjacent properties within a single ownership is one (1), irrespective of whether the land may be divided into two (2) or more properties or whether property Frontage and Spacing Standards of LC 15.400.050 would allow additional access points. More than one (1) approach may be approved by the County Engineer when, in the Engineer's judgment, additional approaches are necessary to accommodate and service traffic to and from a property and will not interfere with driver expectancy and the safety of through traffic on the road.

E. Where a right of access exists to a Local Road, more than one (1) approach to the road from a property may be approved by the County Engineer when, in the Engineer's judgment, additional approaches are necessary to accommodate and service traffic to and from the property, and will not interfere with driver expectancy and the safety of traffic on the road.

F. Driveway and road approaches on County Roads must be located where such approaches do not interfere with traffic flow or create a hazard for any authorized road users considering sight distance,

impact on traffic movement, and conflict with other signage and controls. Location of approaches on sharp curves, steep grades, areas of restricted sight distance or at points that interfere with the placement and proper functioning of signs, lighting, guardrail, or other traffic control devices are not permissible.

G. Driveway spacing on County Roads must comply with the Spacing Standards at LC 15.400.050.

H. Road approach spacing on County Roads must comply with the Spacing Standards at LC 15.400.050, subject to the following:

1. Within urban growth boundaries, block length and connectivity policies and standards specified in city transportation system plans and city development codes will apply;

2. Offset intersections with spacing less than the standards in LC 15.400.050 must be avoided, except when impracticable. A minimum offset of one hundred fifty (150) feet is required for roads designed for speeds of twenty-five (25) miles or more per hour;

3. For rural major collector roads new intersections must be minimized, unless impracticable;

4. For urban arterial roads, new intersections must include consideration for optimal traffic signal spacing (typically one-quarter (1/4) to one-half (1/2) mile) and avoidance of queuing or other operational problems.

I. Decisions regarding placement, location, relocation, and spacing of traffic control devices, including but not limited to traffic signals, turn lanes, and medians, will be based upon accepted engineering practices as provided for in the Federal Highway Administration (FHWA) Manual On Uniform Traffic Control Devices (MUTCD), the Oregon Standard Drawings published by ODOT and the American Public Works Association (APWA), and A Policy on Geometric Design of Highways and Streets published by the American Association of State Highway and Transportation Officials (AASHTO). The versions of these publications are cited in LM 15.450.

J. New development must accommodate on-site traffic circulation needs on the site. "Backing out" maneuvers are prohibited on all arterials and collectors.

K. New land divisions and property line adjustments must consolidate access to the greatest extent possible. New access onto arterials and collectors must be minimized.

L. Property line adjustments may not diminish the existing Frontage availability to a roadway below the minimum frontage requirements of LC 15.400.010 and must conform to the Spacing Standards at LC 15.400.050 to the greatest extent possible.

M. Accesses must be placed a minimum of one hundred (100) feet from existing railroad tracks, unless written permission is provided by the affected railroad for the proposed location.

(Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.400.050 – Road and Driveway Approach Spacing Standards.

Requirements in this section apply to new driveway and road approach intersections with a County Road. The spacing standards in this section apply to all adjacent properties within a single ownership.

A. Outside urban growth boundaries, Table 6 will be used in determining spacing between existing and proposed approaches onto County Roads.

B. Within urban growth boundaries, City spacing standards will apply to County Roads.

C. Where sufficient frontage is unavailable to meet spacing standards, reasonable alternative access will be permitted as specified in LC 15.400.040, consistent with other applicable requirements.

D. Driveway and approach spacing is measured from center-line to center-line of driveways and approaches located on the same side of the road, at the point of intersection of the road or driveway approach with the County road edge.

E. Site plans must show the location and width of access serving the property at the intersection of the property and road right-of-way, including all driveway and road approaches to be retained, relocated, added or closed on the subject property, and on adjacent properties as necessary to assure conformance with spacing standards. Dimensions must be shown to scale and labeled on the site plan. The spacing standards may be modified when in the County Engineer's judgement, spacing will not interfere with the driver expectancy and traffic safety on the road.

Table 6: Minimum Public Roadway Intersection and Private Access Spacing Standards

Posted Speed or Travel Speed*	Principal Arterial (ODOT)	Minor Arterial	Major Collector	Minor Collector	Local Roadway
> 55	See Oregon Highway Plan	475 feet	475 feet	325 feet	100 feet
50		475 feet	475 feet	325 feet	100 feet
40 & 45		400 feet	400 feet	325 feet	100 feet
30 & 35		275 feet	275 feet	220 feet	100 feet
< 25		200 feet	200 feet	150 feet	100 feet

*If a road does not have a posted speed, County staff will determine the travel speed. An applicant for access may submit a speed study completed by a Professional Engineer licensed in the State of Oregon to be considered and approved by the County, if the applicant disagrees with the County's speed determination.

(Ordinance 10-04, 6.4.04; Ordinance 17-06, 1.11.18; Ordinance 20-09, 12.10.20)

15.400.060 – Variance to Access Requirements.

An application for a Variance to the requirements of this subchapter may be requested in accordance with the General Variance Provisions in LC 15.900.020, except that the following additional requirements apply:

A. In addition to the criteria in LC 15.900C, the Variance application may be considered for approval if it is deemed necessary because of the unusual uses, title limitations, location, date or means of creation of the properties or because of the limitations imposed by the arrangement of contiguous or adjacent properties;

B. Any Variance to the access requirements of this section must be necessary to correct or improve an existing situation and is not intended as a means to create new roads or sites to which the orderly provisions of subdivision or partitioning would apply;

C. The property for which a Variance is sought must be lawfully created; and

D. If a Variance to the access requirements requires that a private access easement be created or approved as a part of any conditional approval, the minimum requirements for private access easements specified in LC 15.100.060 will be complied with as deemed necessary to ensure that any approved access will reasonably conform to the stated purposes of this section.

(Ordinance 6-75, 3.26.75; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.500 – ROAD AND RIGHT-OF-WAY REGULATIONS, NAMING, AND ADDRESSING

15.500.010 – Use of Public Roads, Local Access Roads and County Roads.

The Director is delegated the authority granted the Board by Oregon statute to regulate the use of Public and County Roads. Permits are required for certain activities to ensure the safety and convenience of the travelling public and to effectively and efficiently manage and maintain the public investment in the road system. Enforcement action regarding unpermitted and prohibited road and right-of-way activities are outlined in this section.

(Ordinance 20-82, 9.3.82; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.500.020 – Facility Permits.

All persons performing work or placing temporary or permanent facilities within a County Road right-of-way must apply for and receive a facility permit prior to commencement of any activity described in this section.

A. Activities Requiring a Facility Permit. Placement of facilities, development within the right-of-way of a County Road, alteration of such facilities and development, and other activities that may create hazards within the right-of-way will be authorized only through facility permits issued by the Director in accordance with ORS 374.305 through ORS 374.340. Such activities include, but are not limited to:

   1. Road improvements, sidewalks, new or reconstructed driveway or road approach intersections, utility placements, excavation, clearing, grading, fill, culvert placement or replacement, stormwater facilities, or any other facility, or appurtenance; and

   2. Other activities in or near the right-of-way that present a hazard within the right-of-way, such as the felling of trees when the horizontal distance of the tree from the right-of-way is less than the height of the tree, and blasting, demolition, or excavation located adjacent to or uphill from right-of-way in such a way as to present a possibility of debris falling into the right-of-way.

B. Prohibited Activities. The activities described in LC 15.500.050 are not permissible and are subject to the Failure to Comply and Enforcement Provisions of LC 15.500.040K and LC 15.900.

C. New Development Requiring a Facility Permit. A facility permit is required for access serving new development when access is obtained directly from a County Road, or indirectly by way of a Local Access Road, common driveway, or private road that intersects a County Road. The permit is required to ensure road and driveway approaches, culverts, and other facilities and development within the right-of-way of a County Road are constructed in a manner consistent with the purpose of this chapter for:

   1. A new structure on a vacant parcel;

   2. A dwelling, including a manufactured dwelling;

   3. If specified as a condition of approval in a land division or other land use decision.

D. Development Exempt from Access Facility Permit Requirements. Unless specified as a condition of land use approval, the following new development and uses are specifically exempt from facility permit requirements for access, provided the new development or use does not involve construction of a new driveway or road approach on a County Road, alteration to the existing driveway or road

approach on a County Road, or otherwise involve placement of facilities or development within a County Road right-of-way:

1. Temporary medical hardship homes;

2. Replacement dwellings;

3. The addition of a new cell tower or co-location of telecommunications equipment at an existing cell tower facility on private property zoned non-residential;

4. A new non-residential structure on a vacant property where no other land use changes or development occurs and the access does not directly connect to a County Road; and

5. A new dwelling on a property deemed to be a legal lot prior to 2021, where access does not directly connect to a County Road and the existing connection at the County Road already serves two (2) or more dwellings.

E. Other Permits. The Director is authorized to issue facility permits for such other activities or installations within public rights-of-way as may be granted the Board by applicable laws, rules, and regulations. This includes, but is not limited to the following:

1. Stormwater drainage & weepholes, sidewalk repair, installation of stock guards, and such special events as bike races, parades, event banners and decorations, or similar activities that require special conditions for use of the Public Roads or rights-of-way.

2. Donations of amenities for use within a County Road. Whenever a person wishes to donate to the County a public amenity for use within a County Road right-of-way, in addition to the Permit Procedure Criteria set forth in LC 15.500.040B, the amenity must:

a. serve a public purpose or provide a public benefit;

b. be located so as not to be an obstruction to a vehicle running off the road;

c. not be designed or colored so as to not distract vehicle operators;

d. if the object is to convey information, that the area used therefore be no larger than six (6) inches by twelve (12) inches, and otherwise comply with all applicable provisions of the sign code;

e. include the agreement of the donor to maintain the amenity for a period of not less than five (5) years.

F. Access Management. Activities requiring a facility permit are subject to applicable access requirements and spacing standards of LC 15.400.040 through LC 15.400.050 as part of the facility permit approval process.

(Ordinance 20-82, 9.3.82; 10-04, 6.4.04; 20-09, 12.10.20)

15.500.030 – Special Transportation Permits.

Movement of loads upon Public Roads or County Roads in excess of legal limits established by State law or in excess of road and bridge tolerances as posted by the Department are only as authorized on permit of the Director in accordance with ORS 818.200 through ORS 818.270 and any other applicable laws, rules and regulations.

(Ordinance 20-09, 12.10.20)

15.500.040 – Permit Procedure.

The following rules and regulations are adopted with regard to LC 15.500.020 Facility Permits:

A. Application. Application for permits must be made on forms provided by the Department. The Permit Holder must certify that all information supplied on the application is correct and agrees to abide by all applicable Federal, State and County laws, rules and regulations with regard to performance under the permit.

B. Approval Criteria. Facility permit applications will be reviewed to ensure the use or activity will maintain the road in a safe condition and to ensure protection of the public investment in the County Road system. Applications for road and driveway approach facility permits will also be reviewed for consistency with the standards at LC 15.400.030 Access, through LC 15.400.050 Spacing, and LC 15.800.120 Culverts and Private Approaches on County Roads. The Director, in approving any application, may attach special terms and conditions to promote these objectives. Applications for activities or uses that, in the Director's judgment, may jeopardize public safety or cause unnecessary damage to the road system will be denied.

C. Fees. Fees as allowed by law or as established by the Board may be collected by the Director, in connection with the issuance of permits.

D. Performance and Indemnity Requirements.

1. Permit Holders are liable for damage or injury to persons or property, including roads and structures, resulting from work done or privileges granted under any permit.

2. Before a permit is issued, Permit Holders of special transportation or other permits may be required to provide proof of adequate public liability or property damage insurance and proof of insurance or bond indemnifying Lane County, its divisions, commissioners, officers, agents and employees, against liability in the event of any injury or damage occurring by reason of the Permit Holder's operations under the permit. Permit Holders of facility permits may be required to show proof of such insurance.

3. Permit Holders performing logging operations along County Roads may be required to post a performance bond in an amount determined by the Director and may be required to provide proof of adequate public liability and property damage insurance.

4. Permit Holders for private access easement crossings may be required to furnish a bond or insurance indemnifying Lane County from any damage to County Roads or structures that may be caused by use of the crossing.

5. A Facility Permit must be issued and submitted to the Land Management Division before authorization can be provided for new development as specified in LC 15.500.020. The issued facility permit must include an approved site plan that matches the final site plan submitted to the Land Management Division.

6. In all cases, performance bonds and insurance will be at least in the minimum amount designated by the Director.

7. Permit Holders will conduct any work or privilege granted by permit at the Permit Holder's own sole risk and must indemnify, save harmless and defend Lane County, its divisions, commissioners, officers, agents and employees, from all claims, suits, actions and damages arising out of or resulting from the work or privileges granted by permit. And such indemnity is not limited by reason of the enumeration of any insurance coverage that may be required.

8. Permit Holders' Diligence. Issuance of a Lane County Facility Permit does not confirm or imply that the Permit Holder has met all Federal, State or Local requirements. Each Permit Holder must exercise due diligence and ensure compliance with such requirements as, but not limited to, the following:

    a. Land Use requirements under Lane County Land Management Division (LMD).

    b. The Federal Endangered Species Act (ESA).

    c. The State Historic Preservation Office (SHPO).

    d. General construction standards or the ODOT Standard Specifications for construction.

    e. Public Utility Commission (PUC) requirements.

    f. The Oregon Utility Notification Center (OUNC) provisions and the Oregon Revised Statutes (ORS).

    g. Traffic control requirements in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), ODOT and Lane County.

E. Safety Requirements. Permit Holders must exercise diligence and care to ensure safety of the public and protection of the road system. Safety precautions must also include such actions reasonably necessary to comply with such safety requirements, as may be made by the Director, in issuing the permit, and such other safety measures as may be required by law. Should it be necessary to interrupt or redirect traffic, procedures designated by the Manual on Uniform Traffic Control Devices publication cited in LM 15.450 will apply. During construction performed in connection with facility permits, roads must be kept free of debris. Flaggers, barricades and other safety measures must be employed as necessary to warn traffic of possible hazards. Lighted warning lights must be maintained where necessary between the hours of sunset and sunrise.

F. Construction.

1. Facilities must be constructed in conformance with:

    a. applicable Road Design Standards and requirements at LC 15.800;

    b. applicable Access Management requirements at LC 15.400; and

    c. applicable Traffic Impact Analysis requirements at LC 15.800.

2. The Permit Holder must notify the Director prior to the removal of any survey monuments and is responsible for the cost of replacing any survey monuments moved or destroyed while working in public rights-of-way.

3. The entire cost of construction, including special conditions and safety requirements, is solely borne by the Permit Holder.

4. Upon completion of the work, the road and right-of-way must be restored to its original condition at the expense of the Permit Holder.

G. Inspection. Performance under any permit issued by the Director is subject to inspection and approval by the Director. Required security will not be released until such approval has been granted. The Director is granted authority by the Board to act as its agent pursuant to ORS 374.305 through ORS 374.340 with regard to correction of deficient or unauthorized installations.

H. Maintenance. Permit Holders are responsible for maintenance of facilities at the Permit Holder's own expense. Facilities must be kept in a good state of repair at all times, and free of screening

vegetation or overgrowth that creates a hazard or risk of damage during right-of-way maintenance. In lieu of trimming vegetation, facility locations may be marked with a high-visibility flexible permanent marker extending a minimum of one (1) foot above surrounding vegetation. The County is not responsible for damage to facilities that are not maintained or marked as provided in this section. The Director is delegated statutory authority of the Board with regard to maintenance requirements, alteration or removal of facilities within the rights-of-way.

I. Permit Duration, Extensions, and Termination. Unless otherwise specified, construction and improvements required by a facility permit must be completed within one (1) year from the date the facility permit was issued.

1. Permits may be extended when necessary to complete required construction and improvements for intervals up to one (1) year, to a maximum of three (3) years from the date the facility permit was issued, provided:

a. the request for an extension is submitted in writing with the applicable fee prior to the permit expiration date, and

b. a performance agreement is executed for the Facility Permit work. The performance agreement must be on a form prepared or approved by Lane County and meet the requirements of LM 15.060.

2. Permits may be terminated and a new Facility Permit may be required when:

a. The development or use associated with construction and improvements required by the facility permit is substantially changed or expanded. For purposes of this subsection, “substantially changed or expanded” means any of the following:

(1) a change of development or use from residential to non-residential use;

(2) a change of development or use from commercial to industrial use;

(3) an additional permanent dwelling unit;

(4) an increase in a commercial or industrial development or use that exceeds twenty-five percent (25%) of the area of the existing use, including all indoor and outdoor areas devoted to the use.

b. The Permit Holder is found to have obtained a permit through misrepresentation of the facts or when, in the judgment of the Director, terms of the permit are being violated or public safety is threatened.

J. Permit Holders are responsible for the cost of design, installation or construction of additional roadway improvements and traffic control devices, such as turn lanes, warning devices or traffic signals, at any time in the future when the traffic volumes generated by the use for which the access permit is authorized necessitate such installation in the interest of public safety. The need for and type of traffic control devices required will be determined by the Director based upon the Manual For Uniform Traffic Control Devices publication cited in LM 15.040. If required, the Permit Holder will be responsible for the cost of design and installation or construction only.

K. Failure to Comply. The Director has the authority to remove unauthorized facilities, vehicles, and vegetation from public rights-of-way, or to construct or restore rights-of-way due to unauthorized or prohibited activities, at the responsible property owner’s cost.

1. When an unpermitted facility, installation, or vehicle does not represent an immediate hazard, the Director may first attempt to contact the responsible party for removal of such facilities or installations. Upon failure of the responsible party to comply with removal by a specified date,

the Director may cause the unauthorized facility, installation, or vehicle to be removed with the cost billed to the responsible party.

2. In situations where restoration, reconstruction, repair or new construction is required, the Director may recover all costs incurred from the responsible party or impose administrative penalties as outlined in LC 5.025.005 through LC 5.025.040.

L. Deviations or Variances from Facility Permit Requirements. Deviations may be sought pursuant to the provisions of LC 15.800.130. Variances may be sought pursuant to the provisions of LC 15.900.020.

(Ordinance 20-82, 9.3.82; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.500.050 – Road and Bridge Prohibited Activities and Restrictions.

The County has authority to apply corrective action to prohibited activities and restrictions on Public and County Roads as follows:

A. Prohibited Activities include any activity that has the potential of hindering the normal operation, maintenance, safety, or general use of a Public or County Road right-of-way. The following activities are generally prohibited and subject to Failure to Comply at LC 15.500.040K and Enforcement Requirements at LC 15.900.

1. Fixed object placement including, but not limited to, landscape timbers, rocks, irrigation facilities, walls, gates, bollards, fencing, non-standard mailbox supports, roadside memorials, stairways, basketball hoops, signs, logs, and stumps.

2. Unapproved or unpermitted landscaping and trees.

3. The placement of any facility or utility line within, attached to, or surrounding any culvert, guardrail, or other facility maintained by the County.

4. Mud, sediment, or any type of debris in the road or right-of-way flowing or deposited from private property either through erosion or excavation, or drawn out on vehicle tires.

5. Any activity or occurrence on private property that can cause damage to a road or create conditions in the road right-of-way that might be hazardous or damaging to the public, including but not limited to blocking or altering a drainage way, diverting water from private property, or hazardous trees.

6. Vehicle ingress and egress to properties at unpermitted locations.

7. Trash receptacles left in the right-of-way more than one day after the scheduled pick-up date.

8. Vehicles parked partially in the lane of travel, on a sidewalk, or in violation of ORS 819.120.

   a. Abandoned vehicles, or vehicles parked in the same location for an extended period of time that prevents routine maintenance such as sweeping, including any vehicle in violation of ORS 819.110.

   b. Camping within the public road right-of-way.

9. Unauthorized speed bumps or humps.

10. Any activity or use which might obstruct or otherwise impede the normal passage of pedestrians and bicycles on sidewalks is prohibited. Such activities or uses include, but are not limited to the following:

a. The parking of a motor vehicle on or over any portion of the sidewalk.

b. The dumping, depositing or placing of refuse, leaves or snow upon a sidewalk.

c. The sale or display of merchandise on or near a sidewalk in such a way that the merchandise or prospective buyers of it might impede or obstruct the passage of pedestrians.

d. The growth of trees, bushes, or other plants in such a way that any part of the plant growing on or over a sidewalk might impede or obstruct the passage of pedestrians or bicycles.

e. The use of motorized vehicles, horse-drawn vehicles or horses on any sidewalk is prohibited, except where sidewalks must be crossed in order to gain access to a driveway, road, street, alley or parking area. Nonmotorized vehicles such as bicycles may be used on sidewalks for normal passage. The users of such vehicles must not operate them in such a manner as to impede, hazard or prevent the normal passage of pedestrians. Motorized wheelchairs are permitted on sidewalks.

B. The Director is delegated authority by the Board to impose temporary weight restrictions on roads or bridges pursuant to ORS 810.030, under emergency conditions. In the event of threat to public safety or extensive damage to Public Roads or bridges, the Director may post such facilities with such restrictions as are authorized under ORS 810.030. Such action will be abated unless confirmed at the next public meeting of the Board with a duly executed Board Order.

(Ordinance 20-82, 9.3.82; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.500.060 – Temporary Road Closures.

The Director is authorized to temporarily close a road in the interest of public safety or prevention of extensive damage to County roads or bridges.

(Ordinance 20-82, 9.3.82; Ordinance 10-04, 6.4.04)

15.500.070 – Unopened Established County Rights-of-Way.

Rights-of-way legally established for County Road purposes over which roads have not been constructed will not be opened for purposes of private access or land development at public expense. Construction of roads in these circumstances may be allowed by facility permit and through the land development process, if applicable, at the expense of the Developer.

(Ordinance 20-82, 9.3.82; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.500.080 – Lengths of Vehicles, Combinations of Vehicles, and Weight Limits.

A. Lengths and Combinations of Vehicles. Certain types and combinations of vehicles may be operated without special length permits upon Lane County roads, except those roads or segments of roads assigned limitations in accordance with ORS 810.030, when the overall length of the vehicles, combination of vehicles or loads do not exceed those established in Table 7. In combinations featuring more than one (1) trailer or semi-trailer, the shortest trailer must be positioned to the rear of the combination.

Table 7: Maximum Vehicle Length

Vehicle or Combination of Vehicles	Maximum Length in Feet	
	Trailer	Overall
Truck and trailer combination (neither the truck nor the trailer may exceed 40’ in length)	40’	75’
Truck-tractor semi-trailer combination	45’	75’
Truck-tractor, semi-trailer, and trailer (Doubles combination)* *In no instance can the distance from the front of the semi trailer to the rear of the second semi trailer exceed 68’	40’	75’
Log truck and pole trailer (stinger steered)* *Stinger-steered: the coupling device is located back of the tread of the tires of the last axle of the towing vehicle	N/A	75’

B. Weight Limits. Load limits are regulated according to the requirements of ORS 818.010.

(Ordinance 73-82, 10.29.82; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.500.090 – Addressing Purpose.

The purpose of LC 15.500.110 through LC 15.500.160 is to provide for road naming and a uniform addressing system that will allow for systematic expansion as well as providing the necessary information to public safety agencies to locate structures by site address along the County's road network.

(Ordinance 13-84, 11.9.84; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.500.100 – Authority for Enactment.

LC 15.500.110 through LC 15.500.160 is enacted pursuant to the authority vested in the County by its Charter and ORS Chapter 215.

(Ordinance 13-84, 11.9.84; Ordinance 10-04, 6.4.04)

15.500.110 – Road Naming.

The naming or renaming of roads in Lane County will be accomplished as set forth by order of the Board pursuant to LM 15.010.

(Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.500.120 – Assignment of Address.

Addresses will be valid only if assigned by the Department. Structures will be assigned an address for any property adjacent to a road as part of new construction/placement permit issuance procedures and in other cases, subject to the following:

A. A new address will be assigned only for:

1. A new structure on a vacant property provided the structure and the property are lawfully established; and

2. New, lawfully established structures on a property where an address already exists, provided the new structure cannot be served by the same driveway due to topographical or other physical characteristics of the property.

3. Other circumstances if, upon review by the Department, the address assignment will be consistent with other provisions of Lane Code.

B. For new addresses assigned to lawfully established structures that are not dwellings or manufactured dwellings, the address will not be used to establish residency.

C. Manufactured dwellings within manufactured dwelling parks and multi-unit structures will be issued separate unit numbers within the manufactured dwelling park's address.

D. Businesses operated in conjunction with a residential address will not be assigned a separate address unless the structure otherwise qualifies for a new address pursuant to LC 15.500.120A.

E. A new temporary medical hardship dwelling will not be assigned an address unless the structure qualifies for a new address pursuant to LC 15.500.120A.2. An address assigned for a temporary medical hardship dwelling is no longer valid when the hardship ceases.

F. No address will be assigned unless a site plan meeting the requirements and guidelines of the Department is submitted and approved, and the site plan includes the accurate location of the driveway, any access easements, the proposed structure(s), and property lines.

G. If access to a structure requiring an address is taken in whole or in part via a Private Access Easement an address will be assigned only upon compliance with the requirements in LC 15.500.120 through LC 15.500.160 and only upon documentation of a recorded access easement meeting the requirements of this chapter.

(Ordinance 13-84 , 11.9.84; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.500.130 – Correction or Removal of Address.

Address corrections or removals may be initiated at the request of the property owner, the owner's authorized agent, or the Department when it is demonstrated that:

A. The address is incorrect, jeopardizes the safety of the affected Occupants or residents;

B. The structure assigned the address has been removed;

C. The address was improperly assigned; or

D. A code compliance violation relating to the address exists

(Ordinance 13-84, 11.9.84; Ordinance 20-09, 12.10.20)

15.500.140 – Address Exceptions.

The County may choose not to assign addresses in certain areas adjacent to any municipality where the municipality has extended its numbering system beyond its incorporated limits.

(Ordinance 13-84, 11.9.84)

15.500.150 – Address Responsibility.

The Department is charged with the responsibility of notifying affected agencies of assigned addresses.

(Ordinance13-84, 11.9.84; Ordinance 20-09, 12.10.20)

15.500.160 – Fees.

All applications and requests for address assignment must be accompanied by the fee amount established by separate order of the Board.

(Ordinance 13-84, 11.9.84; Ordinance 20-09, 12.10.20)

15.600 – ROADSIDE INTEGRATED VEGETATION MANAGEMENT POLICY

15.600.005 – Purpose.

A. Lane County promotes roadside vegetation management practices that emphasize environmental protection and the health and safety of public and employees, to support vibrant communities and preserve infrastructure. Lane County will serve as a positive model for environmental stewardship.

B. The County will use non-herbicidal control methods, including prevention, as its preferred tools for roadside vegetation management. Permitted herbicides may be used when other methods or options have been ineffective.

(Ordinance 12-03, 9.11.03; Ordinance 16-07, 10.27.16; Ordinance 20-09, 12.10.20)

15.600.010 – Environment.

A. The listing of Willamette River Steelhead and Chinook salmon under the Endangered Species Act has heightened awareness of the impact that common practices have on the environment. Studies documenting the presence of herbicides in area streams and effects of herbicides on salmon point to the need for public agencies to serve as models of environmental stewardship in landscape management.

B. Impacts to other species, including pollinators and amphibians should be considered in maintenance activities.

(Ordinance 20-09, 12.10.20)

15.600.020 – Data Collection and Analysis.

A. Noxious and Invasive species management will be supported by inventories and roadside monitoring on a three (3) year cycle. County inventories will be made available to the public.

B. Collaborative efforts will be sought where possible to share information and resources from other agencies, public members and partners.

C. Maintenance methods and tools will be selected based upon findings of results and prioritization within a defined decision matrix as part of the Management Prescription Plan.

(Ordinance 20-09, 12.10.20)

15.600.030 – Roadside Vegetation Management Plan.

Lane County's primary roadside vegetation control methods will be data driven. Preferred options will be based on efficacy and promotion of public and environmental health and safety. Mechanical and manual methods will continue to be the primary tools within the program.

A. Prevention Techniques. Vegetation prevention techniques encourage the desired plants, animals, and other organisms and discourage unwanted ones. Prevention techniques and least-toxic pest controls include:

1. Maintaining a monitoring program sufficient to enable a data driven process promoting effective and timely vegetation management practices.

2. Increasing vegetation tolerance thresholds, while maintaining current roadside safety and infrastructure standards.

B. Mechanical, Manual, and Other Alternative Vegetation Control Methods that evaluate and address existing vegetation problems or problems that may develop on county roadsides in spite of prevention techniques, the Department of Public Works will include:

1. Monitor roadside vegetation growth to determine if thresholds have been exceeded or control is needed.

2. Use physical, mechanical, and other alternative methods to control vegetation to prevent impairments or damages to roadways.

C. Use of Herbicide Products.

1. The Board of Health will adopt by resolution a Permitted Products list for use of herbicides by the Department of Public Works for roadside management. The Board of Health, will solicit review and comment from the Public Health Administrator who will work with the Public Health Advisory Committee.

2. The Board of Health may periodically review the Permitted Products list and after receiving public comment, add products to that list that meet the criteria in this chapter or delete products if new information becomes available indicating that the products do not meet those criteria.

3. The Board of Health may authorize the use of non-listed herbicides on county roadsides when the director of Public Works has determined that a condition or emergency exists where herbicides on the permitted list have been tried without satisfactory result pursuant to the following criteria:

a. The nature of the problem and the reason to use the non-listed herbicide.

b. Information received after reviewing current information sources and databases to determine the most effective herbicide(s) with the least impact to human and environmental health pursuant to criteria in LC 15.500.040E Permitted Product List Criteria.

c. Description of the specific non-listed herbicide, persistence in the environment (length of soil half-life), currently designated toxicity levels, and all known potential risks with regard to public health and safety, or to the environment.

d. Proposed date, target species, method of application, public notification, and specific steps that will be taken to minimize risks to human health and the environment.

e. An evaluation of all feasible alternatives including non-herbicidal control methods and no action alternatives.

f. Any applicable legal requirements.

4. The Board of Health will approve or deny the use of non-listed herbicides when the use of Permitted Products has proven to be ineffective in particular applications, either on a one-time basis, or for a limited time to be specified by the Board of Health.

(Ordinance 12-03, 9.11.03; Ordinance 16-07, 10.27.16; Ordinance 20-09, 12.10.20)

15.600.040 – Application Methods and Buffers.

A. Herbicide applications adjacent to waterways or bodies of water that occur within one hundred (100) feet must adhere to Management Prescription Plan guidelines in order to protect water quality, aquatic species, and associated habitats from potential impacts.

B. Herbicide applications within five hundred (500) feet of a school will need to adhere to Management Prescription Plan guidelines in order to protect human health.

C. School Districts within Lane County will be provided with No Spray area information to provide to students or parents on an annual basis. All requested and identified school bus stops will be provided a two hundred (200) foot buffer from herbicide applications.

D. Other areas determined to present risk to children or the environment as determined by the Director of Public Works will be added to the guidelines within the Management Prescription Plan. The County's Department of Public Works staff will continue to review research regarding alternative vegetation control methods to evaluate their effectiveness and potential for use in County roadside vegetation management operations.

E. Permitted Product List Criteria. Permitted herbicide products must meet all of the following criteria (all active ingredients, known inerts, and other additives, should be identified so that they can be screened using this criteria):

1. Product contains none of the following substances:

a. A known, likely, or probable carcinogen;

b. Reproductive toxicants;

c. Known or probable endocrine disruptors;

d. A substance acutely toxic to humans or labeled as DANGER or POISON;

e. Nervous system toxicants (ingredients that are cholinesterase inhibitors or are listed as neurotoxic);

f. Substances harmful to pollinators and aquatic species, including fish, birds, invertebrates or domestic animals.

2. In addition, consideration will be given to the following:

a. Active ingredients have soil half-life of thirty (30) days or less (exception for minerals).

b. Active ingredient has extremely low or very low mobility in soils.

c. Product is not found in US EPA Office of Pesticide Programs Registration Eligibility Decisions (REDs, IREDs, and TREDs) to exceed a level of concern for fish, aquatic insects, aquatic and semi-aquatic plants, or wildlife; and

d. Active ingredients have not been detected in waters at a level harmful to aquatic life.

3. These criteria will be reviewed by the Public Health Advisory Committee annually. The findings and recommendations of the Committee on the products will be reported to the Board of Health and the Public Health Administrator.

(Ordinance 12-03, 9.11.03; Ordinance 16-07, 10.27.16; Ordinance 20-09, 12.10.20)

15.600.050 – Training, Education, and Implementation.

A. The Department of Public Works staff involved in roadside vegetation management must attend at least once a year available trainings in prevention and other vegetation management techniques outlined in this chapter if appropriate to their area of work.

B. The County will designate a staff member to be responsible for the implementation of this chapter.

(Ordinance 12-03, 9.11.03; Ordinance 16-07, 10.27.16; Ordinance 20-09, 12.10.20)

15.600.060 – Public Notification.

The Department of Public Works will comply with the following notification procedures for all roadside herbicide applications:

A. Orange road signs forty-eight (48) inches will be posted in both directions on County roadways with proposed herbicide applications at least seven (7) days prior to any application. Biodegradable signs will be posted following herbicide applications to inform residents of areas applied with herbicides. All signs will have the words “HERBICIDE APPLICATION,” proposed dates of application and a phone number that the public can contact for further information.

B. Public notification of herbicide use along roadsides maintained by Lane County will be listed on Lane County’s website.

C. Direct application stump treatments will not be posted in advance of herbicide applications. Dye will be used in all stump treatments to identify treatments and bio-degradable signs will be posted at or stapled to treated stumps to inform public of herbicide treatment.

D. During the herbicide application process, additional temporary roadwork signs will be placed around the work site. The signs will be at least two (2) feet square and say “HERBICIDE APPLICATION AHEAD.” Herbicide application tanks will be labeled with the word “herbicide.”

E. The County will maintain an updated website of all pending and completed herbicide applications along County-maintained roadsides. The public will be able to access information on the internet at least seven (7) days prior to the proposed applications and for at least seven (7) days post application.

(Ordinance 12-03, 9.11.03; Ordinance 16-07, 10.27.16; Ordinance 20-09, 12.10.20)

15.600.070 – Record Keeping.

County staff will maintain publicly accessible information with records of herbicides used on County roadsides for a minimum of six (6) years. In addition to complying with all record keeping requirements imposed by state and federal law, the information recorded must include the date and location of the application; the product name, active ingredients, additional known inert ingredient(s), other chemicals mixed with the product, and actual costs of application. These records must also include an EPA registration number; the target vegetation type, quantity and concentration of each herbicide product applied, the weather conditions including rain predictions, temperature, wind speed and direction, and the operator license number. At the time of application any known problems with handling and storage, equipment cleaning, disposal, toxic waste, and off target drift, spills runoff or migration must also be included on the record.

(Ordinance 12-03, 9.11.03; Ordinance 16-07, 10.27.16; Ordinance 20-09, 12.10.20)

15.600.080 – Annual Report (Reporting).

On a yearly basis at a public meeting of the Board of Health, the Department of Public Works will present a report that includes:

A. The quantity and concentration of each herbicide product applied during the previous year, a list of any non-listed herbicides proposed for use in the coming year, and under what circumstances herbicide uses might occur, and the actual cost of application for the previous year;

B. Control methods that have replaced herbicide use in the previous year;

C. Control methods that have been proven ineffective;

D. What non-herbicide control methods the Department of Public Works intends to use in the plan year. County staff will post the report on the County website and make copies available to the public.

(Ordinance 12-03, 9.11.03; Ordinance 16-07, 10.27.16; Ordinance 20-09, 12.10.20)

15.700 – LEVYING, COLLECTING AND ENFORCING SPECIAL ASSESSMENTS

15.700.005 – Authority and Purpose.

The following provisions relating to the application of a special assessment policy for public improvements are adopted pursuant to the authority granted to Lane County by the Lane County Home Rule Charter. Except as expressly modified in this subchapter, the provisions of ORS Chapter 371 are applicable in Lane County. The requirements set forth herein are for the purpose of defining policies, conditions and procedures whereby specially benefited property owners will be assessed for the costs of road improvements. Remonstrance procedures included in Section Nine (9) of the Lane County Home Rule Charter are not repeated herein, but apply in full. The procedures set forth in this subchapter constitute a determination by the Board, absent the express determination inconsistent with these procedures, of the extent to which the cost of road improvements in Lane County is to be defrayed by special assessments on property to be specially benefited.

(Ordinance 11-73, 9.28.73; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.700.010 – Application.

The provisions herein apply to all County roads, Public Roads and platted streets within the unincorporated areas of Lane County and under the jurisdiction of Lane County. These provisions also apply to the following County roads within the limits of incorporated cities:

A. Connecting roads maintained under the authority of ORS Chapter 373;

B. County roads subject to an intergovernmental agreement under the authority of ORS 373.260;

C. County roads within the limits of incorporated cities not covered by LC 15.700.010A and LC 15.700.010B and for which the city involved has not requested surrender in accordance with ORS 373.270.

(Ordinance 11-73, 9.28.73; Ordinance 7-82, 7.9.82; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.700.020 – Initiation of Improvements.

Proceedings to construct a new road improvement or reconstruct an existing road may be initiated by:

A. Resolution of the Board when it is deemed necessary in order to provide for public safety and to promote the common welfare of the general public;

B. Petition signed by owners of not less than sixty percent (60%) of the separate ownerships abutting the proposed improvements, representing not less than sixty percent (60%) of the frontage of the land abutting the proposed improvements. The signature of an owner of property that has multiple owners will be calculated as a fraction of an owner signature for that property in the same proportion as that owner's interest in the property bears to the interest of all other owners of the same property.

(Ordinance 11-73, 9.28.73; Ordinance 7-82, 7.9.82; Ordinance 5-97, 5.16.97; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.700.030 – Procedures.

When a resolution has been adopted or a petition has been filed for the reconstruction of an existing road, the procedures established in ORS Chapter 371 pertaining to an engineer's report, notice to owners, filing of objections, etc., will be followed.

(Ordinance 11-73, 9.28.73; Ordinance 20-09, 12.10.20)

15.700.040 – Priority System.

All proposed projects must be consistent with any road improvement priority system be adopted by the County. Any road proposed for reconstruction by petition, which, in the judgment of the Director is in conflict with said the adopted priority system, may proceed according to the provisions of ORS Chapter 371, but with financial assistance only as separately determined by the Board.

(Ordinance 11-73, 9.28.73; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.700.050 – Assessments.

Improvement costs of new road improvements or the reconstruction of existing roads will be assessed in the following manner:

A. By Petition.

1. Local Streets and Roads and Minor Collectors. For streets within urban growth boundaries, the direct cost of the complete street improvements up to and including thirty-six (36) feet in width, including curbs, gutters and sidewalks; and for roads in rural areas, the direct cost of road improvements up to and including twenty-four (24) feet in width; will each be assessed to the abutting property on a cost per front foot basis.

2. Major Collectors, Minor Arterials and Principal Arterials. Only the direct cost of constructing the curbs, gutters, driveway and private access easement approaches, and sidewalks will be assessed to the abutting property on a cost per front foot basis for new street and road improvements within urban growth boundaries, unincorporated rural communities and exception areas adjacent to urban growth boundaries as designated in an acknowledged comprehensive plan. All other costs within these described areas and all costs in the rural areas, will be paid by the County. If an abutting property does not take access from the road being improved at the time the improvement project is completed, whether by action of the owner or the County, the assessment for curbs, gutters and sidewalks may be deferred. Abutting property taking indirect access from the road being improved over other abutting property is not eligible for assessment deferral under this section. Any deferred assessment will be a lien against the abutting property which may be removed and access granted in the future, provided that a) the County or other agency with jurisdiction over the road finds that the new access does not pose a traffic congestion or safety problem and b) the owner of the property pays to the County the full amount of the original deferred assessment, plus accrued interest. Interest will be calculated from the date the original assessments on the project became due, at the rate established by the Board for such assessments. The County or the agency with jurisdiction over the road may grant access without requiring payment of the deferred assessment and interest if twenty (20) years have elapsed since the date the original deferred assessment was certified. Any assessment deferred under this section will be waived and the lien will be extinguished twenty (20) years from the date of certification. Notwithstanding waiver of the deferred assessment and extinguishment of the lien, the County or other agency with jurisdiction over the road may control access as otherwise provided by law.

B. By Board Resolution.

1. Local Streets and Roads. The direct cost of constructing curbs, gutters, driveways, and sidewalks within urban growth boundaries, unincorporated rural communities and exception areas adjacent to urban growth boundaries as designated in an acknowledged comprehensive plan will be assessed to the abutting property on a cost per front foot basis. All other costs within those described areas and all costs in the rural areas will be paid by the County.

2. Minor Collectors, Major Collectors, Minor Arterials and Principal Arterials. The method of assessment will be the same as provided in LC 15.700.050A.2.

3. Notwithstanding the provisions of LC 15.700.050B.1 and LC 15.700.050B.2 , no property owner will be assessed for the direct cost of a sidewalk constructed on the property's frontage for the portion of the width of a sidewalk that exceeds six (6) feet. The balance of the cost of such a sidewalk will be paid by the County.

4. Each property owner will be assessed for the direct cost associated with approach construction on that property's frontage. Such assessments will include the direct costs calculated from the portion of the approach from the back of the curb to the back of the sidewalk, up to a maximum distance of six (6) feet back from the curb. The balance of approach costs will be paid by the County.

C. By Petition or Resolution – Bridges and Culverts. When the Board determines that the public interest requires improvement to a bridge or culvert on a local access road, the direct cost of the improvement or replacement must be assessed to the specially benefiting property owners on a uniform basis as determined by the Board.

D. For purposes of this section, Direct Cost means all costs including engineering and administrative costs associated with installation of improvements specified.

E. Deferrals.

1. Assessments may be deferred on large frontages when all of the following conditions apply:

a. The property:

(1) is either zoned equivalent to low density residential or single family residential, or is in another zone but is either vacant, or occupied solely by the owner and is the owner's primary residence; and

(2) has more than two hundred (200) feet of street frontage, is capable of being divided into four (4) or more lots, and is not part of a phased development.

b. The owner requests a deferral of the assessment; and

c. A source of funds exists to finance the deferral so that costs to other property owners do not increase.

2. When a deferral is allowed under LC 15.700.050E.1:

a. The property will be assessed for a minimum frontage of one hundred (100) feet. The costs for the remaining frontage may be deferred,

b. The deferred assessment will be a lien against the abutting property, and

c. The deferral will be terminated upon initiation of a land division of the property.

3. Upon termination of a deferral pursuant to LC 15.700.050E.2.c, the owner of the property is required to pay to Lane County the full amount of the original deferred assessment plus accrued interest. Interest is calculated from the date of the original assessment at the rate established by the Board for those assessments. Any assessment deferred under this section will be waived and the lien will be extinguished twenty (20) years from the date of certification.

4. The deferral provisions under LC 15.700.050E.1 through LC 15.700.050E.3 are in addition to, but do not supersede the provisions of ORS 311.702 through ORS 311.735 for Deferral of Special Assessments on Senior Citizens' Residential Property.

(Ordinance 11-73, 9.28.73; Ordinance 7-82, 7.9.82; Ordinance 20-87, 10.14.87; Ordinance 8-94, 11.25.94; Ordinance 5-97, 5.16.97; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.700.060 – Intersections.

For assessment projects, the cost of street improvements located within street intersections and railroad intersections will be paid by the County or other participating public agencies or railroads and will not be assessed to property owners.

(Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.700.070 – Foreclosure.

The Director of the Department of Assessment and Taxation has the duty and responsibility of the Board established in ORS 371.650(3) and ORS 371.660 and the general responsibility for record keeping and collection of ORS Chapter 371 assessments made under the authority of ORS Chapter 371 and this subchapter.

(Ordinance No. 11-73, 9.28.73; Ordinance 7-82, 7.9.82; Ordinance 20-09, 12.10.20)

15.800 – ROAD SYSTEM DEVELOPMENT AND DESIGN STANDARDS

15.800.005 – Purpose.

The purpose of these requirements is to provide standards for the construction and reconstruction of all roads controlled and maintained by the County and all roads in the unincorporated areas of Lane County, in order to provide for and promote a convenient, safe and efficient road network and provide for motor vehicle, bicycle and pedestrian travel, and is adopted under the authority of the Lane County Home Rule Charter and ORS Chapters 368 and 371.

15.800.010 – Specific Road Improvements.

Proposed development may require road improvements to ensure that streets in the vicinity of the development function safely pursuant to LC 15.800.020 and LC 15.800.030. The Director will specify any required improvements, which will be in addition to other requirements of this chapter.

(Ordinance No 7-82, 7.9.82; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.800.020 – Roadway Performance Standards.

A. A local agency may choose to apply its adopted operational standards to County Roads within a UGB, provided that such standards do not allow for a lesser degree of mobility. All roadways and intersections under the jurisdiction of Lane County must meet the following standards.

   1. Signalized, All-way Stop, or Roundabout Controlled Intersections: The intersection as a whole must operate with a Level of Service (LOS) “E” or better and a volume to capacity (v/c) ratio not higher than point eight five (0.85) if inside and UGB, or with a LOS “D” or better and a v/c ratio not higher than point eight zero (0.80) outside and UGB during the highest one (1) hour period on an average weekday (typically, but not always the evening peak period between 4 p.m. and 6 p.m. during the spring or fall).

   2. Two (2) way Stop and Yield Controlled Intersections: All public street intersection approaches serving more than twenty (20) vehicles during the highest one (1) hour period on an average weekday (typically, but not always the evening peak period between 4 p.m. and 6 p.m. during the spring or fall) must operate with a LOS “E” or better and a v/c ratio not higher than point nine five (0.95) if inside and UGB, or with a LOS “D” or better and a v/c ratio not higher than point eight zero (0.80) outside the UGB. Operational standards do not apply to approaches at intersections serving twenty (20) vehicles or fewer during the peak hour or private driveways.

B. When analyzing County roads within UGBs, the applicable performance standards of the respective city apply. In the absence of city standards for such roads, the County’s road performance

standards apply. Traffic study requirements should be coordinated with cities and ODOT when development proposals affect facilities under the jurisdiction of these agencies.

C. When analyzing signalized intersections, locations where signal warrants may be met, or intersections with all-way stop control (AWSC), the primary objective is to maintain the performance of the overall intersection. The overall intersection v/c must meet the applicable standard. If level of service analysis is required, the level of service standard must also be met.

D. If a traffic study determines that nearby public or private roads, streets, or driveways do not meet the standards, the applicant must recommend mitigation measures.

E. Operational standards do not apply to unsignalized intersection approaches serving twenty (20) vehicles or fewer during the peak hour or to private driveways.

(Ordinance 10-04, 6.4.04; Ordinance 17-06, 1.11.18; Ordinance 20-09, 12.10.20)

15.800.030 – Traffic Impact Analysis Requirements.

A. A traffic impact analysis (TIA) may be required as part of a land use application or other development when the proposal is expected to involve one (1) or more of the following:

1. A development proposal that if approved, will result in any of the following: fifty (50) or more automobile peak hour trips outside an urban growth boundary; or one hundred (100) or more automobile peak hour trips inside an urban growth boundary; or twenty-five (25) or more automobile peak hour trips at an intersection or driveway approach with an arterial or collector road. The increase in number of trips will be calculated based upon the methodology in the Institute of Traffic Engineers' Trip Generation manual for the year of publication specified in LM 15.450 and associated handbook and user's guide;

2. Development proposals that will affect county roads where congestion or safety problems have been identified by previous traffic engineering analysis;

3. A plan amendment or zone change proposal, unless waived by the County Engineer as specified in LC 15.800.030B;

4. A proposed development that will generate or receive traffic by single or combination vehicles with gross weights greater than twenty-six thousand (26,000) pounds as part of the development's daily operations. "Daily operations" includes delivery to or from the site of materials or products manufactured, processed, or sold by the business on the site. "Daily operations" does not include routine services provided to the site by others, such as mail delivery, solid waste pickup, or bus service;

5. An existing or proposed access driveway, the location of which does not meet minimum spacing or sight distance requirements, and where vehicles are expected to queue or hesitate at an approach or access connection, thereby creating a safety hazard;

6. Any potential impacts to pedestrian and bicycle routes, including, but not limited to school routes and multimodal roadway improvements identified in the TSP;

B. The County Engineer or designee may waive TIA requirements specified in LC 15.800.030 when:

1. Previous analysis has determined that the development proposal will not result in congestion, safety, or pavement structure impacts that exceed the standards of the agency that operates the affected transportation facilities; or

2. In the case of a plan amendment or zone change, the scale and size of the proposal is insignificant, eliminating the need for detailed traffic analysis of the performance of roadway facilities for the twenty (20) year planning horizon.

C. Traffic impact analyses must document compliance with the requirements and guidelines in LC 15.800.020 and must:

1. Be prepared by a Professional Engineer licensed in the State of Oregon with expertise in traffic engineering; and

2. Document compliance with:

a. The Road Design Standards in LC 15.800; and

b. The Access requirements specified in LC 15.400; and

c. The goals and policies of the applicable transportation system plan; and

d. Statewide Planning Goal 12.

3. Evaluate all road facilities where direct access is proposed, including proposed access points, nearby intersections, and the nearest major intersection with a traffic signal;

4. Address the requirements for pavement structure analysis in LC 15.800 if the analysis is required pursuant to LC 15.800.030A.4; and

5. Be approved as to scope prior to proceeding with the analysis, as specified in the TIA Guidelines of the County Engineering Department. The County Engineer may alter the study requirements based upon the anticipated impact of the proposal. For example, a queue length analysis (based upon ninety-five percent (95%) probability) may be required.

D. The TIA must demonstrate the following:

1. For plan amendments and zone changes, that the performance standard specified in LC 15.800.020 for the affected road(s) will not be exceeded as a result of the plan amendment or zone change, within twenty (20) years from the date the analysis was completed;

2. For other development, that the performance standard specified in LC 15.800.020 for the affected road(s) will be achieved immediately and for the next five (5) years.

E. If the performance standard in LC 15.800.020 cannot be achieved or maintained as specified, the analysis must propose one (1) or more of the following:

1. Road dedications and improvements for capacity increases;

2. Implementation of demand management strategies;

3. Other mitigation measures.

F. Proposed dedications, improvements, demand management strategies and other measures proposed may include but are not limited to the following:

1. Reconfigure roadway and side-street accesses to minimize traffic conflicts at intersections;

2. Limit parking near signalized intersections to increase intersection capacity;

3. Coordinate and operate traffic signals to improve traffic progression;

4. Relocate driveways and improve local road connections to direct traffic away from overburdened intersections and intersections where side-street capacity is limited in order to optimize traffic progression on the State Highway;

5. Improve turning radii at intersections that are heavily used by trucks to avoid lane blockages;

6. Install raised medians to reduce traffic conflicts;

7. Improve accesses so that traffic can enter or exit the roadway with minimal disruptions of flow; and

8. Implement other transportation demand management or transportation system management measures to use existing capacity of the roadway more efficiently.

G. Proposed dedications, improvements, demand management strategies and other measures must:

1. Consider the safe operation of affected driveways and public street intersections;

2. Propose access locations as appropriate, consistent with the access requirements in LC 15.400 and LC 15.800.120;

3. Demonstrate that the proposed measures will be completed in a manner consistent with applicable state and local policies and standards; and

4. Include a description of how and when the dedications, improvements and other measures will be performed.

H. TIAs should be prepared prior to submittal of a land use application. Traffic impact analyses must be developed in coordination with the County and agencies such as ODOT or a city when the proposal requiring the analysis affects facilities in their respective jurisdiction. Dedications, improvements, and other measures proposed must comply with adopted plans and requirements of the agency with jurisdiction for the affected facility.

I. In addition to the requirements in this subsection, the Highway Capacity Manual publication cited in LM 15.450 must be used as the guiding standard for completion of a TIA. The McTrans Highway Capacity Software package, or other approved software packages, may be used to complete the analysis. ODOT-approved software is acceptable where the study scope includes analysis of both State and County facilities.

J. Upon approval of the TIA and proposed dedications, improvements, and other measures, requirements must be completed at private expense, unless otherwise approved by the Director. Conditions may be assigned to ensure all requirements are completed.

(Ordinance 10-04, 6.4.04; Ordinance 17-06, 1.11.18; Ordinance 20-09, 12.10.20)

15.800.040 – General Provisions.

A. Roadway design elements not specified in LC 15.800 must conform to the following publications as determined appropriate by the County Engineer, using the publication version cited in LM 15.040:

1. The following publications of the American Association of State Highway and Transportation Officials:

a. A Policy on Geometric Design of Highways and Streets;

b. Roadside Design Guide;

c. Geometric Design of Very Low Volume Local Roads (ADT < 400);

d. Guide for Design of Pavement Structures.

2. The following publications of the Oregon Department of Transportation and the American Public Works Association (APWA), Oregon Chapter:

a. Highway Design Manual;

b. Oregon Highway Plan;

c. Oregon Bicycle and Pedestrian Plan;

d. Oregon Standard Specifications for Construction;

e. Oregon Standard Drawings.

B. Where required, calculation of projected Average Daily Traffic (ADT) will be based upon the Transportation Research Institute's Trip Generation Manual using the publication version cited in LM 15.040.

C. Decisions about traffic control devices, including traffic signals, pavement markings, signing, and crosswalk marking, will be guided by the Federal Highway Administration's Manual on Uniform Traffic Control Devices, using the publication cited in LM 15.040.

D. Sidewalks, access ramps, driveways, medians, and other right-of-way design elements must comply with ADA and PROWAG requirements.

E. County Roads outside of UGBs may be required to be improved to Urban Road design standards, as may be determined on a case-by-case basis through the Capital Improvement Program adoption process, or as required by a TIA pursuant to this chapter.

(Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.800.050 – Urban Arterial and Collector Standards.

A. Applicability. The Urban Arterial and Collector Standards apply to Urban County Streets within urban growth boundaries that are classified as Minor Collectors, Major Collectors, Minor Arterials and Principal Arterials that also qualify as one (1) or more of the following:

1. Newly constructed Urban Arterial and Collector streets.

2. Reconstruction of existing Urban Arterial and Collector streets, including reconstruction of the roadbed and addition of curbs, gutters and sidewalks, but not including preservation or pavement rehabilitation. Roads reconstructed by Lane County for the purpose of repair may be restored to the original or better condition.

3. Widening of existing improved Urban Arterial and Collector streets that result in adding one or more through lanes, left turn lanes, continuous center turn lanes, right turn lanes, bicycle lanes, or other additional lanes.

4. New and reconstructed facilities within the right-of-way.

B. Right-of Way Width. The minimum right-of-way width will be the sum of the widths of all roadway design elements plus an additional two (2) feet [one (1) foot on each side]. In addition, the County may require additional right-of-way to accommodate space for utilities, bus stops, transition areas, and cut and fill slopes, which may vary based on terrain.

C. Roadway Width. The roadway width is the distance from curb face to curb face. See LC 15.800.050D Vehicle Travel Lane Width and LC 15.800.050H Bike Lane sections to determine total roadway width.

D. Vehicle Travel Lane Width.

1. Urban Principal Arterials. Travel lanes must be twelve (12) feet wide. If a design deviation is approved pursuant to the requirements of LC 15.800.130, the minimum acceptable width must be no less than eleven (11) feet.

2. Urban Minor Arterials and Major or Minor Collectors. Travel lanes must be eleven (11) feet wide, except that wider lanes may be required for industrial areas or areas where the truck percentage of ADT is ten percent (10%) or more within a twelve (12) hour period.

E. Surface Type. Surface type must be pavement.

F. Pavement Structure. Pavement Structure design must meet the requirements specified in LC 15.800.100.

G. Sidewalks.

1. Sidewalks are required on both sides of all Urban Arterial and collector streets with the exception of freeways and expressways:

a. Sidewalks are not required on freeways.

b. Expressways will be evaluated on a case by case basis to determine if sidewalks are required.

2. Sidewalk design will be either setback sidewalks or curbside sidewalks, as follows:

a. The preferred design option is setback sidewalks. Setback sidewalks must be a minimum of five (5) feet wide with a minimum six (6) feet wide planting strip. Planting strips provide more physical separation of pedestrians from vehicles and space for street trees, landscaping, ground covers, or turf and provide aesthetic benefits to the streetscape. Street trees within public right-of-way are maintained by Lane County. Shrubs, groundcovers, and turf are maintained by the adjacent property owner.

b. Curbside sidewalks must be a minimum six (6) feet wide (excluding curb width) to allow for:

(1) Additional separation for pedestrians from parked cars or higher speed traffic.

(2) Additional usable width for pedestrians when mailboxes, signs or utilities obstruct the sidewalk area.

(3) Sidewalks are required to maintain a minimum of forty-eight (48) inches of unobstructed travel width.

H. Bike Lanes.

1. Bicycle lanes must be a minimum of six (6) feet wide and provide sufficient usable lane width around drainage grates and utility covers. In a typical application, the six (6) foot width provides a two (2) foot shy distance from a curb or parked car and four (4) feet for travel.

2. Curb inlets are the preferred design option for storm water facilities. Where installation of curb inlets is not possible due to steep slopes, utility placement, or other conflicts, catch basins with approved bike-friendly grates are acceptable.

3. Marked bicycle lanes are required when streets are newly constructed, are reconstructed to urban standards, or are widened to provide additional vehicular capacity.

I. On-Street Parking.

1. On-street parking is not permitted on Urban Arterial streets.

2. On-street parking may be provided on Urban Collector streets only after a parking demand and supply study has been completed and the feasibility of on-street parking has been verified. A parking study must take into consideration, among other factors, the nature of adjacent land uses, the degree to which the street is nearing design capacity and impacts to bicycle use of the street. If the parking demand and supply study demonstrates an inadequate supply of parking or determines the existing or future demand for parking validates on-street parking, parking on Urban Collector streets will be required.

3. Parallel parking is the preferred layout for on-street parking.

4. Where allowed, parallel parking lane widths on Urban Collector streets must be a minimum of seven (7) feet wide.

J. Crosswalks.

1. Any markings used to establish a crosswalk must conform to the Manual on Uniform Traffic Control Devices (MUTCD) publication cited in LM 15.040.

2. Marked crosswalks should be provided at signalized or all-way stop controlled intersections where logical connections to pedestrian facilities exist and at school crossings on established routes. Unsignalized intersections or other locations should not be marked unless an engineering study indicates a need for marked crosswalks and the Director approves the installation.

K. Curb & Gutter. Curbs and gutters serve any or all of the following purposes: drainage control, roadway edge delineation, right-of-way reduction, aesthetics, delineation of pedestrian walkways, reduction of maintenance operations, and assistance in orderly roadside development. The type and location of curbs and gutters affect driver behavior and, in turn, the safety and utility of a roadway.

1. Water conveyance capacity in curb and gutter design must be provided by a minimum eighteen (18) inch gutter width.

2. The minimum gutter slope is point five percent (0.5%).

3. The minimum curb height is six (6) inches.

4. Curb designs that are acceptable for use on Urban County Streets include:

a. Vertical curbs intended to discourage vehicles from leaving the roadway. Vertical curbs should not be used along high-speed roadways because an out-of-control vehicle may overturn or become airborne as a result of an impact with such a curb. A suitable traffic barrier should be provided where redirection of vehicles is needed.

b. Sloping or mountable curbs used on streets with speeds of forty-five (45) miles per hour or greater and are designed so vehicles can cross them readily if necessary. For example, sloping curbs can be used at median edges or to outline channelizing islands in intersection areas.

c. Extruded curbs of either cement or bituminous concrete usually have sloping faces because they provide better initial stability, are easier to construct, and are more economical than steep or vertical faces. Extruded curbs can only be used for drainage control and not as separation for vehicles and pedestrians.

d. Other curb designs that conform with accepted engineering practice as set forth in LC 15.800.

L. Raised Medians. Urban Arterial and Collector Streets may have a raised median area to decrease crash experience, restrict turning movements, limit land access, encourage lower vehicle speeds, provide a refuge area for pedestrians and vehicles, and to increase the efficiency and capacity of the street. Raised medians will be required when a combination of factors indicate that their use will improve the safety and efficiency of the roadway. Factors to consider include, but are not limited to, pedestrian traffic volume, crossing distance, ADT, access management and roadway capacity.

1. The preferred raised median width is ten (10) feet when used to limit land access or control turning movements. The minimum width of medians used for this purpose is four (4) feet.

2. Medians used as a pedestrian refuge must be at least eight (8) feet wide to enhance pedestrian safety. Medians used as a pedestrian refuge or to facilitate pedestrian and bicycle movements must be designed with at-grade cuts at all intersections.

3. The preferred width of a raised median that provides for turning bays is fourteen (14) feet and must be at least twelve (12) feet wide.

4. Raised medians must be designed at six (6) inch curb height.

M. Center Turn Lanes.

1. Center turn lanes on Urban Arterial and Collector Streets must be at least twelve (12) feet wide.

2. A turn lane width of fourteen (14) feet may be used in industrial or commercial areas and other streets where truck traffic makes up at least ten percent (10%) of traffic volumes. This fourteen (14) foot minimum is a requirement where the volume of truck traffic exceeds fifteen percent (15%).

3. Urban Arterial and Collector Streets may have a continuous two (2) way center turn lane to channelize and remove left turning traffic from through traffic lanes, or to provide additional separation between traffic moving in opposite directions.

N. Traffic Signals. The application and use of traffic signals are guided by the principles, methods and warrants outlined in the Manual on Uniform Traffic Control Devices publication cited in LM 15.040.

O. Maximum Grade. The maximum road grade is as follows:

Table 8: Maximum Grade

Terrain type	Urban Collector	Urban Arterial
Level (see LC 15.800.050O.1)	7%	5%
Rolling (see LC 15.800.050O.2)	10%	6%
Mountainous (see LC 15.800.050O.3)	12%	8%

1. In level terrain, highway sight distance, as governed by both horizontal and vertical restrictions, is generally long or can be made to be so without construction difficulty or major expense. Streets where no five hundred (500) foot segment exceeds five percent (5%) in grade are considered Level.

2. In rolling terrain, natural slopes consistently rise above and below the street and street grade, and occasional steep slopes offer some restriction to normal horizontal and vertical roadway alignment. Streets where any five hundred (500) foot segment exceeds five percent (5%) in grade but does not exceed eight (8%) in grade are considered Rolling.

3. In mountainous terrain, longitudinal and transverse changes in the elevation of the ground with respect to the streets are abrupt, and benching and side hill excavation are frequently needed to obtain acceptable horizontal and vertical alignment. Streets where any five hundred (500) foot segment exceeds eight percent (8%) in grade are considered Mountainous.

P. Street Lighting. Roadway illumination may be provided by the County only as a part of construction or reconstruction of Urban Arterial Streets within an adopted urban growth boundary, provided an interagency agreement assigning ownership and maintenance of the lighting to another entity is executed prior to construction. The County may provide illumination in other locations under special circumstances such as at traffic signals or high hazard locations.

Q. Speed Zones. The establishment of speed zones on Urban County Streets will be prescribed by the applicable Oregon Revised Statutes that establish speed limits within specific areas. Speed zones established beyond the statutory requirements are under the authority of ODOT.

(Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.800.060 – Rural Arterial and Collector Standards.

A. Applicability. The Rural Arterial and Collector Standards apply to County Roads outside of urban growth boundaries that are classified as Minor Arterials, Minor Collectors and Major Collectors that also qualify as one or more of the following:

1. Newly constructed Rural Arterial and Collector Roads.

2. Reconstruction of existing Rural Arterial and Collector Roads, including upgrades to rural standards through reconstruction of the roadbed and addition of paved shoulders and ditches, but not including preservation or pavement rehabilitation. Roads reconstructed by Lane County for the purpose of repair may be restored to the original or better condition.

3. Widening of existing Rural Arterial and Collector Roads that result in adding center turn lanes, right turn lanes, paved shoulders, or other major widening improvements.

4. New and reconstructed facilities within the right-of-way.

B. Right-of Way Width.

1. The minimum right-of-way width for Rural Arterial and Collector Roads is eighty (80) feet for two (2) lane sections and one hundred (100) feet for three (3) lane sections.

2. In addition to meeting the requirements of LC 15.800B.1, the right-of-way must include space for the roadway, clear zone and adequate drainage ditches, including accepted safety standards for ditch foreslopes and backslopes.

C. Roadway Width. The pavement width is the sum of all vehicle lanes and paved shoulders. Minimum widths are specified in Table 9. Lane widths shown are for travel lanes only and do not apply to turning lanes or medians.

Table 9: Minimum Roadway Width (Feet)

Terrain	Lane Width (Min. 2 Lanes)	Shoulder Width (Each)	Total Pavement Width (2 Lane Roads)
<250 ADT			
Level	11	2	26
Rolling	11	0	22
Mountainous	10	0	20
250-400 ADT			
Level	11	4	30
Rolling	11	2	26
Mountainous	11	0	22
401-1500 ADT			
Level	11	6	34
Rolling	11	4	30
Mountainous	11	2	26
1501-10,000 ADT			
Level	12	6	36
Rolling	11	6	34
Mountainous	11	4	30
>10,000 ADT			
Level	12	8	40
Rolling	12	6	36
Mountainous	12	4	32

D. Pavement Structure. Pavement structure design must meet the requirements specified in LC 15.800.100.

E. Roadway and Ditch Side-Slopes.

1. In general, side-slopes no steeper than 6H:1V are required on rock slopes and 4H:1V on ditch fore-slopes.

2. When existing terrain or right-of-way constraints preclude use of 6H:1V rock slopes, steeper slopes may be constructed if approved by the County Engineer or designee.

3. When slopes steeper than 4H:1V must be used, consideration will be given to the use of a roadside barrier. If a roadside barrier is warranted, a minimum four feet wide shoulder is required.

4. The slope rate for cut slopes must be determined by geotechnical analysis or clear zone considerations.

5. Side-slopes should be designed to ensure the stability of the roadway and to provide a reasonable opportunity for recovery of an out-of-control vehicle.

F. Ditch Depth. Ditch depth must be a minimum of one (1) foot below the elevation of the roadway subgrade, as measured at the edge of the paved surface. Deeper depths may be required to provide adequate conveyance capacity for a ten (10) year design storm event.

G. Clear Zone. The roadside clear zone is the area extending away from the outside edge of the vehicle travel lane. The clear zone standards from AASHTO's Roadside Design Guide publication cited in LM 15.040 must be used.

1. The roadside clear zone should be cleared of all unyielding objects such as trees, sign supports, utility poles, light poles, and any other fixed objects that might severely damage an out-of-control vehicle.

2. The roadside clear zone should have slopes designed to provide an adequate recovery area for an out-of-control vehicle. Breakaway road sign supports will generally be used to minimize driver risk in case of impact.

H. Raised Medians. Rural Arterial and Collector Roads may have a raised median area for channelization and to provide a refuge area for pedestrians or vehicles. Raised medians must have a six (6) inch curb height unless stated otherwise.

1. The preferred raised median width is ten (10) feet when used to limit land access or control turning movements. The minimum width of medians used for this purpose is four (4) feet.

2. Medians used as a pedestrian refuge must be at least six (6) feet wide to enhance pedestrian safety. Medians used as a pedestrian refuge or to facilitate pedestrian and bicycle movements must be designed with at-grade cuts at all intersections.

3. The preferred width of a raised median that provides for turning bays is fourteen (14) feet and must be at least twelve (12) feet wide.

I. Center Turn Lanes.

1. All center turn lanes on Rural Arterial and Collector Roads must be at least twelve (12) feet wide.

2. A turn lane width of fourteen (14) feet may be used in industrial or commercial areas and other roads where truck traffic makes up at least ten percent (10%) of traffic volumes. This fourteen (14) foot minimum is a requirement where the volume of truck traffic exceeds fifteen percent (15%).

3. Rural Arterial and Collector Roads may have intermittent left turn lanes or right turn lanes to separate turning traffic from through traffic lanes.

4. Turn lanes must be provided when, pursuant to LC 15.800.020, intersection or roadway level of service is determined to be D or worse or when other factors such as crash experience and side road volume exceed acceptable limits.

J. Maximum Grade. The maximum road grade is as follows:

Table 10: Maximum Grade

Terrain type	Rural Collector	Rural Arterial
Level (See LC 15.080.060J.1)	7%	5%
Rolling (See LC 15.080.060J.2)	10%	6%
Mountainous (See LC 15.080.060J.3)	12%	8%

1. In level terrain, highway sight distance, as governed by both horizontal and vertical restrictions, is generally long or can be made to be so without construction difficulty or major expense. Roads where no five hundred (500) foot segment exceeds five percent (5%) in grade are considered Level.

2. In rolling terrain, natural slopes consistently rise above and below the road and street grade, and occasional steep slopes offer some restriction to normal horizontal and vertical roadway alignment. Roads where any five hundred (500) foot segment exceeds five percent (5%) in grade but does not exceed eight percent (8%) in grade are considered Rolling.

3. In mountainous terrain, longitudinal and transverse changes in the elevation of the ground with respect to the road are abrupt, and benching and side hill excavation are frequently needed to obtain acceptable horizontal and vertical alignment. Roads where any five hundred (500) foot segment exceeds eight percent (8%) in grade are considered Mountainous.

K. Pedestrian Facilities. Sidewalks or walkways are allowed and may be required pursuant to adopted Transportation System Plan policies. Walkways may be provided behind the ditch in the road right-of-way, but only at private expense. Any proposed pedestrian facilities are subject to approval by the County Engineer or designee.

L. Bike Facilities. Where required, paved shoulder widths must accommodate bicycles. See LC 15.800.060C, Roadway Width requirements, to determine required shoulder widths.

(Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.800.070 – Urban Local Street Standards.

A. Applicability. The Urban Local Street Standards apply to County Roads functionally classified as Local Roads within urban growth boundaries that qualify as one (1) or more of the following:

1. Newly constructed Urban Local Streets;

2. Existing roads being reconstructed to Urban Local Street standards. Roads reconstructed by Lane County for the purpose of repair may be restored to the original or better condition.

3. Widening of existing Urban Local Streets.

4. New and reconstructed facilities within the right-of-way.

B. If an existing roadbed fails for a street where these standards apply and the existing road dimensions exceed the minimum standards in this section, reconstruction will restore the road to its existing dimensions.

C. Within urban growth boundaries, the applicable design standards of the respective city will apply to County Streets functionally classified as Local Streets. In the absence of city standards, the County's road design standards apply.

B. Roadway and Right-of-Way Widths. In addition to meeting the requirements of Table 11, the right-of-way may include adequate space for the traveled way, pedestrian facilities, bus stops, signs, utilities, and drainage facilities.

Table 11: Minimum Roadway Width and Right of Way (ROW) Width (Feet)

Traveled Way	Parking (one side)	Total Roadway Width	ROW – Curbside Sidewalk*	ROW – Setback Sidewalk*
Residential <250 ADT				
16	8	24	45	50
Residential >250 ADT				
20	8	28	50	55
Other				
24	8	32	55	60

C. Surface Type. The surface type must be pavement.

D. Pavement Structure. Pavement structure design must meet the requirements specified in LC 15.800.100.

E. Vehicle Travel Lane Width. Local Streets are unstriped, shared roadways with low design speeds and traffic volumes. Therefore, travel lanes are not specified.

F. Curb and Gutter. Curb and gutter is required.

1. Water conveyance capacity in curb and gutter design must be provided by a minimum eighteen (18) inch gutter width.

2. The minimum longitudinal gutter slope is point three percent (0.3%).

3. The minimum curb height is six (6) inches.

G. Sidewalks. Sidewalks on new Urban Local Streets are required and must be constructed at the expense of the developer or abutting property owners and must adhere to the following requirements:

1. Sidewalks are required for reconstructed roads with existing sidewalks. Sidewalks are required for reconstructed roads without existing sidewalks pursuant to Lane County Transportation System Plan.

2. Curbside sidewalks must be at least six (6) feet wide.

3. Setback sidewalks must be at least five (5) feet wide and be buffered from the street by a planting strip that is at least six (6) feet wide.

4. Sidewalks are required to maintain a minimum of forty-eight (48) inches of unobstructed travel width.

H. Bike Lanes. Because of the low-volume, low-speed character of such streets, Urban Local Streets are shared roadways for bicycles and vehicles. Striped bike lanes are not required.

I. On-Street Parking. If provided, on-street parking is only allowed on one (1) side of the street.

(Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.800.080 – Rural Local Road Standards.

A. Applicability. The Rural Local Road Standards apply County Roads functionally classified as Local Roads outside of urban growth boundaries that are classified as Local Access Roads, Private Access Easements, and Public Roads when such roads serve an average daily traffic (ADT) of more than one hundred (100). These standards apply to the following:

1. Newly constructed roads.

2. Existing roads being reconstructed to Rural Local Road standards. Roads reconstructed by Lane County for the purpose of repair may be restored to the original or better condition.

3. New and reconstructed facilities within the right-of-way.

4. If an existing roadbed fails for a road where these standards apply and the existing road dimensions exceed the minimum standards in this section, reconstruction will restore the road to its existing dimensions.

B. Right-of-Way Width.

1. The minimum right-of-way width is fifty (50) feet.

2. In addition to meeting the requirements of LC 15.800.080B, the right-of-way may include space for the travel way, rock slopes, utilities, and adequate drainage ditches, including accepted safety standards for ditch foreslopes and backslopes.

C. Roadway Width.

Table 12: Minimum Pavement Width (feet)				
Terrain	<100 ADT	100-250	251-400	>400 ADT
Level (See LC 15.800.080C.1)	18	20	24	24
Rolling (See LC 15.800.080C.2)	18	20	22	24
Mountainous (See LC 15.800.080C.3)	18	18	20	22

1. In level terrain, highway sight distance, as governed by both horizontal and vertical restrictions, is generally long or can be made to be so without construction difficulty or major expense. Roads where no five hundred (500) foot segment exceeds 5% in grade are considered Level.

2. In rolling terrain, natural slopes consistently rise above and below the road or street grade, and occasional steep slopes offer some restriction to normal horizontal and vertical roadway alignment. Roads where any five hundred (500) foot segment exceeds five percent (5%) in grade but does not exceed eight percent (8%) in grade are considered rolling.

3. In mountainous terrain, longitudinal and transverse changes in the elevation of the ground with respect to the road are abrupt, and benching and side hill excavation are frequently needed to obtain acceptable horizontal and vertical alignment. Roads where any five hundred (500) foot segment exceeds eight percent (8%) in grade are considered Mountainous.

D. Surface Type. Surface type must be pavement.

E. Pavement Structure. Pavement Structure design must meet the requirements specified in LC 15.800.100.

F. Vehicle Travel Lane Width. Travel lane striping is not required on Rural Local Roads. Rural Local Roads are usually unstriped, shared roadways with low design speeds and traffic volumes. Roadways that are at least twenty (20) feet wide may be striped with a centerline. Roads that are at least twenty-two (22) feet wide may be striped with a centerline and fog lines.

G. Shoulders. Road shoulders are not required.

H. Roadway and Ditch Side-slopes.

1. In general, ditch rock slopes and foreslopes no steeper than 4H:1V are required.

2. When existing terrain precludes use of 4H:1V side-slopes, steeper slopes may be constructed if approved by the County Engineer or designee.

3. When slopes steeper than 4H:1V must be used, consideration will be given to the use of a roadside barrier. The standards from the Oregon Highway Design Manual publication cited in LM 15.040 will be used when it is necessary to review the efficacy of a barrier.

4. The slope rate for cut slopes must be determined by geotechnical analysis or clear zone considerations.

5. Side-slopes should be designed to ensure the stability of the roadway and to provide a reasonable opportunity for recovery of an out-of-control vehicle.

I. Ditch Depth. Ditch depth must be a minimum of one (1) foot below the elevation of the roadway subgrade, as measured at the edge of the paved surface.

J. Clear Zone. A minimum ten (10) feet wide clear zone is required from the edge of the travel lane. The clear zone should be cleared of all unyielding objects such as trees, sign supports, utility poles, light poles, and any other fixed objects that might severely damage an out-of-control vehicle. The County Engineer may waive this requirement where there is roadside barrier protection.

K. Pedestrian Facilities. Sidewalks or walkways are permissible and may be required pursuant to adopted Transportation System Plan policies. Walkways may be provided behind the ditch in the road right-of-way, but only at private expense. Any proposed pedestrian facilities are subject to approval by the County Engineer.

L. Bike Lanes. Due to the lower-volume, lower-speed character of Rural Local roads, striped bicycle lanes are not required. Rural Local Roads must have shared travel-ways for bicycle and vehicular movement.

M. On-Street Parking. On-street parking is not allowed.

N. Maximum Grade.

1. Maximum grade is fifteen percent (15%).

2. Road grades in excess of eight percent (8%) require the following:

a. Submit a center line profile prepared for the proposed road by a Professional Engineer licensed in the State of Oregon or Professional Surveyor licensed in the State of Oregon.

b. The roadway must be designed by a Professional Engineer licensed in the State of Oregon.

(Ordinance 1-75, 3.15.74; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.800.090 – Public Road, Local Access Road, and Private Access Easement (Private Road) Standards.

A. General. Pursuant to ORS 368.031, the County may spend money on Local Access Road improvements only under limited circumstances, and only by order or resolution by the Board.

B. Applicability. The standards in this section apply to Public Roads (including Public Roads that have not been accepted by the Board), Local Access Roads, and Private Access Easements (Private Roads) consistent with LC 15.005 as follows:

1. Newly constructed roads.

2. Existing roads that are required to be reconstructed to Local Access Road and Private Access Easement standards.

3. The County may apply a city's standards to the roads listed in LC 15.800.090B when such roads are within a city's urban growth boundary.

4. Roads listed in LC 15.800.090B serving an average daily traffic (ADT) of more than on hundred (100) must meet the requirements of LC 15.800.080 for Rural Local Roads.

5. Driveways that only serve one parcel and are entirely located on the parcel served are not defined as easements and are exempt from the road design standards. Notwithstanding this provision, driveway approaches must meet the applicable requirements of this chapter.

C. Public Roads and Local Access Roads are subject to the minimum right-of-way width specified in LC 15.070.

D. Private Access Easement (Private Road) Width.

1. The minimum Private Access Easement width is specified in the following table:

Table 13: Minimum Private Access Easement Width		
	1-3 Parcels	4 or More Parcels
Easement Width	30’	40’

2. In addition to meeting minimum width requirements specified in LC 15.800.090C and LC 15.800.090D, the right-of-way and easement must include adequate land for the proposed travel area, rock slopes, utilities, drainage facilities, and any signs.

3. Notwithstanding LC 15.800.090D.1, a pre-existing easement of at least twenty (20) feet in width and serving a property created in its present configuration prior to April 28, 2004, is allowable provided it complies with other requirements of this chapter.

E. Roadway Width. The minimum width is specified in the following table:

Table 14: Minimum Roadway Width		
	1-3 Parcels	4 or More Parcels
Total Travel Width	12’	18’

F. Vehicle Passage Turnouts.

1. Vehicle passage turnouts are required for all roads governed by this section with a travel surface less than sixteen (16) feet in width and in excess of two hundred (200) feet in length.

2. Turnouts must be spaced a maximum distance of four hundred (400) feet apart, or less if visibility is limited.

3. Turnouts must provide a minimum roadway width of twenty (20) feet for a distance of thirty (30) feet to adequately allow the passage of two (2) vehicles. The roadway width must be tapered for a distance of fifteen (15) feet before and after the thirty (30) feet length of the turnout.

G. Surface Type.

1. The surface type can be gravel or pavement. Gravel with oil mat is permitted.

2. Roadway extensions must match the surface type of the existing road that is being extended.

H. Surface Structure.

1. Road surface depths and structure are specified in the following table:

Table 15: Roadway Surface Depth and Structure		
	1-3 Parcels	4 or More Parcels
	Gravel Roads/Oil Mat	
Driving Surface - ¾”-0 Rock (compacted gravel)*	2”	2”
Sub-Surface Depth (compacted gravel)	6”	10”
	Paved Roads	
AC	3”	3”
Base	8”	10”

* 1"-0 rock is acceptable if used for the entire depth of gravel.

2. Minimum surface depth requirements are exclusive of oil mat treatment.

3. When such roads are paved, if a pavement structure design less than the minimum standards specified in Table 15 is proposed, it must be substantiated by testing pursuant to LC 15.800.100 Pavement Structure.

I. Vehicle Travel Lane Width. Travel lanes are not specified on Local Access Roads, Public Roads, or Private Access Easement roads.

J. Roadway and Ditch Side-slopes.

1. Ditch rock slopes and foreslopes no steeper than 3H:1V are required; however, when existing terrain precludes use of 3H:1V side-slopes, steeper slopes may be constructed if approved by the County Engineer or designee.

2. When slopes steeper than 3H:1V must be used, consideration will be given to the use of a roadside barrier. The standards from the Oregon Highway Design Manual publication cited in LM 15.040 must be used when it is necessary to review the efficacy of a barrier.

3. The slope rate for cut slopes with a vertical height greater than six (6) feet must be determined by geotechnical analysis and clear zone considerations.

4. Side-slopes should be designed to ensure the stability of the roadway and to provide a reasonable opportunity for recovery of an out-of-control vehicle.

K. Curb and Gutter. Curb and gutter are not required.

L. Clear Zone. A minimum two (2) foot wide clear zone is required from the edge of the travel lane on private roads and ten-(10) foot minimum on local access roads.

M. On-Street Parking. On-street parking is prohibited.

N. Maximum Grade.

1. Maximum grade is sixteen percent (16%). A maximum grade of twenty percent (20%) is allowable for spans of up to one hundred (100) feet on a straight tangent when topographic conditions make lesser grades impractical.

2. Grades that exceed sixteen percent (16%) must be paved.

3. Road grades in excess of eight percent (8%) require the following:

a. Submit a center line profile prepared for the proposed road by a Professional Engineer licensed in the State of Oregon or a Professional Surveyor licensed in the State of Oregon.

b. The roadway must be designed by a Professional Engineer licensed in the State of Oregon.

c. Submit objective evidence demonstrating that road grades in excess of eight (8%) are adequate for fire-fighting equipment of the agency providing fire protection to access the use and water supply.

(Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.800.100 – Pavement Structure.

A single minimum pavement structure design standard cannot be established due to varying factors that affect the structural design of the roadway such as soil type, ADT, truck traffic, and axle configurations. The following requirements are intended to ensure sound engineering practice and road integrity.

A. The requirements in LC 15.800.100B through LC 15.800.100D apply to the following roads:

1. Arterials and Collectors;

2. Local Roads, when the ADT on such roads is four hundred (400) or more;

3. Local Roads, when the ADT on such roads is three hundred ninety-nine (399) or less, where truck traffic exceeds ten percent (10%) of total traffic.

B. Developers must perform a pavement structure needs analysis and propose a section that is adequate to support the expected traffic. The AASHTO design procedures must be used to determine the needed pavement structure, but, at a minimum, the analysis must show the following:

1. The analysis must be completed by a Professional Engineer licensed in the State of Oregon with expertise in pavement analysis.

2. Determine the design life: establish a minimum remaining useful design life of road segment based on current background traffic projected into the future; and establish the remaining useful design life of road segment with proposed development traffic added. If development contains implementation phases, determine remaining design life at each phase.

3. Recommend additional pavement structure needed, if any, to support proposed new development, and recommend timing for additional pavement to be placed. For example, prior to new development, prior to beginning operations, or estimated year.

4. Subgrade soil type and strengths as measured by the R-value, California Bearing Ratio (CBR) method, or Resilient Modulus test.

5. Projected traffic characteristics including ADT, truck percentage, and axle configurations of each truck type, and annual average traffic growth rate.

6. Design coefficients in the AASHTO design calculations.

7. Proposed asphalt concrete (AC) depth and crushed base aggregate thickness must meet minimums as shown in Table 16.

C. The analysis and design proposals are subject to approval by the County Engineer or designee.

D. Paving material must be asphalt concrete. The use of alternative paving materials such as Portland cement concrete may be used only if approved through the design deviation approval process pursuant to LC 15.800.130.

E. The minimum pavement standards in LC 15.800.100F apply to Local Roads when existing ADT is less than four hundred (400), or projected ADT is less than four hundred (400) when new development subject to land use approval pursuant to LC Chapter 14 is proposed.

F. The roads specified in LC 15.800.100E must be developed according to the requirements in Table 16.

Table 16: Minimum Pavement Structure for Roads Specified in LC 15.800.100E

Land Use	Residential	Other
AC	4”	4”
Base	12”	15”

G. The developer is responsible for all pavement structure testing requirements.

(Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.800.110 – Turnaround Areas.

A. Turnarounds are required on dead-end roads over two hundred (200) feet in length. If insufficient right-of-way exists to construct a turnaround to the required specifications, a temporary, non-exclusive easement dedicated to the public will be required on the property to be developed or other property where the turnaround will be located, to provide for improvement and maintenance of the required turnaround area. The easement may be removed when and if the road is extended.

1. Cul-de-sacs. A cul-de-sac is a “bulb”-shaped design at the closed end of a dead-end road that allows vehicles to turn around without backing up.

   a. Cul-de-sacs must have a minimum thirty-six (36) foot improved surface turning radius with sufficient right-of-way to provide improvements matching those of the intersecting road, except that bicycle facility improvements are not required within the cul-de-sac.

   b. The minimum radii of the intersecting road and cul-de-sac turnaround is twenty (20) feet.

   c. Other designs will be considered provided they allow for forty (40) foot long, single turning axis emergency vehicles to turn around without backing up.

   d. The road intersecting the cul-de-sac must meet the applicable road design standards for its functional classification.

2. Hammerhead Turnarounds. Hammerhead turnarounds consist of a “three (3) legged” road design generally shaped like a “T” at the closed end of a dead-end road, that allows vehicles to turn around with minimal backing up.

   a. The hammerhead turnaround area extends from an intersecting dead-end road and may include a driveway as one of the three road legs. No gate or fencing is allowed across the driveway within the turnaround area.

   b. Hammerhead turnarounds must be designed to allow large emergency equipment to negotiate a maximum three (3) point turn on dead-end roads.

   c. One of the following combinations of road width and radius dimensions must be used:

      (1) The “T” at the terminus of the hammerhead must be a minimum one hundred (100) feet in length. Each of the three (3) legs must be a minimum twenty (20) feet in width, and the radii of the intersecting road and hammerhead must be thirty (30) feet; or

      (2) The “T” at the terminus of the hammerhead must be a minimum one hundred fifteen (115) feet in length. Each of the three (3) legs must be a minimum twelve (12) feet in width, and the radii of the intersecting road and hammerhead must be fifty (50) feet; or

      (3) Other designs will be considered provided they allow for three (3) point turnarounds by forty (40) feet long, single axle emergency vehicles.

   d. The road intersecting the hammerhead turnaround must meet the applicable standards for its functional classification. The hammerhead road surface must match the surface of the intersecting road and have adequate right-of-way to provide improvements matching those of the intersecting road, except that bicycle facility improvements are not required in the hammerhead turnaround.

(Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.800.120 – Standards for Culverts and Private Approaches on County Roads.

The following standards apply to private access easement road approaches and driveway approaches within County Road rights-of-way.

A. The minimum and maximum approach and culvert sizing requirements are as follows:

1. The minimum approach width at the intersection of the approach with the County Road Right-of-Way as defined in LC 15.010 is sixteen (16) feet for Rural Arterials and Collectors; and

2. Twelve (12) feet for Rural Local Roads.

3. Twenty (20) feet minimum for access to two (2) or more properties or whenever ingress and egress is intended for multiple users. A guest house does not qualify as shared access.

4. The maximum approach width is thirty (30) feet for residential use and thirty-five (35) feet for other uses.

5. The minimum radius is ten (10) feet.

6. Minimum Side-slopes must be no steeper than 3H:1V for Local Roads and no steeper than 4H:1V for any new construction or reconstruction requiring a new culvert on Arterials and Collectors. Sloped end culverts are required on aprons with 4H:1V slopes.

7. Approaches must be constructed with either asphalt concrete or Portland cement concrete unless connecting to a gravel public road. Construction of a concrete approach will require that the County conduct an inspection of the concrete forms prior to placement of the concrete approach.

8. Culverts must be a minimum of twelve (12) inches inside diameter and:

a. A minimum of thirty-two (32) feet in length for Arterials and Collectors; and

b. A minimum of twenty-eight (28) feet in length for Local Roads.

c. A larger pipe diameter size is required when necessary to provide adequate conveyance capacity for a ten (10) year design storm event. A longer pipe length will be required if a wider driveway apron is approved or terrain or ditch depth dictates.

B. Sloped end culverts are required if the road facility in the area has been upgraded to include sloped end culverts and as required in LC 15.800.120A.6. Side slopes must match side slopes of the road.

C. The County may specify additional requirements for the purpose of enhancing safety, traffic flow, road maintenance, and to minimize surface flow of water and debris onto the Public Roadway, such as in the case of uphill approaches.

D. Approaches must be designed and constructed to place the approach, including radius, entirely within the frontage of the private property boundary unless it is necessary for safe ingress and egress.

(Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.800.130 – Deviations from Design Standards.

A. Applicability. Deviations may be sought from the minimum Road Design Standard requirements specified in LC 15.800 in the following instances:

1. Deviations may be sought based upon any of the following considerations:

a. Design requirements would result in the need for a Variance to a requirement of other sections of Lane Code if the deviation is not granted;

b. Design requirements would result in an inconsistency with other requirements of Lane Code if the deviation is not granted;

c. Topography or slope constraints;

d. Proximity of existing homes/structures;

e. Presence of existing significant trees or other vegetation;

f. The presence of a significant natural resource constraint including the presence of:

(1) wetlands designated in the National Wetlands Inventory;

(2) wildlife habitat for sensitive, threatened, or endangered species listed in a federal, state, or local inventory;

(3) riparian vegetation within a riparian setback area specified in LC Chapter 16;

(4) areas within the floodway as designated on federal floodplain maps;

(5) other significant natural resource areas if designated on an adopted local natural resource inventory.

g. Historic resources listed in an adopted state or local inventory or officially designated as a state or federal historic landmark;

h. Insufficient right-of-way, and inability to obtain additional right-of-way;

i. Adopted Board decisions, including those found in project specific Design Concept and Findings documents;

2. Deviations must not compromise safety and sound engineering practices.

3. A request for a deviation will not be permitted if the standards in question are required as a condition of approval of a land use decision. In that case, the process outlined in LC Chapter 14 for requesting a modification or appeal of the land use decision will be necessary.

B. Procedure for Reviewing a Deviation Request. The following process must be followed when a deviation to the facility permit or design standards is sought.

1. Preliminary Assessment. The purpose of the preliminary assessment is to determine the validity of the deviation request based upon applicability requirements and considerations specified in LC 15.800.130A. A preliminary assessment meeting with Public Works staff may be required to ensure that the applicant understands the design standard deviation request process, and to ensure that County staff understand the nature of the requested design standard deviation.

2. Application.

a. After any required preliminary assessment has been completed, an application for a design standard deviation may be submitted for review with the applicable fee. Supporting materials must demonstrate consistency with requirements in LC 15.800.130B.3.

b. Public Works Engineering Division staff will review the application for completeness. If additional information is needed from the applicant, the County will request the information in writing within fourteen (14) days of application and fee submittal.

c. Additional materials may be requested of the applicant, including written information to address issues of concern that may be related to the request.

d. Supplemental documentation may be required depending on site-specific circumstances as determined by the County Engineer, as follows:

(1) Traffic and Crash Experience Analysis. The level of information and analysis must be sufficient to document that the proposed design deviation will not significantly affect safety.

(2) Impacts on regulated natural resources. Documentation must be of sufficient detail to determine potential impacts on regulated water and wildlife resources such as wetlands, aquifers, fish bearing water bodies, and species listed as threatened or endangered on federal or state inventories, if the deviation is approved. Any required permits from federal, state and local agencies must be obtained prior to initiation of construction if the deviation is granted.

(3) Costs. The analysis must be of sufficient detail to compare project costs with and without the proposed design standard deviation(s).

(4) Proposed Mitigation. Propose potential mitigation measures, how they would be implemented, and the timeline for implementation, to off-set potential safety reductions of the proposed design deviation.

(5) Site plans. Showing previous lot configurations, structures or development.

e. If additional information is requested from the applicant, it must be submitted within thirty (30) days from the date the request for additional information was mailed.

3. Requirements for Granting a Deviation.

a. The safety and function of the road system cannot be compromised by the proposed deviation, based upon accepted engineering practices;

b. The deviation cannot significantly increase maintenance costs;

c. The deviation will not result in an inconsistency with other standards found in Lane Code; and

d. The deviation, if approved, will not result in the need for a Variance to any other applicable Lane Code requirement; or

e. The deviation is for a project initiated by the County and the Board recommends the deviation.

4. Review and Decision.

a. As necessary, a deviation review committee will convene to review the design standard deviation request. As appropriate, the committee may consist of representatives from agencies within and outside the County with jurisdiction in the area of the request. The committee will make a recommendation to the County Engineer whether to accept, deny, or modify the request. The recommendation will be based upon requirements of LC 15.800.130B.3.

b. The County Engineer will review the deviation request and make a decision in writing and mail the decision to the applicant within thirty (30) days from the date the application is deemed complete. If there is a committee review of the deviation request, the County Engineer will make a decision in consideration of the committee's recommendation.

c. The County may assign conditions and require mitigation to ensure the continued safe and efficient operation of the road system if the request for a deviation is granted.

5. Appeals. Appeals are directed to the Board. Appeals to the Board will be heard at a regularly scheduled Board meeting no later than sixty (60) days after the appeal is filed. The appeal must be filed with the applicable fee and presented to the Board by Department staff in a written report of relevant facts according to the County Administrative Procedures Manual and Process for Submitting Agenda Items for Consideration at Board Of County Commissioners' Meetings. The appellant will have an opportunity to present information at the Board meeting.

C. Applications must be properly submitted and approved by the County prior to incorporation of design features into final project plans and related documents. Any required conditions of approval and mitigation must be incorporated into final project plans and related documents.

(Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.900 – STATUTORY WAYS OF NECESSITY, VARIANCES, AND ENFORCEMENT

15.900.010 – Jurisdiction Over Statutory Ways of Necessity.

A. The Board divests its jurisdiction to hear Statutory Ways of Necessity and transfers that function to the Circuit Court.

B. In addition to the filing fee prescribed by the Circuit Court, the deposit provided by ORS 376.165 is one thousand dollars ($1,000).

C. The Director and the County Surveyor, or their designees, will assist the Circuit Court and perform the duties prescribed in ORS 376.150 to ORS 376.200.

(Ordinance 24-82, 12.10.82; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.900.020 – General Variance Provisions.

A. Purpose. The purpose of a Variance is to provide relief from the provisions of Chapter 15 when a strict application of the requirements would impose unusual practical difficulties or unnecessary physical hardship on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape or dimensions of a site or the location of lawfully existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity, or from population densities, street location or traffic conditions in the immediate vicinity.

B. Applicability. Variances may be requested from LC 15.200 Setback Requirements; LC 15.300 Dedication and Improvement Requirements; and LC 15.400 Frontage and Access.

C. Criteria. Variances may be granted only if, on the basis of the application, investigation and evidence submitted, the following expressly written findings are made:

1. That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be inconsistent with the objectives of this chapter, or

2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same vicinity, or

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties in the same vicinity, and

4. That the granting of the modification will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity.

5. LC 15.400.060 Variance to Access Requirements establishes additional criteria.

C. Effect on Substantially Identical Variances to Other County Regulations.

1. A Variance granted by authority of this chapter eliminates the necessity of obtaining approval of a substantially identical or less extensive Variance or modification to other chapters of Lane Code and would constitute a Variance of that chapter.

2. A Variance is not required to the frontage or setback requirements of this chapter for any subdivision or partitioning receiving final approval in accordance with the provisions of LC Chapter 13 (Land Divisions) when the requirements to be modified are specifically incorporated within the finally approved subdivision or partitioning.

D. Conditions. Reasonable conditions may be imposed in connection with a Variance as deemed necessary to protect the best interests of the surrounding property or neighborhood and otherwise secure the purpose and requirements of this section. Guarantees and evidence may be required that such conditions will be and are being complied with.

E. Application and Review. Application for a Variance must be reviewed according to the Type II pursuant to LC Chapter 14.

(Ordinance 6-75, 3.26.75; Ordinance 10-76, 1.1.77; Ordinance 5-80, 6.27.80; Ordinance 5-81, 4.8.81; Ordinance 6-82, 4.16.82; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.900.030 – Enforcement Requirements.

A. Title, Purpose, and Applicability. The provisions of this section are known as the Enforcement Requirements. The purpose of these requirements is to ensure compliance with the requirements of this chapter.

B. Official Action. All officials, Departments, and employees of Lane County vested with authority to issue permits, certificates, or licenses, must adhere to and require conformance with the requirements of this chapter.

C. Inspection and Right of Entry. Whenever the officials responsible for enforcement or administration of this chapter have cause to suspect any failure to comply with any provision of this chapter, or when necessary for investigation of an application or revocation of any discretionary or administrative approval under any of the procedures prescribed in this chapter, these officials, or their duly authorized representatives, may enter on any site or into any structure for the purpose of investigation, provided they do so in a reasonable manner. No secured building may be entered without the consent of the owner or occupant unless under authority of a lawful warrant.

D. Stop Work Orders. Whenever any work is being done contrary to provisions of this chapter or an approved discretionary permit issued pursuant to the requirements of any of the sections of this chapter, or the Director has probable cause to believe that any other provision of the Lane Code is

not being complied with in connection with the project of which the work being performed is a part, the Director may order the work stopped by notice in writing, posted on the project, or served on any person engaged in the doing or causing of such work to be done. Upon posting or service of notice, all persons engaged in doing or causing the work to be done must immediately stop such work until authorized by the Director to proceed.

E. Abatement. Any use which is established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to the requirements of this chapter is hereby declared to be unlawful and a public nuisance, and may be abated as such.

F. Enforcement Official. It is the duty of the Director to enforce the provisions of this chapter. The enactment of this chapter does not invalidate any prior existing, or future prosecutions for violations, or failures to comply, that may have been committed under previous applicable County ordinances then in effect.

G. Legal Proceedings by District Attorney. In addition to the enforcement provisions of this chapter, upon request of the Director, the District Attorney or County Counsel may institute any additional proceedings, including but not limited to, seeking injunctive relief to enforce the provisions of this chapter.

H. Remedies Cumulative. It is the intent of this chapter that the remedies provided be cumulative and not mutually exclusive.

(Ordinance 1-93, 4.16.93; Ordinance 1-00, 4.12.00; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

15.900.040 – Failure to Comply.

Failure to comply with any of the requirements of this chapter may be subject to an administrative civil penalty as provided by LC 5.025.030. Failure to comply with a Condition of an approved Special Use application or other discretionary permit issued pursuant to the requirements of any of the sections of this chapter is also subject to an administrative civil penalty. Continued failure to comply with this chapter after ten (10) days from mailing of the notice of failure to comply by registered or certified mail to the last known address of the alleged responsible person or after personal service, and continued failure to comply after an order has been entered, constitute a separate failure to comply for each day the occurrence continues. The Director has the authority to issue a notice of failure to comply.

(Ordinance 1-93, 4.16.93; Ordinance 1-00, 4.12.00; Ordinance 10-04, 6.4.04; Ordinance 20-09, 12.10.20)

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~~ROADS~~

Chapter 15 – ROADS

15.005 – GENERAL

15.005.005 – ~~General~~ Purpose.

The general purpose of this ~~C~~chapter is to provide a consolidated resource for the policies and associated standards that support the current and future transportation, maintenance and access needs of Lane County. The intent of this ~~C~~chapter is to establish~~-~~ requirements for efficient, safe and reliable vehicular and pedestrian movement throughout the County and usable ingress and egress to properties, to protect the public investment in the County Road system and the capacity of existing transportation facilities, to provide for private and public participation in the improvement of roads when the same becomes necessary by reason of development of abutting property and to assist in guiding the future development or redevelopment of the County in accordance with the Comprehensive Plan for Lane County.

~~(~~Revised by ~~~~Ordinance ~~No.~~ 6-75, ~~Effective~~ 3.26.75; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

~~DEFINITIONS~~

15.005.010 – Definitions.

The definitions in ~~LC 15.010~~**this section** 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.**005** 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**" means the~~,~~** American Association of State Highway and Transportation Officials~~.~~ ~~P~~**p**ublisher of "A Policy on Geometric Design of Highways and Streets," nationally accepted source for contemporary road design standards.

"Americans with Disabilities Act (ADA)" means a federal civil rights law that prohibits discrimination against people with disabilities in everyday activities.

~~(2)~~ **"**Access**"~~.~~ means,~~ ~~S~~**s**ubject to adopted policies and standards, the ~~means~~ **way** by which a property, area or tract directly obtains safe, adequate and usable ingress and egress.

~~(3)~~ **"**Access Management~~.~~**" means** ~~T~~**t**he 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**"**~~.~~ **means the** ~~R~~**r**eserve 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**," as in** ~~(~~**"**Road Approach~~,~~**" or "**Driveway Approach**,"**~~).~~ **means** ~~T~~**t**he area of **the** intersection of an approaching road or driveway with a road.

~~(7)~~ **"**Board**"**~~.~~ **means**~~.~~ ~~T~~**t**he Lane County Board of Commissioners.

~~(8)~~ **"**Building**" for the purpose of this chapter, means any structure erected by a person or person, and is used** ~~. The terms "building" and "structure" are~~ synonymous **with "Structure" in**~~for the purpose of~~ this chapter as **it** ~~they~~ pertain**s** to setback and site plan locations.

~~(9)~~ **"**Capacity**" means, according to the context:**~~.~~

~~(a)~~**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)~~ **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)**" means the**~~. 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**" means**~~. T~~ **t**he 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**" means**~~. T~~ **t**he ~~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**"**~~. F~~ **f**or the purpose of this chapter**, means** the **Lane County Rural** Comprehensive Plan**,** ~~consists of the~~ Lane County ~~General~~ **Transportation System** Plan, **and other City Comprehensive Plans and Transportation System Plans that have been adopted by the Board of County Commissioners,** ~~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**"**~~.~~ **means a** ~~A~~ condition under which the number of vehicles using a roadway is great enough to cause reduced speeds and increased travel times.

~~(15)~~ **"**Connectivity**"**~~.~~ **means,**~~ **according to the context:** A term used to describe~~ a network of streets and roads that intersect with the purpose of maximizing travel efficiency**; or** ~~. 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~~.~~**"** **means** ~~The County Engineer, or~~ the person **designated**~~authorized~~ by the County ~~Engineer~~ to exercise authority under any section of this chapter.

~~(17)~~ **"**County Road~~.~~**"** **means,** ~~A~~**a**s 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 **R**~~r~~oad standards pursuant to this chapter are maintained by Lane County. See also Functional Class definitions.

~~(18)~~ **"**Demand Management~~.~~**"** ~~A~~**means those a**ctions 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**"**~~.~~ **means** ~~T~~**t**he 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.

"Design Exception" means "Deviation" as defined in this section.

"Deviation" means a permission granted by the County pursuant to this chapter that provides an applicant relief from strict application of a design standard contained in this chapter.

~~(21)~~ **"**Director**"**~~.~~ ~~The~~ **means 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 **a method** or place of leaving a property.

~~(23)~~ **"**Emergency**"**~~.~~ **means** ~~A~~**a**ny public health, economic or other event deemed an emergency by County, State, or Federal declaration.

~~(24)~~ **"**Expressway**"**~~.~~ **means** ~~T~~**t**wo **(2)** ~~-~~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**"**~~.~~ **means** ~~A~~**a**rterial 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~~"~~**"** means ~~A~~ **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**"** means ~~T~~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)~~**A.** Principal Arterial: ~~A~~**a** road which provides for through traffic between major centers of human activity in urban, suburban and rural areas.

~~(b)~~**B.** Minor Arterial: ~~A~~**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)~~**C.** Major Collector: ~~A~~**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)~~**D.** Minor Collector: ~~A~~**a** road or street which gathers traffic within the neighborhood and directs it to a major collector or arterial.

~~(e)~~**E.** Local Road or Street: ~~A~~**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**"** ~~.~~ **means** ~~A~~**a**ny substance or mixture of substances intended for preventing, destroying, repelling or mitigating plant growth.

~~(29)~~ **"**Improvement Agreement**"** ~~.~~ **means** ~~A~~**a**n 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 **a method** or place of entering a property.

~~(31)~~ **"**Land Use Decision**"** ~~. As~~ **has the meaning** defined in LC Chapter 14.

~~(32)~~ **"**Land Use Regulation**"** ~~. A~~**has the meaning** defined in LC Chapter 14.

~~(33)~~ **"**Level of Service**"** ~~.~~ **means a**~~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**"** ~~.~~ **means a**~~A~~ Public Road that is not a County ~~r~~**R**oad, State Highway, or Federal ~~r~~**R**oad. 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**"**~~.~~ **means** ~~R~~road improvement projects to **meet transportation needs**~~accommodate existing traffic and/or projected traffic growth~~ consistent with adopted state, regional, ~~County~~**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**"**~~.~~ **means the** ~~C~~construction of a Public Road or road segment that is not a realignment, reconstruction, or modification of an existing road or road segment.

"ODOT" means Oregon Department of Transportation.

~~(37)~~ **"**Operation, maintenance, and repair**" means**~~.~~ ~~R~~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**"**~~.~~ **means a**~~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**" means**~~. T~~ **t**he 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 **Person,** Permittee, Applicant, Owner, Property Owner or Authorized Agent, where the context so requires.

"Person" means, in the context of this chapter, individuals, public or private corporations, associations, firms, partnerships, joint stock companies, governmental agencies, political subdivisions of the State of Oregon (including municipal corporations), trusts, estates or any other legal entity.

~~(40)~~ **"**Preservation**"**~~.~~ **means** ~~A~~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**"**~~.~~ **mean a**~~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 **(2)** or more persons, association, corporation, firm, club, partnership or other similar entity having the right of administration and/or ownership thereof.

"Public Right-of-Way Accessibility Guidelines (PROWAG)" means Federal Highway Administration guidelines ensuring that sidewalks, pedestrian street crossings, pedestrian signals, and other facilities for pedestrian circulation and use constructed or altered in the public right-of-way are readily accessible to and useable by pedestrians with disabilities.

~~(42)~~ **"**Public Road**"**~~.~~ **means** ~~A~~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**"**~~.~~ **means** ~~C~~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**"**~~.~~ **means** ~~R~~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**"**~~.~~ **means** ~~R~~road resurfacing, sealing, paving, and restoration, over and above routine maintenance, to repair deteriorating road surfaces and to address safety concerns.

"Responsible Party" means the person, permit holder, property owner, permittee, or agent, that is responsible for the property, activity, application, or issued permit subject to regulation by this chapter.

~~(46)~~ **"**Right-of-Way (ROW, R/W)**"**~~.~~ **means, depending on the context,**

~~(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~~.~~**; or**

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

~~(47)~~ **"**Road**"**~~.~~ **means** ~~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)~~ ~~A~~**a**rterials, collectors, and local roads as in the functional classes defined ~~above~~ under **"**Functional Class**"**;

~~(b)~~ ~~R~~**r**oad-related structures that are in the right-of-way such as drainage conveyance facilities;

~~(c)~~ ~~O~~**o**ther structures in the right-of-way that provide for continuity and stability of the right-of-way including tunnels, retaining walls, and bridges; **and**

~~(d)~~ ~~U~~**u**nderground 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**" means**~~.~~ ~~A~~ **a** road or portion of a road that is not within an urban growth boundary.

~~(49)~~ **"**State Highway**"**~~.~~ **means,** ~~A~~**a**s 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**"**~~.~~ **means** ~~A~~**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.~~—~~

"Temporary Pedestrian Accessible Routes (TPAR)" means an area within a work zone marked by signing, delineation and temporary control devices for the use of pedestrians to navigate through or around the work area.

~~(51)~~ **"**Threshold**"**~~.~~ **means t**~~T~~he point at which maintenance is required to ensure set standards are maintained.

~~(52)~~ **"**Transportation Facility**"**~~.~~ **means a**~~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 **Surface" and "Travel** Way~~,~~**"** ~~Traveled Way. When applied to a road,~~ **mean** the road surface used for vehicular travel, including bicycle lanes. ~~Synonymous with travel surface.~~

~~(55)~~ **"**Turnaround**,"** ~~(~~**"**Cul-de-sac**,"** or **"**Hammerhead**"**~~).~~ **mean** ~~T~~**t**he 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**"**~~.~~ **means** ~~A~~**a**ny 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)**" means** ~~. T~~the boundary described in respective adopted City Comprehensive Plans to which urban services may be extended.

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

"Utility" or "Utility Provider" means the entity or person that has ownership of utility infrastructure installed within the public right-of-way.

~~(59)~~ **"**Visual Clear Zone**" means**~~. A~~**a** triangular area of a driveway or road intersection corner that is **fifteen (**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.~~

(**Ordinance** ~~Revised by Ordinance No.~~ 6-75, ~~Effective~~ 3.26.75; **Ordinance** 11-75, 9.5.75; **Ordinance** 10-76,1.1.77; **Ordinance** 10-80, 7.11.80; **Ordinance** 1-91, 6.14.91; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20; **Ordinance** 23-02, 4.25.03)

15.100 – FUNCTIONAL CLASSIFICATIONS, ~~AND~~ RIGHT-OF-WAY WIDTH, AND ROAD REQUIREMENTS

15.~~020~~100.010~~.~~ – ~~———~~County Road Functional Classifications.

Street classifications are assigned to roads making up a circulation network that will adequately handle anticipated traffic demands without unduly disturbing local residential neighborhoods. Collector and arterial streets are designed to carry through traffic (non-local trips) and generally require wider rights-of-way and higher design standards in order to serve their intended function. Local roads primarily provide access to abutting property.

~~(1)~~**A.** County Roads ~~as defined in LC 15.010~~ are classified in Table 1~~, according to the functional class definitions specified in LC 15.010~~.

Table 1: Functional Classifications for County Roads
Functional Class
Local
Minor Collector
Major Collector
Minor Arterial
Principal Arterial

~~(2)~~**B.** For purposes of **the access management standards at** LC 15.**400**~~137(3)~~ and other applicable sections of this chapter, County Road functional classification is ranked as higher or lower according to the volume and type of traffic flow they are anticipated to handle, as ~~specified below~~**follows**:

~~(a)~~**1.** Arterial is the highest functional classification.

~~(b)~~**2.** Collectors are the next highest functional classification.

~~(c)~~**3.** Local will be the lowest classification.

~~(d)~~**4.** Local Access Roads and Public Roads ~~as defined in LC 15.010~~ are ranked as equivalent to Local ~~for the rankings specified in LC 15.020(2)(a) through (c) above~~.

~~(3)~~**C.** The ~~County Roads Inventory text and~~ Functional Class Maps in the adopted Lane County Transportation System Plan provides the official inventory of County Roads and their functional classifications. ~~If a discrepancy exists between the Inventory text and a map, the Inventory text will be used to determine a road's functional classification.~~

~~(4)~~**D.** Jurisdictional Transfers. A road that is transferred to the County from another jurisdiction where the functional class remains equivalent to the existing classification and is exempt from a Type IV procedure pursuant to LC 15.**100.030**~~035~~.

(**Ordinance** ~~Revised by Ordinance No.~~ 6-75, ~~Effective~~ 3.26.75; **Ordinance** 4-80, 7.11.80; **Ordinance** 1-91, 6.14.91; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.~~030~~100.020 – ~~———~~Urban and Rural Roads.

~~(1)~~**A.** Roads that are located within an urban growth boundary are designated as Urban Roads.

~~(2)~~**B.** Roads that are located outside of an urban growth boundary are designated as Rural Roads.

~~(3)~~**C.** A change in the location of an urban growth boundary will result in a corresponding change in the urban or rural designation of a road.

(**Ordinance** ~~Revised by Ordinance No.~~ 4-80; 7.11.80; **Ordinance** 10-04, 6.4.04)

15.100.030~~035~~ – ~~———~~Additions and Changes to County Road Functional Classifications.

~~(1)~~**A.** Application. An application for additions or changes to County Road functional classifications is an amendment to the Transportation System Plan, a special purpose plan within the Rural Comprehensive Plan. The Application must be submitted and processed as a Type IV procedure, in accordance with LC Chapter 14. An application may only be submitted by the owners of the property abutting an existing or proposed road, the Board of County Commissioners, or the Department of Public Works.

~~(2)~~**B.** Review.

~~(a)~~**1.** The Planning Director must work with the Director and County Engineer during completeness review to determine if additional information is needed if a recommendation from the Transportation Advisory Committee (TrAC) is necessary, or both. If deemed necessary, the TrAC will review the proposal and provide a recommendation prior to the first Planning Commission public hearing.

~~(b)~~**2.** The Planning Director will review the proposal against the approval criteria in LC 15.**100.030D** ~~035(4)~~ and prepare a report for the Planning Commission for review and recommendation to the Board and subsequently to the Board for review and action.

~~(3)~~**C.** Planning Commission Notice. In addition to Type IV notice requirements, at least **twenty-one (**21**)** days prior to the first hearing, notice will be given to adjacent property owners by:

~~(a)~~**1.** Posting not fewer than three public notices ~~along~~ the alignment of the existing or proposed road, not more than **five hundred (**500**)** feet apart; or

~~(b)~~**2.** Mailing notices to the owners of record of all property abutting the existing or proposed road alignment, using for this purpose the names and addresses on the most recent property tax assessment.

~~(4)~~**D.** Criteria. An addition or change to a County Road functional classification may be approved if:

~~(a)~~**1.** The addition or change will result in the County Road being used consistent with the functional classification ~~definitions found in LC 15.010~~.

~~(b)~~**2.** The addition or change will be consistent with the adopted General Plan Policies, including the policies of the Transportation System Plan.

~~(~~**Ordinance** ~~Revised by Ordinance No.~~ 6-75, ~~Effective~~ 3.26.75; **Ordinance** 4-80, 7.11.80; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

~~MINIMUM ROAD REQUIREMENTS~~

15.100.040~~045~~ – ~~———~~Minimum Requirements for Public Roads and Local Access Roads.

The following minimum requirements apply to Public Roads and Local Access Roads ~~as defined in LC 15.010~~ when new development is proposed to ensure that such roads will reasonably conform to the purpose of this chapter. Public Roads as defined in ORS 368.001(5) that have been dedicated to the County but never accepted by the Board must also meet the requirements in this section.

~~(1)~~**A.** ~~–~~ A Public Road or Local Access Road that is part of or serves a land division must comply with the following:

~~(a)~~**1.** the land division requirements in LC 13; and

~~(b)~~**2.** road dedication and improvement requirements in LC 15.**300**~~105~~; and

~~(c)~~**3.** the provisions in LC 15.**100.040C**~~045(3)~~ through **LC 15.100.040H**~~(8) below~~.

~~(2)~~**B.** ~~-~~ When a Public Road or Local Access Road is used to provide access to a vacant property where development other than a land division is proposed, prior to land use and zoning authorization for the proposed development the following applies:

~~(a)~~**1.** The applicant for the proposed development must provide written certification from the applicable Fire District, on a form prepared by Lane County, that the Public Road or Local Access Road meets minimum Fire District requirements to provide emergency services to the property.

~~(b)~~**2.** If the applicant is unable to obtain the written certification specified in LC 15.**100.040B**~~045(2)(a)~~, the property owner must record a Covenant and Hold Harmless Declaration to run with the land and in a form acceptable to Lane County that includes the following information and provisions:

~~(i)~~**a.** a legal description of the property where development is proposed;

~~(ii)~~**b.** the name(s) of the owner(s) of the property;

~~(iii)~~**c.** a declaration and agreement that the property owner(s), it's successors, and assigns hold Lane County, its divisions, commissioners, officers, agents and employees harmless from any and all claims, losses, liability or damages that the owner(s) may incur as a result of failure to improve the Public Road or Local Access Road to the minimum Fire District requirements for providing emergency services to the property;

~~(iv)~~**d.** reasons why the fire district certification cannot be obtained. An applicant's refusal to obtain the certification is not in itself an allowable reason;

~~(v)~~**e.** a statement that the property owner was advised and understands that the road may be inadequate for emergency vehicles;

~~(vi)~~**f.** a statement that the property owner declares and agrees that they have read the Covenant and Hold Harmless Declaration and has signed it of the property owner's own free will.

~~(c)~~**3.** The requirements specified in LC 15.**100.040B.1**~~045(2)(a)~~ and **LC 15.100.040B.2**~~(b)~~ apply only to lands outside of a County-designated Forest zone. Lands within a Forest zone are governed by the siting and development standards of the applicable zoning district.

~~(d)~~**4.** Public Roads and Local Access Roads that have previously been fully inspected and approved by Lane County as part of a land division final plat approval, for plats that were recorded after January 1, 1990, are not subject to fire district certification requirements of LC 15.**100.040B.1**~~045(2)(a)~~ through **LC 15.100.040B.2** ~~(b)~~.

~~(3)~~**C.** ~~As far as is~~**Whenever** feasible, roads will be in alignment with existing or appropriate projections of existing roads by continuations of the centerline thereof.

~~(4)~~**D.** When necessary to retain access to or permit a satisfactory future division of adjoining lands, roads must be extended to the boundary of a land division. A temporary turnaround meeting the requirements of LC 15.**800.110**~~708~~ may be required for the resulting dead-end road.

~~(5)~~**E.** In order to effect separation of through and local traffic, Frontage Roads ~~as defined in LC 15.010~~ or reverse frontage properties may be required by the County when a proposed property would otherwise abut an arterial or collector road. In addition, screening or other treatments may be required along arterial and collectors in order to provide adequate noise and visual protection of adjacent properties.

~~(6)~~**F.** Where a cut or fill road slope is outside the normal right-of-way, a slope easement is required of sufficient width to permit maintenance of the cut or fill.

~~(7)~~**G.** The County may require that at the entrance to any Public Road or Local Access Road a sign be constructed to County standards and posted at private expense stating the name of the road and indicating the road is not a County-maintained road.

~~(8)~~**H.** The application for a new Local Access Road must be accompanied by a perpetual maintenance agreement that will be appurtenant to all properties to be served by the Local Access Road. The maintenance agreement must clearly allocate responsibility for maintenance of the Local Access Road. All maintenance agreements approved after ~~"[insert effective date of ordinance]~~**December 10, 2020**~~"~~ must be recorded upon each of the properties receiving access from the new Local Access Road.

~~(9)~~**l.** Any proposed placement of facilities or development within the road and right-of-way of a Public Road or Local Access Road is subject to the following:

~~(a)~~**1.** Any person performing work does so at the person's own sole risk and must indemnify, save harmless and defend Lane County, its divisions, commissioners, officers, agents and employees, from all claims, suits, actions and damages arising out of or resulting from the work. Such indemnity is not limited by reason of the enumeration of any insurance coverage that may exist.

~~(b)~~**2.** Due diligence must be completed prior to starting work to ~~i~~**e**nsure compliance for items including, but not limited to, all of the following:

~~(i)~~**a.** Land Use requirements under Lane County Land Management Division (LMD),

~~(ii)~~**b.** The Federal Endangered Species Act (ESA),

~~(iii)~~**c.** The State Historic Preservation Office (SHPO),

~~(iv)~~**d.** General construction standards or the ~~Oregon Department of Transportation (~~ODOT~~)~~ Standard Specifications for construction,

~~(v)~~**e.** Public Utility Commission (PUC) requirements,

~~(vi)~~**f.** The Oregon Utility Notification Center (OUNC) provisions and the Oregon Revised Statutes (ORS), and

~~(vii)~~**g.** Traffic control requirements in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), ODOT, and Lane County standards.

~~(c)~~**3.** ~~———~~Safety Requirements. Operations must ensure safety to the public and protection of the road system. Safety precautions must include such stipulations reasonably related to safety requirements. Should it be necessary to interrupt or redirect traffic, procedures designated by the Manual on Uniform Traffic Control Devices publication cited in LM 15.~~450~~**040** will apply. Roads must be kept free of debris. Flaggers, barricades and other safety devices must be employed as necessary to warn traffic of possible hazards. Lighted warning lights must be maintained where necessary between the hours of sunset and sunrise.

~~(d)~~ **4.** ~~—~~ Construction. Facilities must be constructed or maintained in conformance with accepted engineering practices and standards.

(**Ordinance** ~~Revised by Ordinance No.~~ 6-75, ~~Effective~~ 3.26.75; **Ordinance** 4-80, 7.11.80; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.100.050~~53~~ – ~~———~~Recording Requirements for Properties Served by Local Access Roads.

To provide notice to property owners of maintenance obligations related to properties receiving access from Local Access Roads:

~~(1)~~**A.** Any seller of property receiving access from a Local Access Road must cause to be recorded upon the property a document that provides notice to any buyer in due course that, at a minimum, includes the following text:

This property receives access from a Local Access Road named ~~____ [[~~name of road~~]____.]__~~. Under Oregon law, Local Access Roads have been dedicated as public right of way~~,~~ but are not constructed or maintained by Lane County. All costs and obligations of maintenance of the Local Access Road are the responsibility of the property owners receiving access from this road, unless the road is within the scope of a local road district or a road maintenance agreement.

~~(2)~~**B.** A property receiving access from a Local Access Road that is subject to a recorded road maintenance agreement or is within a local road district is exempt from the requirements of ~~subsection~~ **LC** 15.**100.050A**~~053(1) above~~.

~~(3)~~**C.** County will make a reasonable effort to identify each private property in Lane County that is adjacent to a Local Access Road from which the property may receive access, as of the date of adoption of this ~~Section~~**section**, ~~"[insert effective date of ordinance]"~~**December 10, 2020**, and for each property so identified will cause a notice to be placed in the electronic record maintained by the Lane Geographic Data Consortium. The notice is to read:

"This property was identified as being adjacent to and may obtain its access from a Local Access Road. Local Access Roads are not maintained by the County, and responsibility for maintenance and repairs on Local Access Roads is upon the property owners who receive access from a Local Access Road. In addition, some properties receiving access from a Local Access Road may be bound by formal maintenance agreements regarding these obligations."

~~(~~**Ordinance** ~~Revised by Ordinance No. 20-09, Effective 12.10.20)~~

15.100.060~~055~~ – ~~____~~Minimum Requirements for Private Access Easements.

The following minimum requirements apply to Private Access Easements ~~as defined in LC 15.010~~ when new development is proposed to ensure that such roads will reasonably conform with the stated purpose of this chapter.

~~(1)~~**A.** ~~–~~ A Private Access Easement that is part of or serves a land division must comply with the following:

~~(a)~~**1.** ~~–~~ the land division requirements in LC 13; and

~~(b)~~**2.** ~~–~~ road dedication and improvement requirements in LC 15.**300.010**~~.105~~; and

~~(c)~~**3.** ~~–~~ the provisions in LC 15.**100.060C**~~055(3)~~ through **LC 15.100.060H**~~(8) below~~.

~~(2)~~**B.** ~~–~~ When a Private Access Easement is used to provide access to a vacant property where development is proposed, prior to land use and zoning authorization for the proposed development the following requirements must be met:

~~(a)~~**1.** ~~–~~ The applicant for the proposed development must provide written certification from the applicable Fire District, on a form prepared by Lane County, that the Private Access Easement meets minimum Fire District requirements to provide emergency services to the property.

~~(b)~~**2.** ~~–~~ If the applicant is unable to obtain the written certification specified in LC 15.**100.060B.1**~~055(2)(a)~~, the property owner must record a Covenant and Hold Harmless

Declaration to run with the land and in a form acceptable to Lane County that includes the following information and provisions:

~~(i)~~**a.** a legal description of the property where development is proposed;

~~(ii)~~**b.** the name(s) of the owner(s) of the property;

~~(iii)~~**c.** a declaration and agreement that the property owner(s), it's successors, and assigns hold Lane County, its divisions, commissioners, officers, agents and employees harmless from any and all claims, losses, liability or damages that the owner(s) may incur as a result of failure to improve the Private Access Easement to the minimum Fire District requirements for providing emergency services to the property;

~~(iv)~~**d.** Reasons why the fire district certification cannot be obtained, which may not be based only on the applicant's unwillingness to obtain the certification;

~~(v)~~**e.** A statement that the property owner was advised and understands that the road may be inadequate for emergency vehicle access; and

~~(vi)~~**f.** A statement that the property owner declares and agrees that the property owner has read the Covenant and Hold Harmless Declaration and has signed it of the property owner's own free will.

~~(c)~~**3.** The requirements specified ~~above~~ in LC 15.**100.060B.1 and LC 15.100.060B.2**~~.055(2)(a) and (b)~~ apply only to lands outside of a County-designated Forest zone. Lands within a Forest zone are governed by the siting and development standards of the applicable zoning district.

~~(d)~~**4.** Private Access Easements that have previously been fully inspected and approved by Lane County as part of a land division final plat approval, for plats that were recorded after January 1, 1990**,** are not subject to fire district certification requirements of LC 15.**100.060B.1 and LC 15.100.060B.2**~~055(2)(a) and (b)~~.

~~(3)~~**C.** The County may determine that the access and transportation needs of the public would be better served if the Private Access Easement being considered is established as a Public Road, Local Access Road or County Road ~~as defined in LC 15.010,~~ and may require dedications and improvements pursuant to the requirements of LC 15.**300.010**~~105~~.

~~(4)~~**D.** The minimum width for Private Access Easement must be of a width determined by the County suitable for the intended use, but in no case less than **thirty (**30**)** feet. Notwithstanding this requirement, a pre-existing easement of not less than **twenty (**20**)** feet in width and serving a property created in its present configuration prior to April 28, 2004**,** is allowable provided the easement complies with other requirements of this chapter.

~~(5)~~**E.** All approved documents creating a Private Access Easement must provide for the installation, construction and maintenance of all utilities and facilities which are now or may in the future be needed for the area abutting the road and the surrounding area.

~~(6)~~**F.** Development on a property taking access over a railroad or limited access road right-of-way may require documentation that permanent or ~~long~~ **long-**term access over the railroad or limited access road meeting the requirements of this section has been granted.

~~(7)~~**G.** Any easement approved as a Private Access Easement must be an affirmative, perpetual easement appurtenant to the property that will be served by the easement, and contain at a minimum the names of the grantor and grantee, a description of the land encumbered by the

easement, a description of the property or properties to be served by the easement, a statement of the intent or purpose of the easement and a statement allocating maintenance responsibility. All approved easements must be recorded.

~~(8)~~**H.** The County may require that at the entrance to a Private ~~Access Easement r~~**R**oad a sign be constructed to County standards and posted at private expense stating the name of the private road and words such as **"**~~"~~Private Road, Not Dedicated for Public Use or Maintained by Lane County~~."~~**."**

(**Ordinance** ~~Revised by Ordinance No.~~ 6-75, ~~Effective~~ 3.26.75; **Ordinance** 9-76, 8.27.76; **Ordinance** 10-80 7.11.80; **Ordinance** 1-91, 6.14.91; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.200 – SETBACK REQUIREMENTS

15.200.005~~065~~ – ~~———~~Purpose.

~~It is the purpose of this subchapter to establish s~~**S**etbacks **are intended** to protect the vested interest of the public in the existing and proposed capacity of roads, including pedestrian ways, bikeways and public transit lanes. Setbacks promote public safety and welfare by providing for adequate vision clearance, fire protection, light and air. The intent of the following requirements is to prevent or reduce deterioration of property values and promote conditions for desirable residential, commercial, industrial, institutional or public land uses.

~~-~~(**Ordinance** ~~Revised by Ordinance No.~~ 6-75, ~~Effective~~ 3.26.75; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.200.010~~070~~ – ~~———~~Building Setback Requirements for Local Access Roads, Public Roads, County Roads, and State Highways.

~~(1)~~**A.** 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)~~**1.** 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.**200.010B**~~070(2)~~ or unless an additional building setback is specified in LC 15.**200.040**~~083~~.

~~(b)~~**2.** 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.**200.070**~~095~~, unless a special building setback has been established pursuant to the requirements of LC 15.**200.010B**~~070(2) below,~~ or unless an additional setback has been established pursuant to the requirements of LC 15.**200.040**~~083 below~~.

~~(c)~~**3.** 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)~~**a.** 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:

Table 2: Minimum Right-of-Way Width	**Feet**
Urban Principal Arterial	100
Urban Minor Arterial	80
Urban Major Collector	70
Urban Minor Collector	60
Rural Arterial or Collector	80
Urban Local	60, 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~~;
Rural Local	50

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

~~(iii)~~**c.** For State Highways, the minimum right-of-way width for setback purposes is as specified in LC 15.**200.020**~~075~~.

~~(iv)~~**d.** 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)~~**4.** When a road has an existing right-of-way width greater than the minimum right-of-way specified in LC 15.**200.010A.3**~~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)~~**5.** 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)~~**6.** Setbacks for those areas requiring an additional setback pursuant to LC 15.**200.040**~~083~~ are measured as specified in LC 15.**200.010A.1 through LC 15.200.010A.4** ~~070(1)(a) through (d) above,~~ plus the distance specified in LC 15.**200.040**~~083~~.

~~(g)~~**7.** Cornices, canopies, eaves and similar architectural features may extend no more than two and one-half **(2 1/2)** feet into the setback from the wall nearest to the right-of-way.

~~(h)~~**8.** Uncovered porches, platforms, landing places, stairways and fire escapes may extend no more than three and one-half **(3 1/2)** 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 **(3)** feet may be placed around each landing place.

~~(i)~~**9.** Signs conforming to all other applicable standards and requirements may project into the setback area.

~~(j)~~**10.** 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 **(3 1/2)** feet in height and complies with Visual Clear Zone requirements specified in LC 15.**200.070C**~~095(3) as referenced on Diagrams 15 and 16 in LC 15.701~~.

~~(k)~~**11.** Visual screening allowed by **LC** 15.**200.010A.10**~~070(1)(j) above~~ may exceed three and one-half **(3 1/2)** feet in height within the setback area, provided that the visual screening:

~~(i)~~**a.** Is located on private property, outside of public right-of-way, and not within the setback area required by LC 15.**200.010A.3**~~070(1)(c)~~ or LC 15.**200.040**~~083~~;

~~(ii)~~**b.** Otherwise complies with Visual Clear Zone Requirements of LC 15.**200.070C**~~095(3)~~,

~~(iii)~~**c.** Does not exceed six **(6)** feet in height, and

~~(iv)~~**d.** 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)~~**12.** Wire fencing such as that used for livestock, may be established within the setback area, provided that the wire fencing:

~~(i)~~**a.** Is not "cyclone" or chain-link type fencing;

~~(ii)~~**b.** Otherwise complies with Visual Clear Zone requirements specified in LC 15.**200.070C**~~095(3)~~ may be established within the setback area; and

~~(iii)~~**c.** Does not exceed seven **(7)** feet in height.

~~(m)~~**13.** 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)~~**B.** 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)~~**1.** 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)~~**2.** Special setbacks may be established in a Board approved design concept for a County capital improvement project, pursuant to LM 15.050.580H.

~~(c)~~**3.** 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.~~**Ordinance** ~~6-75, Effective~~ 3.26.75; **Ordinance** 10-80, 7.11.80; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20; **Ordinance** 23-02, 4.25.03)

15.200.020~~075~~ **– ~~———~~State Highway Setbacks.**

The following minimum right-of-way widths will be used in calculating the setback distance for new development subject to the provisions of LC Chapter 10 and LC Chapter 16 adjacent to State Highways:

Table 3: State Highway Setbacks		
Road Name	**Section Length (miles)**	**Setback R/W Width (feet)**
Franklin Boulevard/McVay Highway		
Highway 126 to 30th Avenue	2.19	80
Highway 36		
Highway 99 to Territorial	5.52	80
Territorial to Highway 126 West	45.97	70
Highway 58		
I-5 to Jasper-Lowell Road	5.73	120
Jasper-Lowell Road to County line	56.34	100
Highway 99 East		
Highway 99 West to County line	3.37	100
Highway 99 North		
Jessen Drive to Junction City limits	8.67	120
Highway 99 South		
I-5 at Goshen to County line	20.51	80
Highway 99 West		
Junction City limits to County line	4.46	90
Highway 101	30.97	
Lincoln County line to Sutton Lake Road		80
Sutton Lake Road to Canary Road		100
Canary Road to Douglas County line		80
Highway 126 W (Route F)		
Beltline Road to Florence City limits	54.20	100
Highway 242		
Highway 126 East at Belknap Springs to east County line	21.66	60
McKenzie Highway (Highway126 East)		
Highway 99 to County line	76.14	100
Westfir Spur		
Highway 58 to Westfir-Oakridge Road	1.00	60

(~~Revised by~~ Ordinance 10-04, ~~Effective~~ 6.4.04; **Ordinance** 20-09, 12.10.20)

15.200.030~~080~~ – ~~———~~Building Setback Requirements ~~F~~from Interior Property Lines.

Properties must have a building setback from interior property lines which conforms to the following minimum requirements:

~~(1)~~**A.** ~~-~~ Within all areas subject to the provisions of LC Chapter 16~~,~~ ~~"~~**"**Lane County Land Use and Development Code,~~"~~**"** the interior setback must be as designated by the applicable Zoning District.

~~(2)~~**B.** ~~-~~ Within all areas subject to the provisions of LC Chapter 10~~,~~ ~~"~~**"**Zoning,~~"~~**"** the interior setback must be as designated by Zoning District and the Building Setback Chart, LC 15.**200.070**~~095~~.

~~(3)~~**C.** ~~-~~ Where a utility easement is recorded adjacent to an interior property line, the building setback cannot be closer to the property line than the width of the easement regardless of the building setback established by this section.

~~(4)~~**D.** ~~-~~ Cornices, canopies, eaves and similar architectural features may be extended beyond the interior building setback a distance not exceeding two **(2)** feet.

~~(5)~~**E.** ~~-~~ Visual screening such as, but not limited to, fences, walls or hedges not exceeding seven **(7)** feet in height may be located or maintained within the required interior building setback area, except where Visual Clear Zone requirements specified in LC 15.**200.070C**~~095(3)~~ apply, or where a greater or lesser height may be required in connection with an action on a Conditional Use Permit, Temporary Permit, Site Review Permit or Planned Unit Development application.

~~Diagrams 15 and 16 in LC 15.710 illustrate the visual clear zones as they pertain to road intersections and fences.~~ (**Ordinance** ~~Revised by Ordinance No.~~ 6-75, ~~Effective~~ 3.26.75; **Ordinance** 10-80, 7.11.80; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.200.040~~083~~ – ~~———~~Additional Setback Requirements.

~~(1)~~**A.** ~~–~~ Additional Setbacks ~~as defined in LC 15.010~~ are measured as specified in LC 15.**200.010A.5**~~070(1)(e)~~ and required to be as specified ~~below~~ for the following County Roads:

Table 4: Additional Setback Requirements	
Applegate Trail (Highway 36 to Territorial Highway)	+10’
Bailey Hill Road (City limits to Lorane Highway)	+20’
Bernhardt Creek Road (Sweet Creek Road to End County maintenance)	+20’
Big Fall Creek Road (Jasper-Lowell Road to End County maintenance)	+20’
Blue River Drive (Blue River Bridge to western terminus at McKenzie Hwy.)	+10’
Bolton Hill Road (City limits to Vaughn Road)	+10’
Brice Creek Road (Row River Road to Champion Creek Road)	+10’
Briggs Hill Road (Territorial Highway to Spencer Creek Road)	+20’
Camas Swale Road (Mile Post 2.2 to Hamm Road)	+20’
Camp Creek Road (Marcola Road to McKenzie Highway.)	+20’
Canary Road (Mile Post 1.33 to Canary Road South)	+20’
Canary Road South (Canary Road to Siltcoos Station Road)	+10’
Clear Lake Road (Canary Road to Highway 101)	+10’
Cottage Grove-Lorane Road (City limits to Old Lorane Road)	+10’
Cottage Grove Reservoir Road (London Road to London Road)	+10’
Crest Drive (Lorane Highway to Blanton Road)	+10’
Crow Road (Green Hill Road to Territorial Highway)	+20’
Deadwood Creek Road (Highway 36 to Brooks Road)	+20’
Deerhorn Road (McKenzie Highway to Bridge Street)	+20’
Dillard Road (Urban Growth Boundary to Highway 99)	+20’
Fox Hollow Road (Urban Growth Boundary to So. Willamette Street)	+20’
Garoutte Road (Mosby Creek Road to Shoreview Drive)	+10’
Gimpl Hill Road (Bailey Hill Road to Pine Grove Road)	+20’
Goodpasture Road (McKenzie Highway to End County maintenance)	+10’
Hamm Road (Territorial Highway to Camas Swale Road)	+20’
Heceta Beach Road (Highway 101 to Rhododendron Drive)	+10’
High Prairie Road (East 1st Street to End County maintenance)	+10’
Hill Road (Old Mohawk Road to Marcola Road)	+10’
Jasper Road (City limits at 42nd St to Parkway Road)	+10’
Jasper-Lowell Road (Jasper Road to Pengra Road)	+10’
Jasper-Lowell Road (Place Road to Highway 58)	+10’

Knight Road (Route F to West Sheffler Road)	+10’
Little Fall Creek Road (Jasper-Lowell Road to End County maintenance	+10’
Marcola Road (Camp Creek Road to County line)	+10’
McFarland Road (Westfir-Oakridge Road to High Prairie Road)	+10’
McKenzie View Drive (Coburg Road to Hill Road)	+20’
Munsel Lake Road (Highway 101 to North Fork Siuslaw Road)	+10’
Petzold Road (Central Road to Crow Road)	+10’
Pine Grove Road (Crow Road to Spencer Creek Road)	+10’
Row River Road (Shoreview Drive to Shoreview Drive)	+20’
Row River Road (Sharps Creek Road to Brice Creek Road)	+10’
Shoreview Drive (Row River Road to Row River Road)	+20’
Siltcoos Station Road (Canary Road South to County line)	+20’
South Jetty Road (Highway 101 to End County maintenance)	+10’
Suttle Lake Road (Highway 101 to Highway 101)	+10’
Sweet Lane (Highway 99 to End County maintenance)	+10’
Thompson Creek Road (Highway 36 to Indian Creek Road)	+20’
Vaughn Road (Noti Loop Road to Bolton Hill Road)	+20’
Vaughn Road (Bolton Hill Road to Territorial Highway)	+10’
Wendling Road (Marcola Road to End County maintenance)	+10’

~~(2)~~**B.** An application for a waiver to the additional setback requirements listed in LC 15.**200.040A**~~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.**800.050**~~702~~ through LC 15.**800.090**~~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.**200.050**~~085 below~~ and the General Variance Provisions in LC 15.900.**020**.

~~(~~**Ordinance** ~~Revised by Ordinance No.~~ 10-80, ~~Effective~~ 7.11.80; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20; **Ordinance** 23-02, 4.25.03)

15.200.050~~085~~ – ~~———~~Variance to Setback Requirements.

~~(1)~~**A.** An application for any Variance to the requirements of this subchapter may be requested in accordance with the General Variance Provisions in LC 15.900.**020**.

~~(2)~~**B.** When an application for a Variance relating to land within the right-of-way setback or additional setback of a Public Road, Local Access Road, or County Road ~~as defined in LC 15.010~~ is, upon appeal, denied by the Planning Director or Hearings Official, the applicant may appeal the decision pursuant to the requirements of LC Chapter 14, and as part of the appeal process, request to the Board that the County purchase the land. If, in the opinion of the Board, the applicant is prevented from utilizing the land in a manner that is reasonable in light of the total ownership, the Board may, upon written request, purchase or condemn the land. Upon the failure of the County to purchase the property or initiate condemnation proceedings within six **(6)** months of such request, the subject land will be considered free of the requirements of this section affecting land within the planned right-of-way.

(**Ordinance** ~~Revised by Ordinance No.~~ 6-75, ~~Effective~~ 3.26.75; **Ordinance** 10-80, 7.11.80; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.200.060~~090~~ – ~~———~~Right to Require Removal of Structures.

If an owner of any land, without authority of a Variance ~~allowed by this chapter~~ builds, makes, moves or enlarges a structure or other improvement on property in violation of a setback requirement under this ~~C~~chapter:

~~(1)~~**A.** Neither that owner nor any of that owner's successors in interest may recover damages for public taking or removal of the structure or other improvement as thus built, made, moved or enlarged; and

~~(2)~~**B.** Upon expropriation of the land for public purpose for which this chapter makes reservations, the Board may require the owner or the owner's successors in interest, to remove or pay the cost of removing from the property and any abutting land restricted by setback requirements the structures or improvements thus built, made, moved or enlarged.

~~(~~**Ordinance** ~~Revised by Ordinance No. 6-75, Effective 3.26.75;~~ **Ordinance** 10-80, 7.11.80; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.200.070~~095~~ – ~~———~~Building Setback Chart.

~~(1)~~**A.** In addition to the Building Setback requirements in LC 15.**200**~~065 through 15.090 above,~~ the following setback requirements apply to lands governed by LC Chapter 10, Zoning.

Table 5: Building Setback Chart			
	Minimum Setback (Feet)		
	From Road ROW Specified in LC 15.070	**From Interior Property Line**	
District	**(Feet)**	**(Side)**	**(Rear)**
Important Agricultural Land (A-1)	20	15*	20*
Exclusive Farm Use (EFU)	20	15*	20*
Forest Management (FM)	20	--	--
Natural Resource (NR)	20	15*	20*
Farm Forestry 20 (F-F 20)	20	15*	20*
General Rural (GR 10)	20	15*	20*
Agriculture, Grazing and Timber (AGT)	20	10*	10*
Recreational Combining (/R)	As per the District with which the /R is combined		
Interim Agriculture Combining (/IA)	20	15*	20*
Public Reserve (PR)	25	10	10
Rural Residential (RR-5) (RR-2) (RR-1)	20	15*	20*
Suburban Residential (RA)	15	5	5
Single Family Residential (R-1)	15	5	5

Garden Apartment Residential (RG)	15	10**	10**
Residential Professional (RP)	15	10	10
Rural Commercial (CA)	20	10	10
Limited Commercial (C-1)	15	5	5
Neighborhood Commercial (C-2)	0	0	0
Commercial (C-3)	0	0	0
Tourist Commercial	20	10	10
Limited Industrial (M-1)	15	0	0
Light Industrial (M-2)	0	0	0
Heavy Industrial (M-3)	0	0	0
Special Heavy Industrial (M-4)	0	0	0
Mobile Home Parks	25	5	5
Airport Operations (AO)	20	5	5
Airport Vicinity (AV)	20	5	5
Sand, Gravel, Rock Products (SG)	Distances variable depending on operations and adjacent uses and zoning.		
Controlled Processing (CP)	see LC Chapter 10, "Zoning" for requirements.		
Planned Unit Development (/PUD)	Distances for Parent District will serve as guide but may be varied-see LC Chapter 10 "Zoning" for requirements.		

* Exception: For any property of less than one **(1)** acre within a recorded subdivision, the setback may be five **(5)** feet.

** Zoning has specific exceptions.

~~(2)~~**B.** Accessory Buildings. For properties subject to LC Chapter 10 Zoning requirements, the minimum setback distance for any residential accessory building is the same as that required for the main building, except that:

~~(a)~~**1.** the minimum distance between the entrance to any garage or carport and the applicable minimum road right-of-way specified in LC 15.**200.010A.3**~~070(1)(c)~~ for the road from which access is taken is **twenty (**20**)** feet; and

~~(b)~~**2.** in EFU, F-F 20, GR 10 and AGT districts, the minimum setback for an accessory building from an interior property line must be five **(5)** feet.

~~(3)~~**C.** Visual Clear Zone. All corner lots or parcels must have a visual clear zone**. No visual obstructions such as plantings, walls, fences, signs, other structures, or vegetation, between two and one-half (2 1/2) and fifteen (15) feet in height above the road surface.**

~~that is consistent with the Visual Clear Zone definition in LC 15.010. Diagram 15 in LC 15.710 illustrates the visual clear zone as it pertains to road intersections.~~ (**Ordinance** ~~Revised by Ordinance No.~~ 6-75, ~~Effective~~ 3.26.75; **Ordinance** 3-76, 4.7.76; **Ordinance** 10-80, 7.11.80; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.300 – DEDICATION AND IMPROVEMENT REQUIREMENTS

15.300.005~~100~~ **–** ~~———~~**Purpose.**

The purpose of ~~this subchapter~~**these requirements** is to ensure that a property owner is responsible to provide appropriate portion of right-of-way and improvement costs when the development of that property, due to the development's size or type of use, necessitates the need for additional expansion or construction of existing or planned transportation facilities.

~~(~~**Ordinance** ~~Revised by Ordinance No.~~ 6-75, ~~Effective~~ 3.26.75; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.300.010~~105~~ – Dedication and Improvement Requirements.

~~(1)~~**A.** – When a land division or land development is proposed, the County may determine that dedication of right of way, easements, or other improvements are required as a condition of an approval when related in nature and extent to the impact of the proposed division or development. Such dedications and improvements may include:

~~(a)~~**1.** ~~-~~Dedications of right-of-way or easements and improvements necessary to meet the applicable road design standards ~~of~~ **at** LC 15.**800**~~700 through LC 15.708~~ and other requirements of this chapter. Road dedication or improvements must be adequate to serve traffic generated by the new development from the development site to the publicly maintained road providing access.

~~(b)~~**2.** When a traffic impact analysis (TIA) is required pursuant to LC 15.**800.030**~~697~~, the County may require Public Road or County Road dedications and improvements consistent with the County-approved TIA.

~~(2)~~**B.** – If the County-approved TIA requires changes or additions to County Road functional classifications, such changes or additions will be made in accordance with the procedures specified in LC 15.**100.030**~~035~~.

~~(3)~~**C.** Land division or land development conditions of approval requiring dedication of right-of-way, easement, or other improvements may be subject to appeal under LC Chapter 14.

~~(4)~~**D.** – If dedications or improvements are required, the Director may determine that it is in the best interests of Lane County and in the furtherance of the public convenience and welfare that construction of the required improvements be deferred, and may accept in lieu of the required completion of improvements a performance improvement agreement pursuant to **the Performance Agreement Standards at** LM 15.**060.**

(~~850 through 15.865. (~~**Ordinance** ~~Revised by Ordinance No.~~ 6-75, ~~Effective~~ 3.26.75; **Ordinance** 10-80, 7.11.80; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.300.020~~110~~ – Variance to Dedication and Improvement Requirements.

An application for any Variance to the requirements of ~~this subchapter~~**LC 15.300** may be requested in accordance with the General Variance Provisions in LC 15.900**.020**.

~~(~~**Ordinance** ~~Revised by Ordinance No.~~ 6-75, ~~Effective~~ 3.26.75; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.400 – FRONTAGE AND ACCESS

15.400.005~~115~~ – ~~———~~Purpose.

~~It is the purpose of this subsection~~**The frontage requirements of LC 15.400.010 and LC 15.400.020 are** to ensure that all properties abutting a County Road, Public Road, Local Access Road, or Private Access Easement (Private Road) have the road frontage necessary for safe, usable and convenient ingress and egress and that does not adversely affect the use of the property, the abutting road and the surrounding area. **The access requirements of LC 15.400.030 through LC 15.400.060 are intended to provide for reasonably safe and usable permanent access to all lawfully created properties while ensuring the safety and efficiency of all roads and the transportation system in Lane County. The need to travel to and from a lawfully established property, providing for safe ingress and egress of emergency and public service vehicles and delivery of necessary services is considered a basic requirement for development. All access must be created in accordance with acceptable construction and engineering practices and take into consideration all transportation, services, maintenance, and utility and facility needs, including the installation and maintenance of sewer, water and storm drainage improvements.**

(**Ordinance** ~~Revised by Ordinance No.~~ 6-75, ~~Effective~~ 3.26.75; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.400.010~~120~~ – ~~———~~Frontage Requirements.

~~(1)~~**A.** Any property abutting the right-of-way of a Public Road, Local Access Road, County Road or Private Access Easement (Private Road)~~, as defined in LC 15.010~~ must have continuous and usable abutment along said road of not less than **thirty (**30**)** feet. However, a lawfully created property that existed on or before April 28, 2004**,** must have a continuous and usable abutment of not less than **twenty (**20**)** feet.

~~(2)~~**B.** ~~A~~ property that meets the **General Access ~~r~~R**equirements of LC 15.**400.030F**~~135(6)~~ is served by an easement of less than **twenty (**20**)** feet in width, will be deemed to meet the frontage requirements of LC 15.**400.010**~~120~~.

~~(~~**Ordinance** ~~Revised by Ordinance No.~~ 6-75, ~~Effective~~ 3.26.75; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.400.020~~125~~ – ~~———~~Variances to Frontage Requirements.

An application for any Variances to the Frontage Requirements of LC 15.**400.010** ~~115 through 15.120~~ may be requested in accordance with the General Variance Provisions in LC 15.900**.020**.

~~(~~**Ordinance** ~~Revised by Ordinance No.~~ 6-75, ~~Effective~~ 3.26.75; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

~~ACCESS~~

~~15.130 Purpose.~~

~~The requirements of this subchapter are intended to provide for reasonably safe and usable permanent access to all lawfully created properties while ensuring the safety and efficiency of all roads and the transportation system in Lane County. The need to travel to and from a lawfully established property, providing for safe ingress and egress of emergency and public service vehicles and delivery of necessary services is considered a basic requirement for development. All access must be created in accordance with acceptable construction and engineering practices and take into consideration all transportation, services, maintenance, and utility and facility needs, including the installation and maintenance of sewer, water and storm drainage improvements.~~

~~(Revised by Ordinance No. 6-75, Effective 3.26.75; 1-91, 6.14.91; 10-04, 6.4.04; 20-09, 12.10.20)~~

15.400.030~~135~~ – ~~———~~General Access Requirements.

~~(1)~~**A.**~~–~~ All properties or building sites must have reasonably safe and usable vehicular access either directly to a Public Road, Local Access Road, County Road, State Highway or an approved Private Access Easement.

~~(2)~~ **B.**~~-~~ A property will be considered to have legal access for the purposes of development if the property:

~~(a)~~ **1.**~~–~~ was created in an approved and recorded land division; or

~~(b)~~**2.**~~—~~ is part of an unrecorded subdivision filed with the County as a survey recorded prior to January 1, 1955, and the roads in the unrecorded subdivision were dedicated to the County but may not have been accepted as Public Roads ~~as defined in LC 15.010~~; or

~~(c)~~**3.**~~—~~ is adjacent to a Public Road, Local Access Road, or County Road, and meets the frontage requirements of LC 15.**400.010**~~120~~; or

~~(d)~~**4.**~~—~~ is served by a Private Access Easement meeting the requirements of LC 15.**100.060**~~055~~; or

~~(e)~~**5.**~~—~~ is adjacent to a State Highway and meets any applicable state access and permit requirements.

~~(3)~~**C.**~~—~~ A property will be considered to have reasonably safe and usable vehicular access for purposes of development if the road providing access to the property is:

~~(a)~~**1.**~~—~~ a County-maintained road or State-maintained road; or

~~(b)~~**2.**~~—~~ a Public Road, Local Access Road, or Private Access Easement physically constructed and maintained to the requirements specified in this chapter; and

~~(c)~~**3.**~~—~~ any applicable dedication and improvement requirements of this chapter are met; and

~~(d)~~**4.** ~~When~~ **when** dedication, easement recordation, or improvements are required, compliance with the requirements of this chapter will be verified either:

~~(i)~~**a.** at the time of final partition or subdivision, pursuant to LC Chapter 13; or

~~(ii)~~**b.** if not fully inspected and accepted at the time of final partition, prior to building permit through an Access Verification application that will be processed according to Type I procedure pursuant to LC Chapter 14.

~~(4)~~**D.** Properties in platted subdivisions must take access from the adjacent platted road unless the County Engineer determines that alternate access should be allowed. Such platted roads must be adequate to serve the proposed development and must be:

~~(a)~~**1.** constructed at private expense to the requirements specified in this chapter; and

~~(b)~~**2.** located within the platted road right-of-way. A survey to determine the location of the right-of-way may be required at the discretion of the Director.

~~(5)~~**E.** When an existing County Road is approved to provide access to a vacant property where development is proposed:

~~(a)~~**1.** the approach for the driveway or private access easement serving the property must meet the ~~a~~**A**ccess ~~m~~**M**anagement ~~r~~**R**equirements **at LC 15.400.040 and the Standards for Culverts and Private Approaches at** ~~and spacing and sizing requirements of~~ LC 15.**800.120**~~137 through LC 15.139~~; and

~~(b)~~**2.** the County may require dedications of right-of-way or easements and improvements pursuant to LC 15.**300.010**~~105~~; and

~~(c)~~**3.** all work within the County Road right-of-way must comply with the facility permit requirements of LC 15.**500.020**~~205~~ through LC 15.**500.040**~~210~~.

~~(6)~~**F.** When a property has an existing permitted building, the property will be deemed to meet the access provisions of LC 15.**400.030**~~135~~ through LC 15.**500.040 and the standards at LC15.800.120**~~139~~ only when**:**

~~(a)~~**1.** the new building permit application is for the remodeling, alteration or replacement of an existing structure; or

~~(b)~~**2.** the addition of an accessory building where no additional dwelling units or guest houses are created; or

~~(c)~~**3.** the addition of a new cell tower or collocation of telecommunications equipment to an existing facility on non-residential property; and

~~(d)~~**4.** no new accesses or access alterations are proposed.

~~(~~**Ordinance** ~~Revised by Ordinance No. 6-75, Effective 3.26.75;~~ **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.400.040~~137 – Access Management Requirements.~~

The following requirements apply when access is taken from a County Road ~~as defined in LC 15.010~~:

~~(1)~~**A.** Access decisions will be made in a manner consistent with the functional classification of the roadway.

~~(2)~~**B.**~~–~~ Where a right of access from a property to a County Road exists, access may be allowed at less than the ~~s~~**S**pacing ~~s~~**S**tandards **at** ~~otherwise applicable to the property pursuant to~~ LC 15.**400.050**~~138~~ only if the property does not have reasonable alternative access and the spacing standards cannot be met. When sufficient frontage is unavailable to meet spacing standards, reasonable alternative access will be provided subject to the following limitations:

~~(a)~~**1.**~~—~~ Whenever practicable, joint access should be considered; and

~~(b)~~**2.**~~—~~ Not more than one **(1)** access point is permitted;

~~(3)~~**C.**~~—~~ For properties with frontage on two **(2)** or more roads, access will be limited to the ~~intersecting~~ street with the lower functional classifications ~~as defined in LC 15.020(2)~~. If the functional class is the same or undetermined for either road, access must be taken from the road with the lowest expected traffic volume. The County Engineer may make specific exceptions when necessary to ensure safe and efficient travel.

~~(4)~~**D.**~~–~~ Where a right of access to a collector or arterial road exists, the maximum number of approaches to the road from adjacent properties within a single ownership is one **(1)**, irrespective of whether the land may be divided into two **(2)** or more properties or whether property ~~f~~**F**rontage and ~~s~~**S**pacing ~~s~~**S**tandards of LC 15.**400.050**~~138~~ would allow additional access points. More than one **(1)** approach may be approved by the County Engineer when, in the Engineer's judgment, additional approaches are necessary to accommodate and service traffic to and from a property~~,~~ and will not interfere with driver expectancy and the safety of through traffic on the road.

~~(5)~~**E.**~~–~~ Where a right of access exists to a Local Road ~~as defined in LC 15.020~~, more than one **(1)** approach to the road from a property may be approved by the County Engineer when, in the Engineer's judgment, additional approaches are necessary to accommodate and service traffic to and from the property, and will not interfere with driver expectancy and the safety of traffic on the road.

~~(6)~~**F.**~~–~~ Driveway and road approaches on County Roads must be located where such approaches do not interfere with traffic flow or create a hazard for any authorized road users considering sight distance, impact on traffic movement, and conflict with other signage and controls. Location of approaches on sharp curves, steep grades, areas of restricted sight distance or at points that interfere with the placement and proper functioning of signs, lighting, guardrail, or other traffic control devices are not permissible.

~~(7)~~**G.**~~–~~ Driveway spacing on County Roads must comply with the ~~s~~**S**pacing ~~s~~**S**tandards ~~in~~ **at** LC 15.**400.050**~~138~~.

~~(8)~~**H.**~~–~~ Road approach spacing on County Roads must comply with the ~~s~~**S**pacing ~~s~~**S**tandards ~~in~~ **at** LC 15.**400.050**~~138~~, subject to the following:

~~(a)~~**1.**~~—~~ Within urban growth boundaries, block length and connectivity policies and standards specified in city transportation system plans and city development codes will apply;

~~(b)~~**2.**~~–~~ Offset intersections with spacing less than the standards in LC 15.**400.050**~~138~~ must be avoided, except when impracticable. A minimum offset of **one hundred fifty (**150**)** feet is required for roads designed for speeds of **twenty-five (**25**)** miles or more per hour;

~~(c)~~**3.**~~—~~ For rural major collector roads new intersections must be minimized, unless impracticable;

~~(d)~~**4.** For urban arterial roads, new intersections must include consideration for optimal traffic signal spacing (typically **one-quarter (1/4)** ~~¼~~ to **one-half (1/2**~~½~~**)** mile) and avoidance of queuing or other operational problems.

~~(9)~~**I.** Decisions regarding placement, location, relocation, and spacing of traffic control devices, including but not limited to traffic signals, turn lanes, and medians, ~~-~~will be based upon accepted engineering practices as provided for in the Federal Highway Administration (FHWA) Manual On Uniform Traffic Control Devices (MUTCD), the Oregon Standard Drawings published by ODOT and the American Public Works Association (APWA), and A Policy on Geometric Design of Highways and Streets published by the American Association of State Highway and Transportation Officials (AASHTO). The versions of these publications **are** cited in LM 15.450 ~~must be used~~.

~~(10)~~**J.** New development must accommodate on-site traffic circulation needs on the site. "Backing out" maneuvers are prohibited on all arterials and collectors.

~~(11)~~**K.** New land divisions and property line adjustments must consolidate access to the greatest extent possible. New access onto arterials and collectors must be minimized.

~~(12)~~**L.** Property line adjustments may not diminish the existing ~~f~~**F**rontage availability to a roadway below the minimum frontage requirements of LC 15.**400.010**~~120~~ and must conform to the ~~s~~**S**pacing ~~s~~**S**tandards ~~outlined in~~**at** LC 15.**400.050**~~138~~ to the greatest extent possible.

~~(13)~~**M.** Accesses must be placed a minimum of **one hundred (**100**)** feet from existing railroad tracks**, unless written permission is provided by the affected railroad for the proposed location**. ~~Any variance to this requirement must be permitted by the railroad.~~

(~~Revised by~~ Ordinance 10-04, ~~Effective~~ 6.4.04; **Ordinance** 20-09, 12.10.20)

15.400.050~~138~~ **–** ~~———~~**Road and Driveway Approach Spacing Standards.**

Requirements in this section apply to new driveway and road approach intersections with a County Road. The spacing standards in this section apply to all adjacent properties within a single ownership.

~~(1)~~**A.** Outside urban growth boundaries, Table ~~2~~ **6** ~~below~~ will be used in determining spacing between existing and proposed approaches onto County Roads.

~~(2)~~**B.** Within urban growth boundaries, City spacing standards will apply to County Roads.

~~(3)~~**C.** Where sufficient frontage is unavailable to meet spacing standards, reasonable alternative access will be permitted as specified in LC 15.**400.040**~~137~~, consistent with other applicable requirements.

~~(4)~~**D.** Driveway and approach spacing is measured from center-line to center-line of driveways and approaches located on the same side of the road, at the point of intersection of the road or driveway approach with the County road edge**.**

~~(5)~~**E.** Site plans must show the location and width of access serving the property at the intersection of the property and road right-of-way, including all driveway and road approaches to be retained, relocated, added or closed on the subject property, and on adjacent properties as necessary to assure conformance with spacing standards. Dimensions must be shown to scale and labeled on the site plan. The spacing standards may be modified when in the County Engineer's judgement, spacing will not interfere with the driver expectancy and traffic safety on the road.

Table ~~26~~: Minimum Public Roadway Intersection and Private Access Spacing Standards					
Posted Speed or Travel Speed*	Principal Arterial (ODOT)	Minor Arterial	Major Collector	Minor Collector	Local Roadway
> 55	See Oregon Highway Plan	475 feet	475 feet	325 feet	100 feet
50		475 feet	475 feet	325 feet	100 feet
40 & 45		400 feet	400 feet	325 feet	100 feet
30 & 35		275 feet	275 feet	220 feet	100 feet
< 25		200 feet	200 feet	150 feet	100 feet

*If a road does not have a posted speed, County staff will determine the travel speed. An applicant for access may submit a speed study completed by a Professional Engineer licensed in the State of Oregon to be considered and approved by the County, if the applicant disagrees with the County's speed determination.

~~(~~Revised by ~~Ordinance 10-04, Effective 6.4.04;~~ **Ordinance** 17-06, 1.11.18; **Ordinance** 20-09, 12.10.20)

~~15.139 Standards for Culverts and Private Approaches on County Roads.~~

~~The following standards apply to private access easement road approaches and driveway approaches within County Road rights-of-way.~~

~~(1) The minimum and maximum approach and culvert sizing requirements are as follows:~~

~~(a) The minimum approach width at the intersection of the approach with the County Road Right-of-Way as defined in LC 15.010 is 16 feet for Rural Arterials and Collectors; and~~

~~(b) 12 feet for Rural Local Roads.~~

~~(c) 20 feet minimum for access to two or more properties or whenever ingress and egress is intended for multiple users. A guest house does not qualify as shared access.~~

~~(d) The maximum approach width is 30 feet for residential use and 35 feet for other uses.~~

~~(d) The minimum radius is 10 feet.~~

~~(f) Minimum Side-slopes must be no steeper than 3H:1V for Local Roads and no steeper than 4H:1V for any new construction or reconstruction requiring a new culvert on Arterials and Collectors. Sloped end culverts are required on aprons with 4H:1V slopes.~~

~~(g) Approaches must be constructed with either asphalt concrete or Portland cement concrete unless connecting to a gravel public road. Construction of a concrete approach will require that the County conduct an inspection of the concrete forms prior to placement of the concrete approach.~~

~~(h) Culverts must be a minimum of 12 inches inside diameter and:~~

~~(i) a minimum of 32 feet in length for Arterials and Collectors; and~~

~~(ii) a minimum of 28 feet in length for Local Roads.~~

~~(iii) A larger pipe diameter size is required when necessary to provide adequate conveyance capacity for a 10-year design storm event. A longer pipe length will be required if a wider driveway apron is approved or terrain or ditch depth dictates.~~

~~(2) Sloped end culverts are required if the road facility in the area has been upgraded to include sloped end culverts and as required in 15.139(1)(f). Side slopes must match side slopes of the road.~~

~~(3) The County may specify additional requirements for the purpose of enhancing safety, traffic flow, road maintenance, and to minimize surface flow of water and debris onto the Public Roadway, such as in the case of uphill approaches.~~

~~(4) Approaches must be designed and constructed to place the approach, including radius, entirely within the frontage of the private property boundary unless it is necessary for safe ingress and egress.~~

~~(Revised by Ordinance 10-04, Effective 6.4.04; 20-09, 12.10.20)~~

15.400.060~~140~~ – ~~—~~Variance to Access Requirements.

An application for a Variance to the requirements of this subchapter may be requested in accordance with the General Variance Provisions in LC 15.900**.020**, except that the following additional requirements apply:

~~(1)~~**A.** In addition to the criteria in LC 15.900**C**~~(2)~~, the Variance application may be considered for approval if it is deemed necessary because of the unusual uses, title limitations, location, date or means of creation of the properties or because of the limitations imposed by the arrangement of contiguous or adjacent properties;

~~(2)~~**B.** Any Variance to the access requirements of this section must be~~-~~ necessary to correct or improve an existing situation and is not intended as a means to create new roads or sites to which the orderly provisions of subdivision or partitioning would apply;

~~(3)~~**C.** The property for which a Variance is sought must be lawfully created; and

~~(4)~~**D.** If a Variance to the access requirements requires that a private access easement be created or approved as a part of any conditional approval, the minimum requirements for private access easements specified in LC ~~-~~15.**100.060**~~055~~ will be complied with as deemed necessary to **e**~~i~~nsure that any approved access will reasonably conform to the stated purposes of this section.

~~-~~(**Ordinance** ~~Revised by Ordinance No. 6-75, Effective 3.26.75~~; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.500 – ROAD AND RIGHT-OF-WAY REGULATIONS, NAMING, AND ADDRESSING

15.500.010~~200~~ – ~~—~~Use of Public Roads, Local Access Roads and County Roads.

The Director is delegated the authority granted the Board by Oregon statute to regulate the use of Public and County Roads~~ as defined in LC 15.010~~. Permits are required for certain activities to ensure the safety and convenience of the travelling public and to effectively and efficiently manage and maintain the public

investment in the road system. Enforcement action regarding unpermitted and prohibited road and right-of-way activities are outlined in this section.

~~(Revised by Ordinance No.~~ **Ordinance** 20-82, ~~Effective~~ 9.3.82; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.500.020~~205~~ ~~–~~ ~~———~~Facility Permits.

All persons performing work or placing temporary or permanent facilities within a County Road right-of-way must apply for and receive a facility permit prior to commencement of any activity described in this section.

~~(1)~~**A.** Activities Requiring a Facility Permit. Placement of facilities, development within the right-of-way of a County Road, alteration of such facilities and development, and other activities that may create hazards within the right-of-way will be authorized only through facility permits issued by the Director in accordance with ORS 374.305 through **ORS** 374.340. Such activities include~~s~~, but are not limited to:

~~(a)~~**1.** ~~–~~Road improvements, sidewalks, new or reconstructed driveway or road approach intersections, utility placements, excavation, clearing, grading, fill, culvert placement or replacement, stormwater facilities, or any other facility, or appurtenance; and

~~(b)~~**2.** ~~–~~Other activities in or near the right-of-way that present a hazard within the right-of-way, such as the felling of trees when the horizontal distance of the tree from the right-of-way is less than the height of the tree, and blasting, demolition, or excavation located adjacent to or uphill from right-of-way in such a way as to present a possibility of debris falling into the right-of-way.

~~(2)~~**B.** Prohibited Activities. The activities described in LC 15.**500.050**~~215~~ are not permissible and are subject to the Failure to Comply and Enforcement Provisions of LC 15.**500.040K**~~210(11)~~ and LC 15.**900**~~950 through LC 15.955~~.

~~(3)~~**C.** ~~–~~ New Development Requiring a Facility Permit. A facility permit is required for access serving new development~~, as specified in LC 15.205(3)(a) through (c) below,~~ when access ~~ui~~s obtained directly from a County Road, or indirectly by way of a Local Access Road, common driveway, or private road that intersects a County Road. The permit is required to ensure road and driveway approaches, culverts, and other facilities and development ~~specified in LC 15.205(1)~~ within the right-of-way of a County Road are constructed in a manner consistent with the purpose of this chapter for:

~~(a)~~**1.** ~~—~~ A new structure on a vacant parcel;

~~(b)~~**2.** ~~–~~ A dwelling, including a manufactured dwelling;

~~(c)~~**3.** ~~—~~ If specified as a condition of approval in a land division or other land use decision.

~~(4)~~**D.** Development Exempt ~~F~~from **Access** Facility Permit Requirements. **Unless specified as a condition of land use approval,** ~~Notwith-standing the provisions of LC 15.205(3),~~ the following new development and uses are specifically exempt from facility permit requirements for access, provided the new development or use does not involve construction of a new driveway or road approach on a County Road, alteration to the existing driveway or road approach on a County Road, or otherwise involve placement of facilities or development within a County Road right-of-way:

~~(a)~~**1.** ~~—~~ Temporary medical hardship homes;

~~(b)~~**2.** Replacement dwellings;

~~(c)~~**3.** The addition of a new cell tower or co-location of telecommunications equipment at an existing cell tower facility on private property zoned non-residential;

~~(d)~~**4.** A new non-residential structure on a vacant property where no other land use changes or development occurs and the access does not directly connect to a County Road; and

~~(e)~~**5.** A new dwelling on a property deemed to be a legal lot prior to 2021, where access does not directly connect to a County Road and the existing connection at the County Road already serves two **(2)** or more dwellings.

~~(5)~~**E.** Other Permits. The Director is authorized to issue facility permits for such other activities or installations within public rights-of-way as may be granted the Board by applicable laws, rules**,** and regulations. This includes, but is not limited to the following:

~~(a)~~**1.** Stormwater drainage & weepholes, sidewalk repair, installation of stock guards, and such special events as bike races, parades, event banners and decorations, or similar activities that require special conditions for use of the Public Roads or rights-of-way.

~~(b)~~**2.** Donations of amenities for use within a County Road. Whenever a person wishes to donate to the County a public amenity for use within a County Road right-of-way, in addition to the **Permit Procedure** ~~c~~**C**riteria set forth in LC 15.**500.040B**~~210(2)~~, the amenity must:

~~(i)~~**a.** serve a public purpose or provide a public benefit;

~~(ii)~~**b.** be located so as not to be an obstruction to a vehicle running off the road;

~~(iii)~~**c.** not be designed or colored so as to **not** distract vehicle operators;

~~(iv)~~**d.** if the object is to convey information, that the area used therefore be no larger than six **(6)** inches by twelve **(12)** inches, and otherwise comply with all applicable provisions of the sign code;

~~(v)~~**e.** include the agreement of the donor to maintain the amenity for a period of not less than **five (**5**)** years.

~~(6)~~**F.** Access Management. Activities requiring a facility permit are subject to applicable access requirements and spacing standards of LC 15.**400.040**~~135~~ through **LC** 15.**400.050**~~139~~ as part of the facility permit approval process.

(**Ordinance** ~~Revised by Ordinance No.~~ 20-82, ~~Effective~~ 9.3.82; 10-04, 6.4.04; 20-09, 12.10.20)

15.500.030~~207~~ **–** ~~———~~**Special Transportation Permits.**

Movement of loads upon Public Roads or County Roads in excess of legal limits established by State law or in excess of road and bridge tolerances as posted by the Department are only as authorized on permit of the Director in accordance with ORS 818.200 through **ORS** 818.270 and any other applicable laws, rules and regulations.

(**Ordinance** ~~Revised by Ordinance No.~~ 20-09, ~~Effective~~ 12.10.20)

15.500.040~~210~~ – ~~———~~Permit Procedure.

The following rules and regulations are adopted with regard to ~~permits specified in~~ LC 15.**500.020**~~205~~ **Facility Permits**:

~~(1)~~**A.** Application. Application for permits must be made on forms provided by the Department. The Permit Holder must certify that all information supplied on the application is correct and agrees to abide by all applicable Federal, State and County laws, rules and regulations with regard to performance under the permit.

~~(2)~~**B.** ~~-~~ Approval Criteria. Facility permit applications will be reviewed to ensure the use or activity will maintain the road in a safe condition and to ensure protection of the public investment in the County Road system. Applications for road and driveway approach facility permits will also be reviewed for consistency with ~~LC 15.135 through 15.139~~ **the standards at LC 15.400.030 Access, through LC 15.400.050 Spacing, and LC 15.800.120 Culverts and Private Approaches on County Roads**. The Director, in approving any application, may attach special terms and conditions to promote these objectives. Applications for activities or uses that, in the Director's judgment, may jeopardize public safety or cause unnecessary damage to the road system will be denied.

~~(3)~~**C.** Fees. Fees as allowed by law or as established by the Board may be collected by the Director, in connection with the issuance of permits.

~~(4)~~**D.** Performance and Indemnity Requirements.

~~(a)~~**1.** ~~—~~ Permit Holders are liable for damage or injury to persons or property, including roads and structures, resulting from work done or privileges granted under any permit.

~~(b)~~**2.** ~~–~~ Before a permit is issued, Permit Holders of special transportation or other permits may be required to provide proof of adequate public liability or property damage insurance and proof of insurance or bond indemnifying Lane County, its divisions, commissioners, officers, agents and employees, against liability in the event of any injury or damage occurring by reason of the Permit Holder's operations under the permit. Permit Holders of facility permits may be required to show proof of such insurance.

~~(c)~~**3.** Permit Holders performing logging operations along County Roads may be required to post a performance bond in an amount determined by the Director~~,~~ and may be required to provide proof of adequate public liability and property damage insurance.

~~(d)~~**4.** Permit Holders for private access easement crossings may be required to furnish a bond or insurance indemnifying Lane County from any damage to County Roads or structures that may be caused by use of the crossing.

~~(e)~~**5.** ~~—~~ A Facility ~~p~~**P**ermit must be issued and submitted to the Land Management Division before authorization can be provided for new development as specified in LC 15.**500.020**~~205(3)~~. The issued facility permit must include an approved site plan that matches the final site plan submitted to the Land Management Division.

~~(f)~~**6.** ~~—~~ In all cases, performance bonds and insurance will be at least in the minimum amount designated by the Director.

~~(g)~~**7.** ~~–~~ Permit Holders will conduct any work or privilege granted by permit at the Permit Holder's own sole risk and must indemnify, save harmless and defend Lane County, its divisions, commissioners, officers, agents and employees, from all claims, suits, actions and damages

arising out of or resulting from the work or privileges granted by permit. And such indemnity is not limited by reason of the enumeration of any insurance coverage that may be required.

~~(h)~~**8.** Permit Holders' Diligence. Issuance of a Lane County Facility Permit does not confirm or imply that the Permit Holder has met all Federal, State or Local requirements. Each Permit Holder must exercise due diligence and ~~i~~**e**nsure compliance with such requirements as, but not limited to, the following:

~~(i)~~**a.** Land Use requirements under Lane County Land Management Division (LMD).

~~(ii)~~**b.** The Federal Endangered Species Act (ESA).

~~(iii)~~**c.** The State Historic Preservation Office (SHPO).

~~(iv)~~**d.** General construction standards or the ~~Oregon Department of Transportation (~~ODOT~~)~~ Standard Specifications for construction.

~~(v)~~**e.** Public Utility Commission (PUC) requirements.

~~(vi)~~**f.** The Oregon Utility Notification Center (OUNC) provisions and the Oregon Revised Statutes (ORS).

~~(vii)~~**g.** Traffic control requirements in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), ODOT and Lane County.

~~(5)~~**E.** Safety Requirements. Permit Holders must exercise diligence and care to ensure safety of the public and protection of the road system. Safety precautions must also include such actions reasonably necessary to comply with such safety requirements, as may be made by the Director, in issuing the permit, and such other safety measures as may be required by law. Should it be necessary to interrupt or redirect traffic, procedures designated by the Manual on Uniform Traffic Control Devices publication cited in LM 15.450 will apply. During construction performed in connection with facility permits, roads must be kept free of debris. Flaggers, barricades and other safety measures must be employed as necessary to warn traffic of possible hazards. Lighted warning lights must be maintained where necessary between the hours of sunset and sunrise.

~~(6)~~**F.** Construction.

~~(a)~~**1.** Facilities must be constructed in conformance with:

~~(i)~~**a.** applicable Road Design Standards and requirements ~~of~~ **at** LC 15.**800**~~700 through LC 15.710~~;

~~(ii)~~**b.** applicable Access Management requirements ~~of~~ **at** LC 15.**400**~~130 through 15.139~~; and

~~(iii)~~**c.** applicable **T**~~t~~raffic **I**~~i~~mpact **A**~~a~~nalysis requirements ~~pursuant to~~**at** LC 15.**800**~~697~~.

~~(b)~~**2.** The Permit Holder must notify the Director prior to the removal of any survey monuments~~,~~ and is responsible for the cost of replacing any survey monuments moved or destroyed while working in public rights-of-way.

~~(c)~~**3.** The entire cost of construction, including special conditions and safety requirements, is solely borne by the Permit Holder.

~~(d)~~**4.** Upon completion of the work, the road and right-of-way must be restored to its original condition at the expense of the Permit Holder.

~~(7)~~**G.**– Inspection. Performance under any permit issued by the Director is subject to inspection and approval by the Director. Required security will not be released until such approval has been granted. The Director is granted authority by the Board to act as its agent pursuant to ORS 374.305 through **ORS** 374.340 with regard to correction of deficient or unauthorized installations.

~~(8)~~**H.**– Maintenance. Permit Holders are responsible for maintenance of facilities at the Permit Holder's own expense. Facilities must be kept in a good state of repair at all times, and free of screening vegetation or overgrowth that creates a hazard or risk of damage during right-of-way maintenance. In lieu of trimming vegetation, facility locations may be marked with a high-visibility flexible permanent marker extending a minimum of one **(1)** foot above surrounding vegetation. The County is not responsible for damage to facilities that are not maintained or marked as provided in this **s**~~S~~ection. The Director is delegated statutory authority of the Board with regard to maintenance requirements, alteration or removal of facilities within the rights-of-way.

~~(9)~~**I.**– Permit Duration, Extensions, and Termination. Unless otherwise specified, construction and improvements required by a facility permit must be completed within one **(1)** year from the date the facility permit was issued.

~~(a)~~**1.**— Permits may be extended when necessary to complete required construction and improvements for intervals up to one **(1)** year, to a maximum of three **(3)** years from the date the facility permit was issued, provided:

~~(i)~~**a.**— the request for an extension is submitted in writing with the applicable fee prior to the permit expiration date, and

~~(ii)~~**b.**– a performance agreement is executed for the Facility Permit work. The performance agreement must be on a form prepared or approved by Lane County and meet the requirements of LM 15.**060**~~850 through 15.865~~.

~~(b)~~**2.**– Permits may be terminated and a new Facility Permit may be required when:

~~(i)~~**a.**— **T**~~t~~he development or use associated with construction and improvements required by the facility permit is substantially changed or expanded. For purposes of this subsection, "substantially changed or expanded" means any of the following:

(~~aa~~**1**)– a change of development or use from residential to non-residential use;

(~~bb~~**2**) a change of development or use from commercial to industrial use;

(~~cc~~**3**)an additional permanent dwelling unit;

(~~dd~~**4**) an increase in a commercial or industrial development or use that exceeds **twenty-five**~~25~~ percent **(25%)** of the area of the existing use, including all indoor and outdoor areas devoted to the use.

~~(ii)~~**b.**— ~~t~~**T**he Permit Holder is found to have obtained a permit through misrepresentation of the facts or when, in the judgment of the Director, terms of the permit are being violated or public safety is threatened.

~~(10)~~**J.**- Permit Holders are responsible for the cost of design, installation or construction of additional roadway improvements and traffic control devices, such as turn lanes, warning devices or traffic signals, at any time in the future when the traffic volumes generated by the use for which the access permit is authorized necessitate such installation in the interest of public safety. The need for and type of traffic control devices required will be determined by the Director based upon the Manual For

Uniform Traffic Control Devices publication cited in LM 15.**040**~~450~~. If required, the Permit Holder will be responsible for the cost of design and installation or construction only.

~~(11)~~**K.** Failure to Comply. The Director has the authority to remove unauthorized facilities, vehicles, and vegetation from public rights-of-way, or to construct or restore rights-of-way due to unauthorized or prohibited activities, at the responsible property owner's cost.

~~(a)~~**1.** When an unpermitted facility, installation, or vehicle does not represent an immediate hazard, the Director may first attempt to contact the responsible ~~property owner~~**party** for removal of such facilities or installations. Upon failure of the responsible ~~property owner~~**party** to comply with removal by a specified date, the Director may cause the unauthorized facility, installation, or vehicle to be removed with the cost billed to the responsible ~~property owner~~**party**.

~~(b)~~**2.** In situations where restoration, reconstruction, repair or new construction is required, the Director may recover all costs incurred from the responsible ~~property owner~~**party** or impose administrative penalties as outlined in LC 5.025.005 through LC 5.025.040.

~~(12)~~**L.** Deviations **or Variances** from Facility Permit Requirements. Deviations ~~from the requirements in LC 15.205 through 15.210~~ may be sought pursuant to the provisions ~~in~~ **of** LC 15.**800.130**~~709, Deviations from Design Standards and Facility Permit Requirements~~. **Variances may be sought pursuant to the provisions of LC 15.900.020.**

~~(~~**Ordinance** ~~Revised by Ordinance No. 20-82, Effective 9.3.82;~~ **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.500.050~~215~~ **– Road and Bridge Prohibited Activities and Restrictions.**

The County has authority to apply corrective action to prohibited activities and restrictions on Public and County Roads as follows~~:~~.

~~(1)~~**A.** Prohibited Activities include any activity that has the potential of hindering the normal operation, maintenance, safety, or general use of a Public or County Road right-of-way. The following activities are generally prohibited and subject to ~~the~~ Failure to Comply **at LC 15.500.040K** and Enforcement **Requirements at LC 15.900.** ~~Provisions of LC 15.210(11) and LC 15.950 through 15.955;~~

~~(a)~~**1.** Fixed object placement including, but not limited to, landscape timbers, rocks, irrigation facilities, walls, gates, bollards, fencing, non-standard mailbox supports, roadside memorials, stairways, basketball hoops, signs, logs, and stumps.

~~(b)~~**2.** Unapproved or unpermitted landscaping and trees.

~~(c)~~**3.** The placement of any facility or utility line within, attached to, or surrounding any culvert, guardrail, or other facility maintained by the County.

~~(d)~~**4.** Mud, sediment, or any type of debris in the road or right-of-way flowing or deposited from private property either through erosion or excavation, or drawn out on vehicle tires.

~~(e)~~**5.** Any activity or occurrence on private property that can cause damage to a road or create conditions in the road right-of-way that might be hazardous or damaging to the public, including but not limited to blocking or altering a drainage way, diverting water from private property, or hazardous trees.

~~(f)~~**6.** Vehicle ingress and egress to properties at unpermitted locations.

~~(g)~~**7.** Trash receptacles left in the right-of-way more than one day after the scheduled pick-up date.

~~(h)~~**8.** Vehicles parked partially in the lane of travel, on a sidewalk, or in violation of ORS 819.120.

~~(i)~~**a.** Abandoned vehicles, or vehicles parked in the same location for an extended period of time that prevents routine maintenance such as sweeping, including any vehicle in violation of ORS 819.110.

~~(j)~~**b.** Camping within the public road right-of-way.

~~(k)~~**9.** Unauthorized speed bumps or humps.

10. ~~15.720~~Any activity or use which might obstruct or otherwise impede the normal passage of pedestrians and bicycles on sidewalks is prohibited. Such activities or uses include, but are not limited to the following:

~~(a)~~**a.** The parking of a motor vehicle on or over any portion of the sidewalk.

~~(b)~~**b.** The dumping, depositing or placing of refuse, leaves or snow upon a sidewalk.

~~(c)~~**c.** The sale or display of merchandise on or near a sidewalk in such a way that the merchandise or prospective buyers of it might impede or obstruct the passage of pedestrians.

~~(d)~~**d.** The growth of trees, bushes**,** or other plants in such a way that any part of the plant growing on or over a sidewalk might impede or obstruct the passage of pedestrians or bicycles.

~~(e)~~**e.** The use of motorized vehicles, horse-drawn vehicles or horses on any sidewalk is prohibited, except where sidewalks must be crossed in order to gain access to a driveway, road, street, alley or parking area. Nonmotorized vehicles such as bicycles may be used on sidewalks for normal passage. The users of such vehicles must not operate them in such a manner as to impede, hazard or prevent the normal passage of pedestrians. Motorized wheelchairs are permitted on sidewalks.

~~(2)~~**B.** The Director is delegated authority by the Board to impose temporary weight restrictions on roads or bridges pursuant to ORS 810.030, under emergency conditions. In the event of threat to public safety or extensive damage to Public Roads or bridges, the Director may post such facilities with such restrictions as are authorized under ORS 810.030. Such action will be abated unless confirmed at the next public meeting of the Board with a duly executed Board Order.

~~(~~**Ordinance** ~~Revised by Ordinance No.~~ 20-82, ~~Effective~~ 9.3.82; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.500.060~~220~~ – ~~———~~Temporary Road Closures.

The Director is authorized to temporarily close a road in the interest of public safety or prevention of extensive damage to County roads or bridges.

~~(~~**Ordinance** ~~Revised by Ordinance No.~~ 20-82, ~~Effective~~ 9.3.82; **Ordinance** 10-04, 6.4.04)

15.500.070~~225~~ – ~~———~~Unopened Established County Rights-of-Way.

Rights-of-way legally established for County ~~r~~**R**oad purposes over which roads have not been constructed will not be opened for purposes of private access or land development at public expense. Construction of roads in these circumstances may be allowed by facility permit and through the land development process, if applicable, at the expense of the Developer.

~~(~~**Ordinance** ~~Revised by Ordinance No.~~ 20-82, ~~Effective~~ 9.3.82; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.500.080~~.230~~ – ~~———~~Lengths of Vehicles, Combinations of Vehicles, and Weight Limits.

~~(1)~~**A.** Lengths and Combinations of Vehicles. Certain types and combinations of vehicles may be operated without special length permits upon Lane County roads, except those roads or segments of roads assigned limitations in accordance with ORS 810.030, when the overall length of the vehicles, combination of vehicles or loads do not exceed those established in Table ~~37, below~~. In combinations featuring more than one **(1)** trailer or semi-trailer, the shortest trailer must be positioned to the rear of the combination.

Table ~~37~~: Maximum Vehicle Length		
Vehicle or Combination of Vehicles	Maximum Length in Feet	
	Trailer	Overall
Truck and trailer combination (neither the truck nor the trailer may exceed 40’ in length)	40’	75’
Truck-tractor semi-trailer combination	45’	75’
Truck-tractor, semi-trailer, and trailer (Doubles combination)* *In no instance can the distance from the front of the semi trailer to the rear of the second semi trailer exceed 68’	40’	75’
Log truck and pole trailer (stinger steered)* *Stinger-steered: the coupling device is located back of the tread of the tires of the last axle of the towing vehicle	N/A	75’

~~(2)~~**B.** Weight Limits. Load limits are regulated according to the requirements of ORS 818.010.

~~(~~**Ordinance** ~~Revised by Ordinance No.~~ 73-82, ~~Effective~~ 10.29.82; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

~~RURAL ADDRESSING/ROAD NAMING~~

15.500.090~~305~~ – ~~———~~Addressing Purpose.

The purpose of ~~this subchapter~~**LC 15.500.110 through LC 15.500.160** is to provide for road naming and a uniform addressing system that will allow for systematic expansion as well as providing the necessary information to public safety agencies to locate structures by site address along the County's road network.

~~(~~**Ordinance** ~~Revised by Ordinance No.~~ 13-84, ~~Effective~~ 11.9.84; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.500.100~~310~~ – ~~———~~Authority for Enactment.

LC 15.500.110 through LC 15.500.160 ~~This subchapter~~ is enacted pursuant to the authority vested in the County by its Charter and ORS Chapter 215.

~~(~~**Ordinance** ~~Revised by Ordinance No.~~ 13-84, ~~Effective~~ 11.9.84; **Ordinance** 10-04, 6.4.04)

15.500.110~~312~~ – ~~———~~Road Naming.

The naming or renaming of roads in Lane County will be accomplished as set forth by order of the Board pursuant to LM 15.**010**~~005 through 15.035~~.

~~(~~**Ordinance** ~~Revised by Ordinance No.~~ 10-04, ~~Effective~~ 6.4.04; **Ordinance** 20-09, 12.10.20)

15.500.120~~315~~ – ~~———~~Assignment of Address.

Addresses will be valid only if assigned by the Department. Structures will be assigned an address for any property adjacent to a road as part of new construction/placement permit issuance procedures and in other cases, subject to the following:

~~(1)~~**A.** – A new address will be assigned only for:

~~(a)~~**1.** A new structure on a vacant property provided the structure and the property are lawfully established; and

~~(b)~~**2.** New, lawfully established structures on a property where an address already exists, provided the new structure cannot be served by the same driveway due to topographical or other physical characteristics of the property.

~~(c)~~**3.** – Other circumstances if, upon review by the Department, the address assignment will be consistent with other provisions of Lane Code.

~~(2)~~**B.** – For new addresses assigned to lawfully established structures that are not dwellings or manufactured dwellings, the address will not be used to establish residency.

~~(3)~~**C.** – Manufactured dwellings within manufactured dwelling parks and multi-unit structures will be issued separate unit numbers within the manufactured dwelling park's address.

~~(4)~~**D.** – Businesses operated in conjunction with a residential address will not be assigned a separate address unless the structure otherwise qualifies for a new address pursuant to LC 15.**500.120A**~~315(1) above~~.

~~(5)~~**E.** ~~–~~ A new temporary medical hardship dwelling will not be assigned an address unless the structure qualifies for a new address pursuant to LC 15.**500.120A.2**~~315(1)(b)~~. An address assigned for a temporary medical hardship dwelling is no longer valid when the hardship ceases.

~~(6)~~**F.** ~~–~~ No address will be assigned unless a site plan meeting the requirements and guidelines of the Department is submitted and approved, and the site plan includes the accurate location of the driveway, any access easements, the proposed structure(s), and property lines.

~~(7)~~**G.** If access to a structure requiring an address is taken in whole or in part via a Private Access Easement ~~as defined in LC 15.010~~ an address will be assigned only upon compliance with the requirements in LC 15.**500.120**~~305~~ through **LC** 15.**500.160**~~335~~ and only upon documentation of a recorded access easement meeting the requirements of this chapter.

~~The location of the private access easement must be accurately shown on the site plan as specified in LC 15.315(6).~~ (**Ordinance** ~~Revised by Ordinance No.~~ 13-84 ,~~Effective~~ 11.9.84; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

~~15.320~~ **15.500.130 – Correction or Removal of Address.**

Address corrections or removals may be initiated at the request of the property owner, the owner's authorized agent, or the Department when it is demonstrated that:

~~(1)~~**A.** The address is incorrect, jeopardizes the safety of the affected Occupants or residents;

~~(2)~~**B.** The structure assigned the address has been removed;

~~(3)~~**C.** The address was improperly assigned; or

~~(4)~~**D.** A code compliance violation relating to the address exists

~~(~~~~Revised by~~ Ordinance ~~No.~~ 13-84, ~~Effective~~ 11.9.84; **Ordinance** 20-09, 12.10.20)

15.500.140~~325~~ **– ~~Address~~ Address Exceptions.**

The County may choose not to assign addresses in certain areas adjacent to any municipality where the municipality has extended its numbering system beyond its incorporated limits.

(**Ordinance** ~~Revised by Ordinance No.~~ 13-84, ~~Effective~~ 11.9.84)

15.500.150~~330~~ **– ~~Address~~ Address Responsibility.**

The Department is charged with the responsibility of notifying affected agencies of assigned addresses.

~~(Revised by Ordinance No.~~**Ordinance** 13-84, ~~Effective~~ 11.9.84; **Ordinance** 20-09, 12.10.20)

15.500.160~~335~~ **– ~~Fees~~ Fees.**

All applications and requests for address assignment must be accompanied by the fee amount established by separate order of the Board.

(~~Revised by~~ Ordinance ~~No.~~ 13-84, ~~Effective~~ 11.9.84; **Ordinance** 20-09, 12.10.20)

15.600 – ROADSIDE INTEGRATED VEGETATION MANAGEMENT POLICY

15.600.005~~500~~ – ~~———~~Purpose.

~~(1)~~**A.** Lane County promotes roadside vegetation management practices that emphasize environmental protection and the health and safety of public and employees, to support vibrant communities and preserve infrastructure. Lane County will serve as a positive model for environmental stewardship.

~~(2)~~**B.** The County will use non-herbicidal control methods, including prevention, as its preferred tools for roadside vegetation management. Permitted herbicides may be used when other methods or options have been ineffective.

(**Ordinance** ~~Revised by Ordinance No.~~ 12-03, ~~Effective~~ 9.11.03; **Ordinance** 16-07, 10.27.16; **Ordinance** 20-09, 12.10.20)

15.~~501~~ 600.010 – ~~———~~Environment.

~~(1)~~**A.** The listing of Willamette River Steelhead and Chinook salmon under the Endangered Species Act has heightened awareness of the impact that common practices have on the environment. Studies documenting the presence of herbicides in area streams and effects of herbicides on salmon point to the need for public agencies to serve as models of environmental stewardship in landscape management.

~~(2)~~**B.** Impacts to other species, including pollinators and amphibians should be considered in maintenance activities.

(**Ordinance**~~Revised by Ordinance No.~~ 20-09, ~~Effective~~ 12.10.20)

15.~~502~~ 600.020 – ~~———~~Data Collection and Analysis.

~~(1)~~**A.** Noxious and Invasive species management will be supported by inventories and roadside monitoring on a three **(3)** year cycle. County inventories will be made available to the public.

~~(2)~~**B.** Collaborative efforts will be sought where possible to share information and resources from other agencies, public members and partners.

~~(3)~~**C.** Maintenance methods and tools will be selected based upon findings of results and prioritization within a defined decision matrix as part of the Management Prescription Plan.

(**Ordinance** ~~Revised by Ordinance No.~~ 20-09, ~~Effective~~ 12.10.20)

15.600.030~~510~~ – ~~———~~Roadside Vegetation Management Plan.

Lane County's primary roadside vegetation control methods will be data driven. Preferred options will be based on efficacy and promotion of public and environmental health and safety. Mechanical and manual methods will continue to be the primary tools within the program.

~~(1)~~**A.** Prevention Techniques. Vegetation prevention techniques encourage the desired plants, animals, and other organisms and discourage unwanted ones. Prevention techniques and least-toxic pest controls include:

~~(a)~~**1.** Maintaining a monitoring program sufficient to enable a data driven process promoting effective and timely vegetation management practices.

~~(b)~~**2.** Increasing vegetation tolerance thresholds, while maintaining current roadside safety and infrastructure standards.

~~(2)~~**B.** Mechanical, Manual, and Other Alternative Vegetation Control Methods that evaluate and address existing vegetation problems or problems that may develop on county roadsides in spite of prevention techniques, the Department of Public Works will **include:**~~follow the approach outlined below:~~

~~(a)~~**1.** Monitor roadside vegetation growth to determine if thresholds have been exceeded or control is needed.

~~(b)~~**2.** Use physical, mechanical, and other alternative methods to control vegetation to prevent impairments or damages to roadways.

~~(3)~~**C.** Use of Herbicide Products.

~~(a)~~**1.** The Board of Health will adopt by resolution a Permitted Products list for use of herbicides by the Department of Public Works for roadside management. The Board of Health, will solicit review and comment from the Public Health Administrator who will work with the Public Health Advisory Committee.

~~(b)~~**2.** The Board of Health may periodically review the Permitted Products list and after receiving public comment, add products to that list that meet the criteria in this chapter or delete products if new information becomes available indicating that the products do not meet those criteria.

~~(c)~~**3.** The Board of Health may authorize the use of non-listed herbicides on county roadsides when the director of Public Works has determined that a condition or emergency exists where herbicides on the permitted list have been tried without satisfactory result pursuant to the following criteria:

~~(i)~~**a.** The nature of the problem and the reason to use the non-listed herbicide.

~~(ii)~~**b.** Information received after reviewing current information sources and databases to determine the most effective herbicide(s) with the least impact to human and environmental health pursuant to criteria in ~~section~~ **LC** 15.**500.040E**~~511(5)~~ Permitted Product List Criteria.

~~(iii)~~**c.** Description of the specific non-listed herbicide, persistence in the environment (length of soil half-life), currently designated toxicity levels, and all known potential risks with regard to public health and safety, or to the environment.

~~(iv)~~**d.** Proposed date, target species, method of application, public notification, and specific steps that will be taken to minimize risks to human health and the environment.

~~(v)~~**e.** An evaluation of all feasible alternatives including non-herbicidal control methods and no action alternatives.

~~(vi)~~**f.** Any applicable legal requirements.

~~(d)~~**4.** The Board of Health will approve or deny the use of non-listed herbicides when the use of Permitted Products has proven to be ineffective in particular applications, either on a one-time basis, or for a limited time to be specified by the Board of Health.

(**Ordinance** ~~Revised by Ordinance No.~~ 12-03, ~~Effective~~ 9.11.03; **Ordinance** 16-07, 10.27.16; **Ordinance** 20-09, 12.10.20)

15.600.040~~511~~ – ~~———~~Application Methods and Buffers.

~~(1)~~**A.** Herbicide applications adjacent to waterways or bodies of water that occur within **one hundred (**100**)** feet must adhere to Management Prescription Plan guidelines in order to protect water quality, aquatic species, and associated habitats from potential impacts.

~~(2)~~**B.** Herbicide applications within **five hundred (**500**)** feet of a school will need to adhere to Management Prescription Plan guidelines in order to protect human health.

~~(3)~~**C.** School Districts within Lane County will be provided with No Spray area information to provide to students or parents on an annual basis. All requested and identified school bus stops will be provided a **two hundred (**200**) foot** ~~ft.~~ buffer from herbicide applications.

~~(4)~~**D.** Other areas determined to present risk to children or the environment as determined by the Director of Public Works will be added to the guidelines within the Management Prescription Plan.

~~———~~The County's Department of Public Works staff will continue to review research regarding alternative vegetation control methods to evaluate their effectiveness and potential for use in County roadside vegetation management operations.

~~(5)~~**E.** Permitted Product List Criteria. Permitted herbicide products must meet all of the following criteria (all active ingredients, known inerts, and other additives, should be identified so that they can be screened using this criteria):

~~(a)~~**1.** Product contains none of the following substances:

~~(i)~~**a.** A known, likely, or probable carcinogen;

~~(ii)~~**b.** Reproductive toxicants;

~~(iii)~~**c.** Known or probable endocrine disruptors;

~~(iv)~~**d.** A substance acutely toxic to humans or labeled as DANGER or POISON;

~~(v)~~**e.** Nervous system toxicants (ingredients that are cholinesterase inhibitors or are listed as neurotoxic**)**;

~~(vi)~~**f.** Substances harmful to pollinators and aquatic species, including fish, birds, invertebrates or domestic animals.

~~(b)~~**2.** In addition, consideration will be given to the following:

~~(i)~~**a.** Active ingredients have soil half-life of **thirty (**30**)** days or less (exception for minerals).

~~(ii)~~**b.** Active ingredient has extremely low or very low mobility in soils.

~~(iii)~~**c.** Product is not found in US EPA Office of Pesticide Programs Registration Eligibility Decisions (REDs, IREDs, and TREDs) to exceed a level of concern for fish, aquatic insects, aquatic and semi-aquatic plants, or wildlife; and

~~(iv)~~**d.** Active ingredients have not been detected in waters at a level harmful to aquatic life.

~~(c)~~**3.** These criteria will be reviewed by the Public Health Advisory Committee annually. The findings and recommendations of the Committee on the products will be reported to the Board of Health and the Public Health Administrator.

~~–~~(**Ordinance** ~~Revised by Ordinance No.~~ 12-03, ~~Effective~~ 9.11.03; **Ordinance** 16-07, 10.27.16; **Ordinance** 20-09, 12.10.20)

15.600.050~~515~~ – ~~———~~Training, Education, and Implementation.

~~(1)~~**A.** The Department of Public Works staff involved in roadside vegetation management must attend at least once a year available trainings in prevention and other vegetation management techniques outlined in this chapter if appropriate to their area of work.

~~(2)~~**B.** The County will designate a staff member to be responsible for the implementation of this chapter.

~~(~~Revised by ~~Ordinance No.~~ 12-03, ~~Effective~~ 9.11.03; **Ordinance** 16-07, 10.27.16; **Ordinance** 20-09, 12.10.20)

15.600.060~~520~~ – ~~———~~Public Notification.

The Department of Public Works will comply with the following notification procedures for all roadside herbicide applications:

~~(1)~~**A.** Orange road signs **forty-eight (**48**)** inches will be posted in both directions on County roadways with proposed herbicide applications at least seven **(7)** days prior to any application. Biodegradable signs will be posted following herbicide applications to inform residents of areas applied with herbicides. All signs will have the words “HERBICIDE APPLICATION,” proposed dates of application and a phone number that the public can contact for further information.

~~(2)~~**B.** Public notification of herbicide use along roadsides maintained by Lane County will be listed on Lane County’s website.

~~(3)~~**C.** Direct application stump treatments will not be posted in advance of herbicide applications. Dye will be used in all stump treatments to identify treatments and bio-degradable signs will be posted at ~~,~~ or stapled to treated stumps to inform public of herbicide treatment.~~———~~

~~(4)~~**D.** During the herbicide application process, additional temporary roadwork signs will be placed around the work site. The signs will be at least two **(2)** feet square and say “HERBICIDE APPLICATION AHEAD.” Herbicide application tanks will be labeled with the word “herbicide.”

~~(5)~~**E.** The County will maintain an updated website of all pending and completed herbicide applications along ~~c~~**C**ounty ~~–~~ maintained roadsides. The public will be able to access information on the internet at least seven **(7)** days prior to the proposed applications and for at least seven **(7)** days post application.

~~(~~Revised by ~~~~Ordinance ~~No.~~ 12-03, ~~Effective~~ 9.11.03; **Ordinance** 16-07, 10.27.16; **Ordinance** 20-09, 12.10.20)

15.600.070~~525~~ – ~~———~~Record Keeping.

County staff will maintain publicly accessible information with records of herbicides used on ~~c~~**C**ounty roadsides for a minimum of six **(6)** years. In addition to complying with all record keeping requirements imposed by state and federal law, the information recorded must include the date and location of the application; the product name, active ingredients, additional known inert ingredient(s), other chemicals mixed with the product, and actual costs of application. These records must also include an EPA registration number; the target vegetation type, quantity and concentration of each herbicide product applied, the weather conditions including rain predictions, temperature, wind speed and direction, and the operator license number. At the time of application any known problems with handling and storage, equipment cleaning, disposal, toxic waste, and off target drift, spills runoff or migration must also be included on the record.

(~~Revised by~~ Ordinance ~~No.~~ 12-03, ~~Effective~~ 9.11.03; **Ordinance** 16-07, 10.27.16; **Ordinance** 20-09, 12.10.20)

15.600.080~~530~~ – ~~———~~Annual Report (Reporting).

On a yearly basis at a public meeting of the Board of Health, the Department of Public Works will present a report that includes:

~~(1)~~**A.** The quantity and concentration of each herbicide product applied during the previous year, a list of any non-listed herbicides proposed for use in the coming year, and under what circumstances herbicide uses might occur, and the actual cost of application for the previous year;

~~(2)~~**B.** Control methods that have replaced herbicide use in the previous year;

~~(3)~~**C.** Control methods that have been proven ineffective;

~~(4)~~**D.** What non-herbicide control methods the Department of Public Works intends to use in the plan year. County staff will post the report on the County website and make copies available to the public.

~~(~~Revised by ~~~~Ordinance ~~No.~~ 12-03, ~~Effective~~ 9.11.03; **Ordinance** 16-07, 10.27.16; **Ordinance** 20-09, 12.10.20)

15.700 – LEVYING, COLLECTING AND ENFORCING SPECIAL ASSESSMENTS

15.700.005~~600~~ – ~~———~~Authority and Purpose.

The following provisions relating to the application of a special assessment policy for public improvements are adopted pursuant to the authority granted to Lane County by the Lane County Home Rule Charter. Except as expressly modified in this subchapter, the provisions of ORS Chapter 371 are applicable in Lane County. ~~(Revised by~~

~~Ordinance No. 11-73, Effective 9.28.73; 20-09, 12.10.20)~~

~~15.605 Purpose.~~

The requirements set forth herein are for the purpose of defining policies, conditions and procedures whereby specially benefited property owners will be assessed for the costs of road improvements. Remonstrance procedures included in Section **Nine (**9**)** of the Lane County Home Rule Charter are not repeated herein, but apply in full. The procedures set forth in this subchapter constitute a determination by the Board, absent the express determination inconsistent with these procedures, of the extent to which the cost of road improvements in Lane County is to be defrayed by special assessments on property to be specially benefited.

~~(Revised by~~ Ordinance ~~No.~~ 11-73, ~~Effective~~ 9.28.73; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.700.010~~610~~ – ~~———~~Application.

The provisions herein apply to all County roads, Public Roads ~~as defined in LC 15.010~~ and platted streets within the unincorporated areas of Lane County and under the jurisdiction of Lane County. These provisions also apply to the following County roads within the limits of incorporated cities:

~~(1)~~**A.** ~~-~~ Connecting roads maintained under the authority of ORS Chapter 373;

~~(2)~~**B.** County roads subject to an intergovernmental agreement under the authority of ORS 373.260;

~~(3)~~**C.** County roads within the limits of incorporated cities not covered by LC 15.**700.010A and**~~610(1) and~~ **LC 15.700.010B**~~(2) above~~ and for which the city involved has not requested surrender in accordance with ORS 373.270.

~~(~~Revised by~~ Ordinance ~~No.~~ 11-73, ~~Effective~~ 9.28.73; **Ordinance** 7-82, 7.9.82; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.700.020~~620~~ – ~~———~~Initiation of Improvements.

Proceedings to construct a new road improvement or reconstruct an existing road may be initiated by:

~~(1)~~**A.** ~~-~~ Resolution of the Board when it is deemed necessary in order to provide for public safety and to promote the common welfare of the general public;

~~(2)~~**B.** Petition signed by owners of not less than **sixty** ~~60~~ percent **(60%)** of the separate ownerships abutting the proposed improvements, representing not less than ~~60~~ **sixty** percent **(60%)** of the frontage of the land abutting the proposed improvements. The signature of an owner of property that has multiple owners will be calculated as a fraction of an owner signature for that property in the

same proportion as that owner's interest in the property bears to the interest of all other owners of the same property.

~~(~~Revised by ~~Ordinance No. 11-73, Effective 9.28.73;~~ **Ordinance** 7-82, 7.9.82; **Ordinance** 5-97, 5.16.97; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.700.030~~625~~ – ~~———~~Procedures.

When a resolution has been adopted or a petition has been filed for the reconstruction of an existing road, the procedures established in ORS Chapter 371 pertaining to an engineer's report, notice to owners, filing of objections, etc., will be followed.

~~(~~Revised by ~~Ordinance No. 11-73, Effective 9.28.73;~~ **Ordinance** 20-09, 12.10.20)

15.700.040~~630~~ – ~~———~~Priority System.

All proposed projects must be consistent with any road improvement priority system be adopted by the County. Any road proposed for reconstruction by petition, which, in the judgment of the Director is in conflict with said the adopted priority system, may proceed according to the provisions of ORS Chapter 371, but with financial assistance only as separately determined by the Board.

~~(~~Revised by ~~Ordinance No. 11-73, Effective 9.28.73;~~ **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.700.050~~.636~~ – ~~———~~Assessments.

Improvement costs of new road improvements or the reconstruction of existing roads will be assessed in the following manner:

~~(1)~~**A.** ~~-~~ By Petition.

~~(a)~~**1.** ~~—~~ Local Streets and Roads and Minor Collectors. For streets within urban growth boundaries, the direct cost of the complete street improvements up to and including **thirty-six (**36**)** feet in width, including curbs, gutters and sidewalks; and for roads in rural areas, the direct cost of road improvements up to and including **twenty-four (**24**)** feet in width; will each be assessed to the abutting property on a cost per front foot basis.

~~(b)~~**2.** ~~–~~ Major Collectors, Minor Arterials and Principal Arterials. Only the direct cost of constructing the curbs, gutters, driveway and private access easement approaches, and sidewalks will be assessed to the abutting property on a cost per front foot basis for new street and road improvements within urban growth boundaries, unincorporated rural communities and exception areas adjacent to urban growth boundaries as designated in an acknowledged comprehensive plan. All other costs within these described areas and all costs in the rural areas, will be paid by the County. If an abutting property does not take access from the road being improved at the time the improvement project is completed, whether by action of the owner or the County, the assessment for curbs, gutters and sidewalks may be deferred. Abutting property taking indirect access from the road being improved over other abutting property is not eligible for assessment deferral under this section. Any deferred assessment will

be a lien against the abutting property which may be removed and access granted in the future, provided that a) the County or other agency with jurisdiction over the road finds that the new access does not pose a traffic congestion or safety problem and b) the owner of the property pays to the County the full amount of the original deferred assessment, plus accrued interest. Interest will be calculated from the date the original assessments on the project became due, at the rate established by the Board for such assessments. The County or the agency with jurisdiction over the road may grant access without requiring payment of the deferred assessment and interest if twenty **(20)** years have elapsed since the date the original deferred assessment was certified. Any assessment deferred under this section will be waived and the lien will be extinguished twenty **(20)** years from the date of certification. Notwithstanding waiver of the deferred assessment and extinguishment of the lien, the County or other agency with jurisdiction over the road may control access as otherwise provided by law.

~~(2)~~**B.**– By Board Resolution.

~~(a)~~**1.** Local Streets and Roads. The direct cost of constructing curbs, gutters, driveways, and sidewalks within urban growth boundaries, unincorporated rural communities and exception areas adjacent to urban growth boundaries as designated in an acknowledged comprehensive plan will be assessed to the abutting property on a cost per front foot basis. All other costs within those described areas and all costs in the rural areas will be paid by the County.

~~(b)~~**2.** Minor Collectors, Major Collectors, Minor Arterials and Principal Arterials. The method of assessment will be the same as provided in LC 15.**700.050A.2.**~~636(1)(b).~~

~~(c)~~**3.** Notwithstanding the provisions of **LC** 15.**700.050B.1** ~~636(2)(a)~~ and **LC 15.700.050B.2** ~~(b)~~, no property owner will be assessed for the direct cost of a sidewalk constructed on the property's frontage for the portion of the width of a sidewalk that exceeds six **(6)** feet. The balance of the cost of such a sidewalk will be paid by the County.

~~(d)~~**4.** Each property owner will be assessed for the direct cost associated with approach construction on that property's frontage. Such assessments will include the direct costs calculated from the portion of the approach from the back of the curb to the back of the sidewalk, up to a maximum distance of six **(6)** feet back from the curb. The balance of approach costs will be paid by the County.

~~(3)~~**C.**– By Petition or Resolution ~~–~~ Bridges **and Culverts**. When the Board determines that the public interest requires improvement to a bridge **or culvert** on a local access road, the direct cost of ~~bridge~~ **the** improvement or replacement must be assessed to the specially benefiting property owners on a uniform basis as determined by the Board.

~~(4)~~**D.**– For purposes of this section, Direct Cost means all costs including engineering and administrative costs associated with installation of improvements specified.

~~(5)~~**E.**– Deferrals.

~~(a)~~**1.**~~–~~ Assessments may be deferred on large frontages ~~as specified below~~ when all of the following conditions apply:

~~(i)~~**a.** The property:

(~~aa~~**1**)~~-~~ is either zoned equivalent to low density residential or single family residential, or is in another zone but is either vacant, or occupied solely by the owner and is the owner's primary residence; and

(~~bb~~**2**)~~.~~ has more than **two hundred (**200**)** feet of street frontage, is capable of being divided into four **(4)** or more lots, and is not part of a phased development.

~~(ii)~~**b.**~~–~~ The owner requests a deferral of the assessment; and

~~(iii)~~**c.**~~–~~ A source of funds exists to finance the deferral so that costs to other property owners do not increase.

~~(b)~~**2.** When a deferral is allowed under LC 15.**700.050E.1**~~636(5)(a)~~:

~~(i)~~**a.** The property will be assessed for a minimum frontage of **one hundred (**100**)** feet. The costs for the remaining frontage may be deferred,

~~(ii)~~**b.** The deferred assessment will be a lien against the abutting property, and

~~(iii)~~**c.**~~–~~ The deferral will be terminated upon initiation of a land division of the property.

~~(c)~~**3.**~~—~~ Upon termination of a deferral pursuant to LC 15**.700.050E.2.c**~~.636(5)(b)(iii)~~, the owner of the property is required to pay to Lane County the full amount of the original deferred assessment plus accrued interest. Interest is calculated from the date of the original assessment at the rate established by the Board for those assessments. Any assessment deferred under this section will be waived and the lien will be extinguished **twenty (**20~~.~~**)** years from the date of certification.

~~(d)~~**4.**~~–~~ The deferral provisions under LC 15.**700.050E.1**~~636(5)(a)~~ through **LC 15.700.050E.3**~~(c)~~ are in addition to, but do not supersede the provisions of ORS 311.702 through **ORS** 311.735 for Deferral of Special Assessments on Senior Citizens' Residential Property.

~~(~~Revised by ~~~~Ordinance~~ ~~No.~~ 11-73, ~~Effective~~ 9.28.73; **Ordinance** 7-82, 7.9.82; **Ordinance** 20-87, 10.14.87; **Ordinance** 8-94, 11.25.94; **Ordinance** 5-97, 5.16.97; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.700.060~~40~~ **– ——Intersections.**

For assessment projects, the cost of street improvements located within street intersections and railroad intersections will be paid by the County or other participating public agencies or railroads and will not be assessed to property owners.

~~(~~Revised by ~~~~Ordinance~~ ~~No.~~ 10-04, ~~Effective~~ 6.4.04; **Ordinance** 20-09, 12.10.20)

15.700.070~~45~~ **– ——Foreclosure.**

The Director of the Department of Assessment and Taxation has the duty and responsibility of the Board established in ORS 371.650(3) and ORS 371.660 and the general responsibility for record keeping and collection of ORS Chapter 371 assessments made under the authority of ORS Chapter 371 and this subchapter.

~~(~~Revised by ~~~~Ordinance~~ No. 11-73, ~~Effective~~ 9.28.73; **Ordinance** 7-82, 7.9.82; **Ordinance** 20-09, 12.10.20)

15.800 – ROAD SYSTEM DEVELOPMENT AND DESIGN STANDARDS

15.800.005 – Purpose.

The purpose of these requirements is to provide standards for the construction and reconstruction of all roads controlled and maintained by the County and all roads in the unincorporated areas of Lane County, in order to provide for and promote a convenient, safe and efficient road network and provide for motor vehicle, bicycle and pedestrian travel, and is adopted under the authority of the Lane County Home Rule Charter and ORS Chapters 368 and 371.

15.800.010~~695~~ – ~~———~~Specific Road Improvements.

Proposed development may require road improvements to ensure that streets in the vicinity of the development function safely pursuant to ~~Sections~~ **LC** 15.**800.020**~~696~~ and **LC** 15.**800.030**~~697~~. The Director will specify any required improvements, which will be in addition to other requirements of this chapter.

~~(~~~~Revised by~~ Ordinance No 7-82, ~~Effective~~ 7.9.82; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.800.020~~696~~ – ~~———~~Roadway Performance Standards.

~~(1)~~**A.** A local agency may choose to apply its adopted operational standards to County Roads within a UGB, provided that such standards do not allow for a lesser degree of mobility. All roadways and intersections under the jurisdiction of Lane County must meet the following standards.

~~(a)~~**1.** ~~-~~Signalized, All-way Stop, or Roundabout Controlled Intersections: The intersection as a whole must operate with a Level of Service (LOS) "E" or better and a volume to capacity (v/c) ratio not higher than **point eight five (**0.85**)** if inside and UGB, or with a LOS "D" or better and a v/c ratio not higher than **point eight zero (**0.80**)** outside and UGB during the highest one **(1)** ~~-~~hour period on an average weekday (typically, but not always the evening peak period between 4 p.m. and 6 p.m. during the spring or fall).

~~(b)~~**2.** ~~-~~Two ~~-~~**(2)** way Stop and Yield Controlled Intersections: All public street intersection approaches serving more than **twenty (**~~-~~20**)** vehicles during the highest one~~-~~ **(1)** hour period on an average weekday (typically, but not always the evening peak period between 4 p.m. and 6 p.m. during the spring or fall) must operate with a LOS "E" or better and a v/c ratio not higher than **point nine five (**0.95**)** if inside and UGB, or with a LOS "D" or better and a v/c ratio not higher than **point eight zero (**0.80**)** outside the UGB. Operational standards do not apply to approaches at intersections serving **twenty (**20**)** vehicles or fewer during the peak hour or private driveways.

~~(2)~~**B.** When analyzing County roads within UGBs, the applicable performance standards of the respective city apply. In the absence of city standards for such roads, the County's road performance standards apply. Traffic study requirements should be coordinated with cities and ODOT when development proposals affect facilities under the jurisdiction of these agencies.

~~(3)~~**C.** When analyzing signalized intersections, locations where signal warrants may be met, or intersections with all-way stop control (AWSC), the primary objective is to maintain the performance

of the overall intersection. The overall intersection v/c must meet the applicable standard. If level of service analysis is required, the level of service standard must also be met.

~~(4)~~**D.** If a traffic study determines that nearby public or private roads, streets, or driveways do not meet the standards, the applicant must recommend mitigation measures.

~~(5)~~**E.** Operational standards do not apply to unsignalized intersection approaches serving **twenty (**20**)** vehicles or fewer during the peak hour or to private driveways.

~~(~~Revised by ~~~~Ordinance 10-04, ~~Effective~~ 6.4.04; **Ordinance** 17-06, 1.11.18; **Ordinance** 20-09, 12.10.20)

15.800.030~~697~~ – ~~———~~Traffic Impact Analysis Requirements.

~~(1)~~**A.** A traffic impact analysis (TIA) may be required as part of a land use application or other development when the proposal is expected to involve one **(1)** or more of the following:

~~(a)~~**1.** A development proposal that if approved, will result in ~~an increase of peak hour traffic flow of~~**any of the following: fifty (**50**)** or more automobile **peak hour** trips outside an urban growth boundary~~,~~**;** or **one hundred (**100 **)** or more automobile **peak hour** trips inside an urban growth boundary**; or twenty-five (25) or more automobile peak hour trips at an intersection or driveway approach with an arterial or collector road**. The increase in number of trips will be calculated based upon the methodology in the Institute of Traffic Engineers' Trip Generation manual for the year of publication specified in LM ~~Chapter~~ 15.450 and associated handbook and user's guide;

~~(b)~~**2.** Development proposals that will affect county roads where congestion or safety problems have been identified by previous traffic engineering analysis;

~~(c)~~**3.** A plan amendment or zone change proposal, unless waived by the County Engineer as specified ~~below~~**in LC 15.800.030B**;

~~(d)~~**4.** A proposed development that will generate or receive traffic by single or combination vehicles with gross weights greater than **twenty-six thousand (**26,000**)** pounds as part of the development's daily operations. "Daily operations" includes delivery to or from the site of materials or products manufactured, processed, or sold by the business on the site. "Daily operations" does not include routine services provided to the site by others, such as mail delivery, solid waste pickup, or bus service;~~o~~

~~(e)~~**5.** ~~An existing or proposed access driveway, the location of which does not meet minimum spacing or sight distance requirements, and where vehicles are expected to queue or hesitate at an approach or access connection, thereby creating a safety hazard;

~~(f)~~**6.** Any potential impacts to pedestrian and bicycle routes, including, but not limited to school routes and multimodal roadway improvements identified in the TSP;

~~(2)~~**B.** The County Engineer or designee may waive TIA requirements specified in LC 15.**800.030**~~697(1) above,~~ when:

~~(a)~~**1.** Previous analysis has determined that the development proposal will not result in congestion, safety, or pavement structure impacts that exceed the standards of the agency that operates the affected transportation facilities; or

~~(b)~~**2.** In the case of a plan amendment or zone change, the scale and size of the proposal is insignificant, eliminating the need for detailed traffic analysis of the performance of roadway facilities for the **twenty (**20**)** -year planning horizon.~~Whether the scale and size of a proposal may be considered insignificant may depend on the existing level of service on affected roadways. Generally, a waiver to a TIA will be approved when:~~

~~(3)~~**C.** Traffic impact analyses must document compliance with the requirements and guidelines in LC 15.**800.020**~~696~~ and must:

~~(a)~~**1.** Be prepared by a Professional Engineer licensed in the State of Oregon with expertise in traffic engineering; and

~~(b)~~**2.** Document compliance with:

~~(i)~~**a.** The Road Design Standards in LC 15.**800**~~700 through 15.708~~; and

~~(ii)~~**b.** The Access requirements specified in LC 15.**400**~~130 through 15.139~~; and

~~(iii)~~**c.** The goals and policies of the applicable transportation system plan; and

~~(iv)~~**d.** Statewide Planning Goal 12.

~~(c)~~**3.** Evaluate all road facilities where direct access is proposed, including proposed access points, nearby intersections, and the nearest major intersection with a traffic signal;

~~(d)~~**4.** Address the requirements for pavement structure analysis in LC 15.**800**~~707~~ if the analysis is required pursuant to LC 15.**800.030A.4**~~697(1)(d)~~; and

~~(e)~~**5.** Be approved as to scope prior to proceeding with the analysis, as specified in the TIA Guidelines of the County Engineering Department. The County Engineer may alter the study requirements based upon the anticipated impact of the proposal. For example, a queue length analysis (based upon **ninety-five percent (**95%**)** probability) may be required.

~~(4)~~**D.** The TIA must demonstrate the following:

~~(a)~~**1.** For plan amendments and zone changes, that the performance standard~~-~~ specified in LC 15.**800.020**~~696(1)~~ for the affected road(s) will not be exceeded as a result of the plan amendment or zone change, within **twenty (**20**)** years from the date the analysis was completed;

~~(b)~~**2.**~~-~~ For other development, that the performance standard specified in LC 15.**800.020**~~696(1)~~ for the affected road(s) will be achieved immediately and for the next five **(5)** years.

~~(5)~~**E.** If the performance standard in LC 15.**800.020**~~696(1)~~ cannot be achieved or maintained as specified ~~in LC 15.697(4) above~~, the analysis must propose one **(1)** or more of the following:

~~(a)~~**1.** Road dedications and improvements for capacity increases;

~~(b)~~**2.** Implementation of demand management strategies;

~~(c)~~**3.** Other mitigation measures.

~~(6)~~**F.**~~-~~ Proposed dedications, improvements, demand management strategies and other measures proposed ~~pursuant to LC 15.697(5)~~ may include but are not limited to the following:

~~(a)~~**1.** Reconfigure roadway and side-street accesses to minimize traffic conflicts at intersections;

~~(b)~~**2.** Limit parking near signalized intersections to increase intersection capacity;

~~(c)~~**3.** Coordinate and operate traffic signals to improve traffic progression;

~~(d)~~**4.** Relocate driveways and improve local road connections to direct traffic away from overburdened intersections and intersections where side-street capacity is limited in order to optimize traffic progression on the State Highway;

~~(e)~~**5.** Improve turning radii at intersections that are heavily used by trucks to avoid lane blockages;

~~(f)~~**6.** Install raised medians to reduce traffic conflicts;

~~(g)~~**7.** Improve accesses so that traffic can enter or exit the roadway with minimal disruptions of flow; and

~~(h)~~**8.** Implement other transportation demand management or transportation system management measures to use existing capacity of the roadway more efficiently.

~~(7)~~**G.** Proposed dedications, improvements, demand management strategies and other measures ~~pursuant to LC 15.697(5)~~ must:

~~(a)~~**1.** Consider the safe operation of affected driveways and public street intersections;

~~(b)~~**2.** Propose access locations as appropriate, consistent with the access requirements in LC 15.**400** ~~130 through~~ **and LC** 15.**800.120**~~139~~;

~~(c)~~**3.** Demonstrate that the proposed measures will be completed in a manner consistent with applicable state and local policies and standards; and

~~(d)~~**4.** Include a description of how and when the dedications, improvements and other measures will be performed.

~~(8)~~**H.** TIAs should be prepared prior to submittal of a land use application. Traffic impact analyses must be developed in coordination with the County and agencies such as ODOT or a city when the proposal requiring the analysis affects facilities in their respective jurisdiction. Dedications, improvements, and other measures proposed ~~pursuant to LC 15.697(4)~~ must comply with adopted plans and requirements of the agency with jurisdiction for the affected facility.

~~(9)~~**I.** In addition to the requirements in this subsection, the Highway Capacity Manual publication cited in LM 15.450 must be used as the guiding standard for completion of a TIA. The McTrans Highway Capacity Software package, or other approved software packages, may be used to complete the analysis. ODOT-approved software is acceptable where the study scope includes analysis of both State and County facilities.

~~(10)~~**J.** Upon approval of the TIA and proposed dedications, improvements, and other measures, requirements must be completed at private expense, unless otherwise approved by the Director. Conditions may be assigned to ensure all requirements are completed.

~~(Revised by~~ Ordinance 10-04, ~~Effective~~ 6.4.04; **Ordinance** 17-06, 1.11.18; **Ordinance** 20-09, 12.10.20)

~~ROAD DESIGN STANDARDS~~

~~15.700 Purpose.~~

~~The purpose of this subchapter is to provide standards for the construction and reconstruction of all roads controlled and maintained by the County and all roads in the unincorporated areas of Lane County, in order to provide for and promote a convenient, safe and efficient road network and provide for motor vehicle, bicycle and pedestrian travel, and is adopted under the authority of the Lane County Home Rule Charter and ORS Chapters 368 and 371. (Revised by Ordinance No. 1-75, Effective 3.15.75; 10-04, 6.4.04; 20-09, 12.10.20)~~

15.800.040~~701~~ – ~~———~~General Provisions.

~~(1)~~**A.** Roadway design elements not specified in LC 15.**800**~~700 through 15.710~~ must conform to the following publications as determined appropriate by the County Engineer, using the publication version cited in LM 15.**040**~~450~~:

~~(a)~~**1.** The following publications of the American Association of State Highway and Transportation Officials:

~~(i~~**a.**~~)~~ A Policy on Geometric Design of Highways and Streets;

~~(ii~~**b.**~~)~~ Roadside Design Guide;

~~(iii~~**c.**~~)~~ Geometric Design of Very Low Volume Local Roads (ADT < 400);

~~(iv~~**d.**~~)~~ Guide for Design of Pavement Structures.

~~(b)~~**2.** The following publications of the Oregon Department of Transportation and the American Public Works Association (APWA), Oregon Chapter:

~~(i~~**a.**~~)~~ Highway Design Manual;

~~(ii~~**b.**~~)~~ Oregon Highway Plan;

~~(iii~~**c.**~~)~~ Oregon Bicycle and Pedestrian Plan;

~~(iv~~**d.**~~)~~ Oregon Standard Specifications for Construction;

~~(v~~**e.**~~)~~ Oregon Standard Drawings.

~~(2)~~**B.** Where required, calculation of projected Average Daily Traffic (ADT) will be based upon the Transportation Research Institute's Trip Generation Manual using the publication version cited in LM 15.**040**~~450~~.

~~(3)~~**C.** Decisions about traffic control devices, including traffic signals, pavement markings, signing, and crosswalk marking, will be guided by the Federal Highway Administration's Manual on Uniform Traffic Control Devices, using the publication cited in LM 15.**040**~~450~~.

~~(4)~~**D.** Sidewalks, access ramps, driveways, medians, and other right-of-way design elements must comply with ~~Americans with Disabilities Act (~~ADA **and** ~~) requirements and the Public Rights-of-Way – United States Access Board (~~PROWAG~~)~~ **requirements**.

~~(5)~~**E.** ~~Notwithstanding the provisions of LC 15.030,~~ County Roads outside of UGBs may be required to be improved to Urban Road design standards, as may be determined on a case~~-~~by~~-~~case basis through the Capital Improvement Program adoption process, or as required by a TIA pursuant to **this chapter.** ~~LC 15.697.~~

~~(~~Revised by ~~Ordinance~~ 10-04, ~~Effective~~ 6.4.04; **Ordinance** 20-09, 12.10.20)

15.800.050~~702~~ ~~–~~ ~~——~~Urban Arterial ~~A~~and Collector Standards.

A. ~~(1)~~ Applicability.

~~(a)~~ The Urban Arterial and Collector Standards apply to Urban County Streets within urban growth boundaries that are classified as Minor Collectors, Major Collectors, Minor Arterials and Principal Arterials that also qualify as one **(1)** or more of the following:

~~(i)~~**1.** Newly constructed Urban Arterial and Collector streets.

~~(ii)~~**2.** Reconstruction of existing Urban Arterial and Collector streets, including reconstruction of the roadbed and addition of curbs, gutters and sidewalks, but not including preservation or pavement rehabilitation. Roads reconstructed by Lane County for the purpose of repair may be restored to the original or better condition.

~~(iii)~~**3.** Widening of existing improved Urban Arterial and Collector streets that result in adding one or more through lanes, left turn lanes, continuous center turn lanes, right turn lanes, bicycle lanes, or other additional lanes.

~~(iv)~~**4.** ~~——~~New and reconstructed facilities within the right-of-way.

~~(2) Diagrams. Diagrams 1 through 5 in LC 15.710 illustrate Urban Arterial and Collector design configurations.~~

~~(3)~~**B.** Right-of Way Width. The minimum right-of-way width will be the sum of the widths of all roadway design elements plus an additional two **(2)** feet [one **(1)** foot on each side]. In addition, the County may require additional right-of-way to accommodate space for utilities, bus stops, transition areas, and cut and fill slopes, which may vary based on terrain.

~~(4)~~**C.** Roadway Width. The roadway width is the distance from curb face to curb face. See **LC 15.800.050D** Vehicle Travel Lane Width and **LC 15.800.050H** Bike Lane sections ~~below~~ to determine total roadway width.

~~(5)~~**D.** Vehicle Travel Lane Width.

~~(a)~~**1.** Urban Principal Arterials. Travel lanes must be **twelve (**12**)** feet wide. If a design deviation is approved pursuant to the requirements of LC 15.**800.130**~~709~~, the minimum acceptable width must be no less than **eleven (**11**)** feet.

~~(b)~~**2.** Urban Minor Arterials and Major or Minor Collectors. Travel lanes must be **eleven (**11**)** feet wide, except that wider lanes may be required for industrial areas or areas where the truck percentage of ADT is **ten percent (**10%**)** or more within a **twelve (**12**)** ~~-~~hour period.

~~(6)~~**E.** Surface Type. Surface type must be pavement.

~~(7)~~**F.**~~–~~ Pavement Structure. Pavement Structure design must meet the requirements specified in LC 15.**800.100**~~707~~.

~~(8)~~**G.**~~–~~ Sidewalks.

~~(a)~~**1.**~~–~~ Sidewalks are required on both sides of all Urban Arterial and collector streets with the exception of freeways and expressways:

~~(i)~~**a.** Sidewalks are not required on freeways.

~~(ii)~~**b.**~~–~~ Expressways will be evaluated on a case by case basis to determine if sidewalks are required.

~~(b)~~**2.**~~–~~ Sidewalk design will be either setback sidewalks or curbside sidewalks, as follows:

~~(i)~~**a.** The preferred design option is setback sidewalks. Setback sidewalks must be a minimum of five **(5)** feet wide with a minimum six **(6)** feet wide planting strip. Planting strips provide more physical separation of pedestrians from vehicles and space for street trees, landscaping, ground covers, or turf and provide aesthetic benefits to the streetscape. Street trees within public right-of-way are maintained by Lane County. Shrubs, groundcovers, and turf are maintained by the adjacent property owner.

~~(ii)~~**b.** Curbside sidewalks must be a minimum six **(6)** feet wide (excluding curb width) to allow for:

(~~aa~~**1**) Additional separation for pedestrians from parked cars or higher speed traffic.

(~~bb~~**2**) Additional usable width for pedestrians when mailboxes, signs or utilities obstruct the sidewalk area.

(~~iii~~**3**) Sidewalks are required to maintain a minimum of **forty-eight (**48**)** inches of unobstructed travel width.

~~(9)~~**H.** Bike Lanes.

~~(a)~~**1.** Bicycle lanes must be a minimum of six **(6)** feet wide and provide sufficient usable lane width around drainage grates and utility covers. In a typical application, the six **(6)** foot width provides a two **(2)** foot shy distance from a curb or parked car and four **(4)** feet for travel.

~~(b)~~**2.** Curb inlets are the preferred design option for storm water facilities. Where installation of curb inlets is not possible due to steep slopes, utility placement, or other conflicts, catch basins with approved bike-friendly grates are acceptable.

~~(c)~~**3.** Marked bicycle lanes are required when streets are newly constructed, are reconstructed to urban standards, or are widened to provide additional vehicular capacity.

~~(10)~~**I.**~~–~~ On-Street Parking.

~~(a)~~**1.** On-street parking is not permitted on Urban Arterial streets.

~~(b)~~**2.** On-street parking may be provided on Urban Collector streets only after a parking demand and supply study has been completed and the feasibility of on-street parking has been verified. A parking study must take into consideration, among other factors, the nature of adjacent land uses, the degree to which the street is nearing design capacity~~,~~ and impacts to bicycle use of the street. If the parking demand and supply study demonstrates an inadequate

supply of parking or determines the existing or future demand for parking validates on-street parking, parking on Urban Collector streets will be required.

~~(c)~~**3.** Parallel parking is the preferred layout for on-street parking.

~~(d)~~**4.** Where allowed, parallel parking lane widths on Urban Collector streets must be a minimum of seven **(7)** feet wide.

~~(11)~~**J.** Crosswalks.

~~(a)~~**1.** Any markings used to establish a crosswalk must conform to the Manual on Uniform Traffic Control Devices (MUTCD) publication cited in LM 15.**040**~~450~~.

~~(b)~~**2.** Marked crosswalks should be provided at signalized or all-way stop controlled intersections where logical connections to pedestrian facilities exist and at school crossings on established routes. Unsignalized intersections or other locations should not be marked unless an engineering study indicates a need for marked crosswalks and the Director approves the installation.

~~(12)~~**K.** Curb & Gutter. Curbs and gutters serve any or all of the following purposes: drainage control, roadway edge delineation, right-of-way reduction, aesthetics, delineation of pedestrian walkways, reduction of maintenance operations, and assistance in orderly roadside development. The type and location of curbs and gutters affect driver behavior and, in turn, the safety and utility of a roadway.

~~(a)~~**1.** Water conveyance capacity in curb and gutter design must be provided by a minimum **eighteen (**18**)** ~~-~~inch gutter width.

~~(b)~~**2.** The minimum gutter slope is **point five percent (**0.5%**)**.

~~(c)~~**3.** The minimum curb height is six **(6)** inches.

~~(d)~~**4.** Curb designs that are acceptable for use on Urban County Streets include:

~~(i)~~**a.** Vertical curbs intended to discourage vehicles from leaving the roadway. Vertical curbs should not be used along high-speed roadways because an out-of-control vehicle may overturn or become airborne as a result of an impact with such a curb. A suitable traffic barrier should be provided where redirection of vehicles is needed.

~~(ii)~~**b.** Sloping or mountable curbs used on streets with speeds of **forty-five (**45**)** miles per hour or greater and are designed so vehicles can cross them readily if necessary. For example, sloping curbs can be used at median edges or to outline channelizing islands in intersection areas.

~~(iii)~~**c.** Extruded curbs of either cement or bituminous concrete usually have sloping faces because they provide better initial stability, are easier to construct, and are more economical than steep or vertical faces. Extruded curbs can only be used for drainage control and not as separation for vehicles and pedestrians.

~~(iv)~~**d.** Other curb designs that conform with accepted engineering practice as set forth in LC 15.**800**~~701(1)~~.

~~(13)~~**L.** Raised Medians. Urban Arterial and Collector Streets may have a raised median area to decrease crash experience, restrict turning movements, limit land access, encourage lower vehicle

speeds, provide a refuge area for pedestrians and vehicles, and to increase the efficiency and capacity of the street. Raised medians will be required when a combination of factors indicate that their use will improve the safety and efficiency of the roadway. Factors to consider include, but are not limited to, pedestrian traffic volume, crossing distance, ADT, access management and roadway capacity.

~~(a)~~**1.** The preferred raised median width is **ten (**10**)** feet when used to limit land access or control turning movements. The minimum width of medians used for this purpose is four **(4)** feet.

~~(b)~~**2.** Medians used as a pedestrian refuge must be at least eight **(8)** feet wide to enhance pedestrian safety. Medians used as a pedestrian refuge or to facilitate pedestrian and bicycle movements must be designed with at-grade cuts at all intersections.

~~(c)~~**3.** The preferred width of a raised median that provides for turning bays is **fourteen (**14**)** feet and must be at least **twelve (**12**)** feet wide.

~~(d)~~**4.** Raised medians must be designed at six **(6)** inch curb height.

~~(14)~~**M.** Center Turn Lanes.

~~(a)~~**1.** Center turn lanes on Urban Arterial and Collector Streets must be at least **twelve (**12**)** feet wide.

~~(b)~~**2.** A turn lane width of **fourteen (**14**)** feet may be used in industrial or commercial areas and other streets where truck traffic makes up at least **ten percent (**10%**)** of traffic volumes. This **fourteen (**14**)** foot minimum is a requirement where the volume of truck traffic exceeds **fifteen percent (**15%**)**.

~~(c)~~**3.** Urban Arterial and Collector Streets may have a continuous two~~-~~ **(2)** way center turn lane to channelize and remove left turning traffic from through traffic lanes, or to provide additional separation between traffic moving in opposite directions.

~~(15)~~**N.** Traffic Signals. The application and use of traffic signals are guided by the principles, methods and warrants outlined in the Manual on Uniform Traffic Control Devices publication cited in LM 15.**040**~~450~~.

~~(16)~~**O.** Maximum Grade. The maximum road grade is as follows:

Table ~~58~~: Maximum Grade

Terrain type	Urban Collector	Urban Arterial
Level (see ~~(a) below~~ **LC 15.800.050O.1**)	7%	5%
Rolling (see **LC 15.800.050O.2**~~(b) below~~)	10%	6%
Mountainous (see **LC 15.800.050O.3**~~(c) below~~)	12%	8%

~~(a)~~**1.** In level terrain, highway sight distance, as governed by both horizontal and vertical restrictions, is generally long or can be made to be so without construction difficulty or major expense. Streets where no **five hundred (**500**)** foot segment exceeds **five percent (**5%**)** in grade are considered Level.

~~(b)~~**2.** In rolling terrain, natural slopes consistently rise above and below the street and street grade, and occasional steep slopes offer some restriction to normal horizontal and vertical roadway alignment. Streets where any **five hundred (**500**)** foot segment exceeds **five percent (**5%**)** in grade but does not exceed **eight (**8%**)** in grade are considered Rolling.

~~(c)~~**3.** In mountainous terrain, longitudinal and transverse changes in the elevation of the ground with respect to the streets are abrupt, and benching and side hill excavation are frequently needed to obtain acceptable horizontal and vertical alignment. Streets where any **five hundred (**500**)** foot segment exceeds **eight percent (**8%**)** in grade are considered Mountainous.

~~(17)~~**P.** Street Lighting. Roadway illumination may be provided by the County only as a part of construction or reconstruction of Urban Arterial Streets within an adopted urban growth boundary, provided an interagency agreement assigning ownership and maintenance of the lighting to another entity is executed prior to construction. The County may provide illumination in other locations under special circumstances such as at traffic signals or high hazard locations.

~~(18)~~**Q.** Speed Zones. The establishment of speed zones on Urban County Streets will be prescribed by the applicable Oregon Revised Statutes that establish speed limits within specific areas. Speed zones established beyond the statutory requirements are under the authority of ODOT.

~~(Revised by~~ Ordinance 10-04, ~~Effective~~ 6.4.04; **Ordinance** 20-09, 12.10.20)

15.800.060~~703~~ – ~~——~~Rural Arterial ~~A~~and Collector Standards.

~~(1)~~**A.** Applicability.

~~(a)~~ The Rural Arterial and Collector Standards apply to County Roads outside of urban growth boundaries that are classified as Minor Arterials, Minor Collectors and Major Collectors that also qualify as one or more of the following:

~~(i)~~**1.** Newly constructed Rural Arterial and Collector Roads.

~~(ii)~~**2.** Reconstruction of existing Rural Arterial and Collector Roads, including upgrades to rural standards through reconstruction of the roadbed and addition of paved shoulders and ditches, but not including preservation or pavement rehabilitation. Roads reconstructed by Lane County for the purpose of repair may be restored to the original or better condition.

~~(iii)~~**3.** Widening of existing Rural Arterial and Collector Roads that result in adding center turn lanes, right turn lanes, paved shoulders, or other major widening improvements.

~~(iv)~~**4.** New and reconstructed facilities within the right-of-way.

~~(2) Diagram. Diagram 8 in LC 15.710 illustrates the Rural Arterial and Collector design configuration.~~

~~(3)~~**B.** Right-of Way Width.

~~(a)~~**1.** The minimum right-of-way width for Rural Arterial and Collector Roads is **eighty (**80**)** ~~-~~feet for two~~-~~ **(2)** lane sections and **one hundred (**100**)** feet for three (3) lane sections.

~~(b)~~**2.** In addition to meeting the requirements of LC 15.**800B.1**~~703(3)(a)~~, the right-of-way must include space for the roadway, clear zone and adequate drainage ditches, including accepted safety standards for ditch foreslopes and backslopes.

~~(4)~~**C.**– Roadway Width. The pavement width is the sum of all vehicle lanes and paved shoulders. Minimum widths are specified in ~~the following table~~**Table 9**. Lane widths shown are for travel lanes only and do not apply to turning lanes or medians.

Table ~~69~~: Minimum Roadway Width (Feet)

Terrain	Lane Width (Min. 2 Lanes)	Shoulder Width (Each)	Total Pavement Width (2 Lane Roads)
<250 ADT			
Level	11	2	26
Rolling	11	0	22
Mountainous	10	0	20
250-400 ADT			
Level	11	4	30
Rolling	11	2	26
Mountainous	11	0	22
401-1500 ADT			
Level	11	6	34
Rolling	11	4	30
Mountainous	11	2	26
1501-10,000 ADT			
Level	12	6	36
Rolling	11	6	34
Mountainous	11	4	30
>10,000 ADT			
Level	12	8	40
Rolling	12	6	36
Mountainous	12	4	32

~~(5)~~**D.**– Pavement Structure. Pavement structure design must meet the requirements specified in LC 15.**800.100**~~707~~.

~~(6)~~**E.** Roadway and Ditch Side-Slopes.

~~(a)~~**1.** In general, side-slopes no steeper than 6H:1V are required on rock slopes and 4H:1V on ditch fore-slopes.

~~(b)~~**2.** When existing terrain or right-of-way constraints preclude use of 6H:1V rock slopes, steeper slopes may be constructed if approved by the County Engineer or designee.

~~(c)~~**3.** When slopes steeper than 4H:1V must be used, consideration will be given to the use of a roadside barrier. If a roadside barrier is warranted, a minimum four feet wide shoulder is required.

~~(d)~~**4.** The slope rate for cut slopes must be determined by geotechnical analysis or clear zone considerations.

~~(e)~~**5.** Side-slopes should be designed to ensure the stability of the roadway and to provide a reasonable opportunity for recovery of an out-of-control vehicle.

~~(7)~~**F.** Ditch Depth. Ditch depth must be a minimum of one **(1)** foot below the elevation of the roadway subgrade, as measured at the edge of the paved surface. Deeper depths may be required to provide adequate conveyance capacity for a **ten (**10**)** ~~-~~year design storm event.

~~(8)~~**G.** Clear Zone. The roadside clear zone is the area extending away from the outside edge of the vehicle travel lane. The clear zone standards from AASHTO's Roadside Design Guide publication cited in LM 15.**040**~~450~~ must be used.

~~(a)~~**1.** The roadside clear zone should be cleared of all unyielding objects such as trees, sign supports, utility poles, light poles, and any other fixed objects that might severely damage an out-of-control vehicle.

~~(b)~~**2.** The roadside clear zone should have slopes designed to provide an adequate recovery area for an out-of-control vehicle. Breakaway road sign supports will generally be used to minimize driver risk in case of impact.

~~(9)~~**H.** Raised Medians. Rural Arterial and Collector Roads may have a raised median area for channelization and to provide a refuge area for pedestrians or vehicles. Raised medians must have a **six (**6**)** inch curb height unless stated otherwise.

~~(a)~~**1.** The preferred raised median width is **ten (**10**)** feet when used to limit land access or control turning movements. The minimum width of medians used for this purpose is four **(4)** feet.

~~(b)~~**2.** Medians used as a pedestrian refuge must be at least six **(6)** feet wide to enhance pedestrian safety. Medians used as a pedestrian refuge or to facilitate pedestrian and bicycle movements must be designed with at-grade cuts at all intersections.

~~(c)~~**3.** The preferred width of a raised median that provides for turning bays is **fourteen (**14**)** feet and must be at least **twelve (**12**)** feet wide.

~~(10)~~**I.** Center Turn Lanes.

~~(a)~~**1.** All center turn lanes on Rural Arterial and Collector Roads must be at least **twelve (**12**)** feet wide.

~~(b)~~**2.** A turn lane width of **fourteen (**14**)** feet may be used in industrial or commercial areas and other roads where truck traffic makes up at least **ten percent (**10%**)** of traffic volumes. This **fourteen (**14**)** foot minimum is a requirement where the volume of truck traffic exceeds **fifteen percent (**15%**)**.

~~(c)~~**3.** Rural Arterial and Collector Roads may have intermittent left turn lanes or right turn lanes to separate turning traffic from through traffic lanes.

~~(d)~~**4.** Turn lanes must be provided when, pursuant to LC 15.**800.020**~~696~~, intersection or roadway level of service is determined to be D or worse or when other factors such as crash experience and side road volume exceed acceptable limits.

~~(11)~~**J.** Maximum Grade. The maximum road grade is as follows:

Table ~~7~~10: Maximum Grade

Terrain type	Rural Collector	Rural Arterial
Level (See ~~(a) below~~ **LC 15.080.060J.1**)	7%	5%

Rolling (See ~~(b) below~~ **LC 15.080.060J.2**)	10%	6%
Mountainous (See ~~(c) below~~ **LC 15.080.060J.3**)	12%	8%

~~(a)~~**1.** In level terrain, highway sight distance, as governed by both horizontal and vertical restrictions, is generally long or can be made to be so without construction difficulty or major expense. Roads where no **five hundred (**500**)** foot segment exceeds **five percent (**5%**)** in grade are considered Level.

~~(b)~~**2.** In rolling terrain, natural slopes consistently rise above and below the road and street grade, and occasional steep slopes offer some restriction to normal horizontal and vertical roadway alignment. Roads where any **five hundred (**500**)** foot segment exceeds **five percent (**5%**)** in grade but does not exceed **eight percent (**8%**)** in grade are considered Rolling.

~~(c)~~**3.** In mountainous terrain, longitudinal and transverse changes in the elevation of the ground with respect to the road are abrupt, and benching and side hill excavation are frequently needed to obtain acceptable horizontal and vertical alignment. Roads where any **five hundred (**500**)** foot segment exceeds **eight percent (**8%**)** in grade are considered Mountainous.

~~(12)~~**K.** Pedestrian Facilities. Sidewalks or walkways are allowed and may be required pursuant to adopted Transportation System Plan policies. Walkways may be provided behind the ditch in the road right-of-way, but only at private expense. Any proposed pedestrian facilities are subject to approval by the County Engineer or designee.

~~(13)~~**L.** Bike Facilities. Where required, paved shoulder widths must accommodate bicycles. See LC 15.**800.060C**~~703(4),~~ Roadway Width requirements, to determine required shoulder widths.

~~(~~Revised by ~~~~Ordinance 10-04, ~~Effective~~ 6.4.04; **Ordinance** 20-09, 12.10.20)

15.800.070~~704~~ – ~~———~~Urban Local Street Standards.

~~(1)~~**A.** Applicability.

~~(a)~~ The Urban Local Street Standards apply to County Roads functionally classified as Local Roads within urban growth boundaries that qualify as one **(1)** or more of the following:

~~(i)~~**1.** Newly constructed Urban Local Streets;

~~(ii)~~**2.** Existing roads being reconstructed to Urban Local Street standards. Roads reconstructed by Lane County for the purpose of repair may be restored to the original or better condition.

~~(iii)~~**3.** Widening of existing Urban Local Streets.

~~(iv)~~**4.** New and reconstructed facilities within the right-of-way.

~~(b)~~**B.** If an existing roadbed fails for a street where these standards apply and the existing road dimensions exceed the minimum standards in this section, reconstruction will restore the road to its existing dimensions.

~~(c)~~**C.** ~~Notwithstanding LC 15.704(1)(a), w~~**W**ithin urban growth boundaries, the applicable design standards of the respective city will apply to County Streets functionally classified as Local Streets. In the absence of city standards, the County's road design standards apply.

~~(2) Diagrams. Diagrams 9 and 10 in LC 15.710 illustrate design configurations for Urban Local Streets.~~

~~(3)~~**B.** Roadway ~~Width~~ and Right-of-Way Width**s**. **In addition to meeting the requirements of Table 11, the right-of-way may include adequate space for the traveled way, pedestrian facilities, bus stops, signs, utilities, and drainage facilities.**

~~**Table 8: Minimum Roadway Width and Right of Way (ROW) Width (Feet)**~~

Table 11: Minimum Roadway Width and Right of Way (ROW) Width (Feet)

Traveled Way	Parking (one side)	Total Roadway Width	ROW – Curbside Sidewalk*	ROW – Setback Sidewalk*
Residential <250 ADT				
16	8	24	45	50
Residential >250 ADT				
20	8	28	50	55
Other				
24	8	32	55	60

~~(a) In addition to meeting the requirements of LC 15.704(3) Table 8, the right-of-way may include adequate space for the traveled way, pedestrian facilities, bus stops, signs, utilities, and drainage facilities.~~

~~(4)~~**C.** Surface Type. The surface type must be pavement.

~~(5)~~**D.** Pavement Structure. Pavement structure design must meet the requirements specified in LC 15.**800.100**~~707~~.

~~(6)~~**E.** Vehicle Travel Lane Width. Local Streets are unstriped, shared roadways with low design speeds and traffic volumes. Therefore, travel lanes are not specified.

~~(7)~~**F.** Curb and Gutter. Curb and gutter is required.

~~(a)~~**1.** Water conveyance capacity in curb and gutter design must be provided by a minimum **eighteen (**18~~-~~**)** inch gutter width.

~~(b)~~**2.** The minimum longitudinal gutter slope is **point three percent (**0.3%**)**.~~——~~

~~(c)~~**3.** The minimum curb height is six **(6)** inches.

~~(8)~~**G.** Sidewalks. Sidewalks on new Urban Local Streets are required and must be constructed at the expense of the developer or abutting property owners and must adhere to the following requirements:

~~(a)~~**1.** Sidewalks are required for reconstructed roads with existing sidewalks. Sidewalks are required for reconstructed roads without existing sidewalks pursuant to Lane County Transportation System Plan.

~~(b)~~**2.** Curbside sidewalks must be at least six **(6)** feet wide.

~~(c)~~**3.** Setback sidewalks must be at least five **(5)** feet wide and be buffered from the street by a planting strip that is at least six **(6)** feet wide.

~~(d)~~**4.** Sidewalks are required to maintain a minimum of **forty-eight (**48**)** inches of unobstructed travel width.

~~(9)~~**H.** Bike Lanes. Because of the low-volume, low-speed character of such streets, Urban Local Streets are shared roadways for bicycles and vehicles. Striped bike lanes are not required.

~~(10)~~**I.** On-Street Parking. If provided, on-street parking is only allowed on one **(1)** side of the street.

~~(~~Revised by ~~~~Ordinance 10-04, ~~Effective~~ 6.4.04; **Ordinance** 20-09, 12.10.20)

15.800.080~~705~~ – ~~~~Rural Local Road Standards.

~~(1)~~**A.** Applicability.

~~(a)~~ The Rural Local Road Standards apply ~~to:~~

~~(i)~~ County Roads functionally classified as Local Roads outside of urban growth boundaries **that are classified as** ~~.~~

~~(ii)~~ Local Access Roads, Private Access Easements, and Public Roads ~~as defined in LC 15.010~~ when such roads serve ~~new development that will generate~~**an** average daily traffic (ADT) of more than **one hundred (**100**)**. **These standards apply to the following:**

~~(b) For the roads listed in LC 15.705(1)(a), Rural Local Road Standards apply to:~~

~~(i)~~**1.** Newly constructed roads.~~;~~

~~(ii)~~**2.** Existing roads being reconstructed to Rural Local Road standards. Roads reconstructed by Lane County for the purpose of repair may be restored to the original or better condition.

~~(iii)~~**3.** New and reconstructed facilities within the right-of-way.

~~(c)~~**4.** If an existing roadbed fails for a road where these standards apply and the existing road dimensions exceed the minimum standards in this section, reconstruction will restore the road to its existing dimensions.

~~(2) Diagrams. Diagram 11 in LC 15.710 illustrates Rural Local Road design configurations.~~

~~(3)~~**B.** Right-of-Way Width.

~~(a)~~**1.** The minimum right-of-way width is **fifty (**50**)** feet.

~~(b)~~**2.** In addition to meeting the requirements of LC 15.**800.080B**~~705(3)(a)~~, the right-of-way may include space for the travel way, rock slopes, utilities, and adequate drainage ditches, including accepted safety standards for ditch foreslopes and backslopes.

~~(4)~~**C.** Roadway Width.

Table ~~9~~12: Minimum Pavement Width (feet)				
Terrain	<100 ADT	100-250	251-400	>400 ADT

Level (See **LC 15.800.080C.1** ~~(a) below~~)	18	20	24	24
Rolling (See **LC 15.800.080C.2** ~~(b) below~~)	18	20	22	24
Mountainous (See **LC 15.800.080C.3** ~~(c) below~~)	18	18	20	22

~~(a)~~**1.** In level terrain, highway sight distance, as governed by both horizontal and vertical restrictions, is generally long or can be made to be so without construction difficulty or major expense. Roads where no **five hundred (**500**)** foot segment exceeds 5% in grade are considered Level.

~~(b)~~**2.** In rolling terrain, natural slopes consistently rise above and below the road or street grade, and occasional steep slopes offer some restriction to normal horizontal and vertical roadway alignment. Roads where any five hundred (500) foot segment exceeds **five percent (**5%**)** in grade but does not exceed **eight percent (**8%**)** in grade are considered rolling.

~~(c)~~**3.** In mountainous terrain, longitudinal and transverse changes in the elevation of the ground with respect to the road are abrupt, and benching and side hill excavation are frequently needed to obtain acceptable horizontal and vertical alignment. Roads where any **five hundred (**500**)** foot segment exceeds **eight percent (**8%**)** in grade are considered Mountainous.

~~(5)~~**D.** Surface Type. Surface type must be pavement.

~~(6)~~**E.** Pavement Structure. Pavement Structure design must meet the requirements specified in LC 15.**800.100**~~707~~.

~~(7)~~**F.** Vehicle Travel Lane Width. Travel lane striping is not required on Rural Local Roads. Rural Local Roads are usually unstriped, shared roadways with low design speeds and traffic volumes. Roadways that are at least **twenty (**20**)** feet wide may be striped with a centerline. Roads that are at least **twenty-two (**22**)** feet wide may be striped with a centerline and fog lines.

~~(8)~~**G.** Shoulders. Road shoulders are not required.

~~(9)~~**H.** Roadway and Ditch Side-slopes.

~~(a)~~**1.** In general, ditch rock slopes and foreslopes no steeper than 4H:1V are required.

~~(b)~~**2.** When existing terrain precludes use of 4H:1V side-slopes, steeper slopes may be constructed if approved by the County Engineer or designee.

~~(c)~~**3.** When slopes steeper than 4H:1V must be used, consideration will be given to the use of a roadside barrier. The standards from the Oregon Highway Design Manual publication cited in LM 15.**040**~~450~~ will be used when it is necessary to review the efficacy of a barrier.

~~(d)~~**4.** The slope rate for cut slopes must be determined by geotechnical analysis or clear zone considerations.

~~(e)~~**5.** Side-slopes should be designed to ensure the stability of the roadway and to provide a reasonable opportunity for recovery of an out-of-control vehicle.

~~(10)~~**I.** Ditch Depth. Ditch depth must be a minimum of one **(1)** foot below the elevation of the roadway subgrade, as measured at the edge of the paved surface.

~~(11)~~**J.** Clear Zone. A minimum **ten (**10**)** feet wide clear zone is required from the edge of the travel lane. The clear zone should be cleared of all unyielding objects such as trees, sign supports, utility poles, light poles, and any other fixed objects that might severely damage an out-of-control vehicle. The County Engineer ~~or designee~~ may waive this requirement where there is roadside barrier protection.

~~(12)~~**K.** Pedestrian Facilities. Sidewalks or walkways are permissible and may be required pursuant to adopted Transportation System Plan policies. Walkways may be provided behind the ditch in the road right-of-way, but only at private expense. Any proposed pedestrian facilities are subject to approval by the County Engineer ~~or designee~~.

~~(13)~~**L.** Bike Lanes. Due to the lower-volume, lower-speed character of Rural Local roads, striped bicycle lanes are not required. Rural Local Roads must have shared travel-ways for bicycle and vehicular movement.

~~(14)~~**M.** On-Street Parking. On-street parking is not allowed.

~~(15)~~**N.** Maximum Grade.

~~(a)~~**1.** Maximum grade is **fifteen percent (**15%**)**.

~~(c)~~**2.** Road grades in excess of **eight percent (**8%**)** require the following:

~~(i)~~**a.** Submit a center line profile prepared for the proposed road by a Professional Engineer licensed in the State of Oregon or Professional Surveyor licensed in the State of Oregon.

~~(ii)~~**b.** The roadway must be designed by a Professional Engineer licensed in the State of Oregon.

(~~Revised by~~ Ordinance 1-75, ~~Effective~~ 3.15.74; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.800.090~~706~~ – ~~———~~Public Road, Local Access Road, and Private Access Easement (Private Road) Standards.

~~(1)~~**A.** General.

~~———(a)——Diagrams 12 and 13 in LC 15.710 illustrate Local Access Road and private access easement design configurations.~~

~~———(b)——~~Pursuant to ~~Oregon Revised Statutes (~~ORS~~)~~ 368.031, the County may spend money on Local Access Road improvements only under limited circumstances, and only by order or resolution by the Board.

~~(2)~~**B.** Applicability. ~~–~~**The standards in this section apply to Public Roads (including Public Roads that have not been accepted by the Board), Local Access Roads, and Private Access Easements (Private Roads) consistent with LC 15.005 as follows:**

~~(a)~~**1. Newly constructed roads.** ~~Notwithstanding LC 15.706(2)(c), the standards in this section apply to the following roads as defined in LC 15.010 when located within Lane County's land use jurisdiction:~~

2. Existing roads that are required to be reconstructed to Local Access Road and Private Access Easement standards.

~~(i) Local Access Roads and Public Roads;~~

~~(ii) Private Access Easements (Private Roads).~~

~~(b) The standards in this section apply to Public Roads and Local Access Roads consistent with the requirements of LC 15.045, and to Private Access Easements consistent with LC 15.055.~~

~~(c)~~**3.** The County may apply a city's standards to the roads listed in LC 15.**800.090B**~~706(2)(a)~~ when such roads are within a city's urban growth boundary.

~~(d)~~**4.** Roads listed in LC 15.**800.090B**~~706(2)(a)~~ serving ~~new development that will generate~~**an** average daily traffic (ADT) of more than **on hundred (**100**)** must meet the requirements ~~specified in~~ **of** LC 15.**800.080**~~705~~ for Rural Local Roads.

~~(e)~~**5.** Driveways that only serve one parcel and are entirely located on the parcel served are not defined as easements and are exempt from the road design standards. Notwithstanding this provision, driveway approaches must meet the applicable requirements of this chapter.

~~(3)~~**C.** Public Roads and Local Access Roads are subject to the minimum right-of-way width specified in **LC** 15.070.

~~(4)~~**D.** Private Access Easement (Private Road) Width.

~~(a)~~**1.** The minimum Private Access Easement width is specified in the following table:

Table ~~10~~13: Minimum Private Access Easement Width		
	1-3 Parcels	4 or More Parcels
Easement Width	30'	40'

~~(b)~~**2.** In addition to meeting minimum width requirements specified in LC 15.**800.090C** ~~706(3)~~ **&and LC 15.800.090D** ~~(4)(a) above,~~ ~~,~~ the right-of-way and easement must include adequate land for the proposed travel area, rock slopes, utilities, drainage facilities, and any signs.

~~(c)~~**3.** Notwithstanding LC 15.**800.090D.1**~~706(4)(a)~~, a pre-existing easement of at least **twenty (**20**)** feet in width and serving a property created in its present configuration prior to April 28, 2004, is allowable provided it complies with other requirements of this chapter.

~~(5)~~**E.** Roadway Width. The minimum width is specified in the following table:

Table 1~~4~~1: Minimum Roadway Width		
	1-3 Parcels	4 or More Parcels
Total Travel Width	12'	18'

~~(6)~~**F.** Vehicle Passage Turnouts.

~~(a)~~**1.** Vehicle passage turnouts are required for all roads governed by this section with a travel surface less than **sixteen (**16**)** feet in width and in excess of **two hundred (**200**)** feet in length.

~~(b)~~**2.** Turnouts must be spaced a maximum distance of **four hundred (**400**)** feet apart, or less if visibility is limited.

~~(c)~~**3.** Turnouts must provide a minimum roadway width of **twenty (**20**)** feet for a distance of **thirty (**30**)** feet to adequately allow the passage of two **(2)** vehicles. The roadway width must be

tapered for a distance of **fifteen (**15**)** feet before and after the **thirty (**30**)** feet length of the turnout.

~~(d) Diagram 14 in LC 15.710 illustrates turnout specifications.~~

~~(7)~~**G.** Surface Type.

~~(a)~~**1.** The surface type can be gravel or pavement. Gravel with oil mat is permitted.

~~(b)~~**2.** Roadway extensions must match the surface type of the existing road that is being extended.

~~(8)~~**H.** Surface Structure.

~~(a)~~**1.** Road surface depths and structure are specified in the following table:

Table ~~12~~15: Roadway Surface Depth and Structure

	1-3 Parcels	4 or More Parcels
	Gravel Roads/Oil Mat	
Driving Surface - ¾"-0 Rock (compacted gravel)*	2"	2"
Sub-Surface Depth (compacted gravel)	6"	10"
	Paved Roads	
AC	3"	3"
Base	8"	10"

* 1"-0 rock is acceptable if used for the entire depth of gravel.

~~(b)~~**2.** Minimum surface depth requirements are exclusive of oil mat treatment.

~~(c)~~**3.** When such roads are paved, if a pavement structure design less than the minimum standards specified in ~~LC 15.706(8)(a)~~**Table 15** is proposed, it must be substantiated by testing pursuant to **LC 15.800.100 Pavement Structure.**~~the requirements specified in LC 15.707(2)(a through f) and LC 15.707(3) & (4).~~

~~(9)~~**I.** Vehicle Travel Lane Width. Travel lanes are not specified on Local Access Roads, Public Roads, or Private Access Easement roads.

~~(10)~~**J.** Roadway and Ditch Side-slopes.

~~(a)~~**1.** Ditch rock slopes and foreslopes no steeper than 3H:1V are required; however, when existing terrain precludes use of 3H:1V side-slopes, steeper slopes may be constructed if approved by the County Engineer or designee.

~~(b)~~**2.** When slopes steeper than 3H:1V must be used, consideration will be given to the use of a roadside barrier. The standards from the Oregon Highway Design Manual publication cited in LM 15.**040**~~450~~ must be used when it is necessary to review the efficacy of a barrier.

~~(c)~~**3.** The slope rate for cut slopes with a vertical height greater than six **(6)** feet must be determined by geotechnical analysis and clear zone considerations.

~~(d)~~**4.** Side-slopes should be designed to ensure the stability of the roadway and to provide a reasonable opportunity for recovery of an out-of-control vehicle.

~~(11)~~**K.** Curb and Gutter. Curb and gutter are not required.

~~(12)~~**L.** Clear Zone. A minimum two~~-~~ **(2)** foot wide clear zone is required from the edge of the travel lane on private roads and ten-**(10)** foot minimum on local access roads.

~~(13)~~**M.** On-Street Parking. On-street parking is prohibited.

~~(14)~~**N.** Maximum Grade.

~~(a)~~**1.** Maximum grade is **sixteen percent (**16%**)**. A maximum grade of **twenty percent (**20%**)** is allowable for spans of up to **one hundred (**100**)** feet on a straight tangent when topographic conditions make lesser grades impractical.

~~(b)~~**2.** Grades that exceed **sixteen percent (**16%**)** must be paved.

~~(c)~~**3.** Road grades in excess of **eight percent (**8%**)** require the following:

~~(i)~~**a.** Submit a center line profile prepared for the proposed road by a Professional Engineer licensed in the State of Oregon or a Professional Surveyor licensed in the State of Oregon.

~~(ii)~~**b.** The roadway must be designed by a Professional Engineer licensed in the State of Oregon.

~~(iii)~~**c.** Submit objective evidence demonstrating that road grades in excess of **eight (**8%**)** are adequate for fire~~-~~fighting equipment of the agency providing fire protection to access the use and water supply.

~~(~~Revised by ~~~~Ordinance 10-04, ~~Effective ~~6.4.04; **Ordinance** 20-09, 12.10.20)

15.800.100~~707~~ ~~–~~ ~~———~~Pavement Structure.

A single minimum pavement structure design standard cannot be established due to varying factors that affect the structural design of the roadway such as soil type, ADT, truck traffic, and axle configurations. The following requirements are intended to ensure sound engineering practice and road integrity.

~~(1)~~**A.** The requirements in LC 15.**800.100B**~~707(2)~~ through **LC 15.800.100D**~~(4)~~ apply to the following roads:

~~(a)~~**1.** Arterials and Collectors~~ as described in LC 15.020~~;

~~(b)~~**2.** Local Roads, when the ADT on such roads is **four hundred (**400**)** or more;

~~(c)~~**3.** Local Roads, when the ADT on such roads is **three hundred ninety-nine (**399**)** or less, where truck traffic exceeds **ten percent (**10%**)** of total traffic.

~~(2)~~**B.** Developers must perform a pavement structure needs analysis and propose a section that is adequate to support the expected traffic. The AASHTO design procedures must be used to determine the needed pavement structure, but, at a minimum, the analysis must show the following:

~~(a)~~**1.** The analysis must be completed by a Professional Engineer licensed in the State of Oregon with expertise in pavement analysis.

~~(b)~~**2.** Determine the design life: establish a minimum remaining useful design life of road segment based on current background traffic projected into the future; and establish the remaining useful design life of road segment with proposed development traffic added. If development contains implementation phases, determine remaining design life at each phase.

~~(c)~~**3.** Recommend additional pavement structure needed, if any, to support proposed new development, and recommend timing for additional pavement to be placed. For example, prior to new development, prior to beginning operations, or estimated year.

~~(d)~~**4.** Subgrade soil type and strengths as measured by the R-value, California Bearing Ratio (CBR) method, or Resilient Modulus test.

~~(e)~~**5.** Projected traffic characteristics including ADT, truck percentage, and axle configurations of each truck type, and annual average traffic growth rate.

~~(f)~~**6.** Design coefficients in the AASHTO design calculations.

~~(g)~~**7.** Proposed asphalt concrete (AC) depth and crushed base aggregate thickness must meet minimums as shown in Table ~~13~~**16**.

~~(3)~~**C.** The analysis and design proposals are subject to approval by the County Engineer or designee.

~~(4)~~**D.** Paving material must be asphalt concrete. The use of alternative paving materials such as Portland cement concrete may be used only if approved through the design deviation approval process pursuant to LC 15.**800.130**~~709~~.

~~(5)~~**E.** The minimum pavement standards in LC 15.**800.100F**~~707(6)~~ apply to Local Roads when existing ADT is less than **four hundred (**400**)**, or projected ADT is less than **four hundred (**400**)** when new development subject to land use approval pursuant to LC Chapter 14 is proposed.

~~(6)~~**F.** The roads specified in LC 15.**800.100E**~~707(5)~~ must be developed according to the requirements in ~~the T~~table **16**~~below~~.

Table ~~13~~16: Minimum Pavement Structure for Roads Specified in LC 15.800.100E~~707(5)~~		
Land Use	Residential	Other
AC	4”	4”
Base	12”	15”

~~(7)~~**G.** The developer is responsible for all pavement structure testing requirements.

~~(~~Revised by ~~~~Ordinance 10-04, ~~Effective~~ 6.4.04; **Ordinance** 20-09, 12.10.20)

15.800.110~~708~~ – ~~———~~Turnaround Areas.

~~(1)~~**A.** Turnarounds are required on dead-end roads over **two hundred (**200**)** feet in length. If insufficient right-of-way exists to construct a turnaround to the required specifications, a temporary, non-exclusive easement dedicated to the public will be required on the property to be developed or other property where the turnaround will be located, to provide for improvement and maintenance of the required turnaround area. The easement may be removed when and if the road is extended.

~~(a)~~**1.** Cul-de-sacs. A cul-de-sac is a "bulb"-shaped design at the closed end of a dead-end road that allows vehicles to turn around without backing up. ~~Diagram 6 in LC 15.710 illustrates the cul-de-sac design standard.~~

~~(i)~~**a.** Cul-de-sacs must have a minimum **thirty-six (**36**)** foot improved surface turning radius with sufficient right-of-way to provide improvements matching those of the intersecting road, except that bicycle facility improvements are not required within the cul-de-sac.

~~(ii)~~**b.** The minimum radii of the intersecting road and cul-de-sac turnaround is **twenty (**20**)** feet.

~~(iii)~~**c.** Other designs will be considered provided they allow for **forty (**40**)** foot long, single turning axis emergency vehicles to turn around without backing up.

~~(iv)~~**d.** The road intersecting the cul-de-sac must meet the applicable road design standards for its functional classification.

~~(b)~~**2.** Hammerhead Turnarounds. Hammerhead turnarounds consist of a "three **(3)** ~~-~~legged" road design generally shaped like a "T" at the closed end of a dead-end road, that allows vehicles to turn around with minimal backing up. ~~Diagram 7 in LC 15.710 illustrates minimum dimensions required for hammerhead turnarounds.~~

~~(i)~~**a.** The hammerhead turnaround area extends from an intersecting dead-end road and may include a driveway as one of the three road legs. No gate or fencing is allowed across the driveway within the turnaround area.

~~(ii)~~**b.** Hammerhead turnarounds must be designed to allow large emergency equipment to negotiate a maximum three **(3)~** point turn on dead-end roads.

~~(iii)~~**c.** One of the following combinations of road width and radius dimensions must be used:

(~~aa~~**1**) The "T" at the terminus of the hammerhead must be a minimum **one hundred (**100**)** feet in length. Each of the three **(3)** legs must be a minimum **twenty (**20**)** feet in width, and the radii of the intersecting road and hammerhead must be **thirty (**30**)** feet; or

(~~bb~~**2**) The "T" at the terminus of the hammerhead must be a minimum **one hundred fifteen (**115**)** feet in length. Each of the three **(3)** legs must be a minimum **twelve (**12**)** feet in width, and the radii of the intersecting road and hammerhead must be **fifty (**50**)** feet; or

(~~cc~~**3)** Other designs will be considered provided they allow for three **(3)** ~~-~~point turnarounds by **forty (**40**)** feet long, single axle emergency vehicles.

~~(iv)~~**d.** The road intersecting the hammerhead turnaround must meet the applicable standards for its functional classification. The hammerhead road surface must match the surface of the intersecting road and have adequate right-of-way to provide improvements matching those of the intersecting road, except that bicycle facility improvements are not required in the hammerhead turnaround.

~~(~~Revised by ~~~~Ordinance 10-04, ~~Effective~~ 6.4.04; **Ordinance** 20-09, 12.10.20)

15.~~139~~800.120 – ~~———~~Standards for Culverts and Private Approaches on County Roads.

The following standards apply to private access easement road approaches and driveway approaches within County Road rights-of-way.

~~(1)~~**A.** The minimum and maximum approach and culvert sizing requirements are as follows:

~~(a)~~**1.** The minimum approach width at the intersection of the approach with the County Road Right-of-Way as defined in LC 15.010 is **sixteen (**16**)** feet for Rural Arterials and Collectors; and

~~(b)~~**2.** **Twelve (**12**)** feet for Rural Local Roads.

~~(c)~~**3.** **Twenty (**20**)** feet minimum for access to two **(2)** or more properties or whenever ingress and egress is intended for multiple users. A guest house does not qualify as shared access.

~~(d)~~**4.** The maximum approach width is **thirty (**30**)** feet for residential use and **thirty-five (**35**)** feet for other uses.

~~(d)~~**5.** The minimum radius is **ten (**10**)** feet.

~~(f)~~**6.** Minimum Side-slopes must be no steeper than 3H:1V for Local Roads and no steeper than 4H:1V for any new construction or reconstruction requiring a new culvert on Arterials and Collectors. Sloped end culverts are required on aprons with 4H:1V slopes.

~~(g)~~**7.** Approaches must be constructed with either asphalt concrete or Portland cement concrete unless connecting to a gravel public road. Construction of a concrete approach will require that the County conduct an inspection of the concrete forms prior to placement of the concrete approach.

~~(h)~~**8.** Culverts must be a minimum of **twelve (**12**)** inches inside diameter and:

~~(i)~~**a.** ~~a~~ **A** minimum of **thirty-two (**32**)** feet in length for Arterials and Collectors; and

~~(ii)~~**b.** ~~a~~ **A** minimum of **twenty-eight (**28**)** feet in length for Local Roads.

~~(iii)~~**c.** A larger pipe diameter size is required when necessary to provide adequate conveyance capacity for a **ten (**10~~-~~**)** year design storm event. A longer pipe length will be required if a wider driveway apron is approved or terrain or ditch depth dictates.

~~(2)~~**B.** Sloped end culverts are required if the road facility in the area has been upgraded to include sloped end culverts and as required in **LC** 15.**800.120A.6**~~139(1)(f)~~. Side slopes must match side slopes of the road.

~~(3)~~**C.** The County may specify additional requirements for the purpose of enhancing safety, traffic flow, road maintenance, and to minimize surface flow of water and debris onto the Public Roadway, such as in the case of uphill approaches.

~~(4)~~**D.** Approaches must be designed and constructed to place the approach, including radius, entirely within the frontage of the private property boundary unless it is necessary for safe ingress and egress.

~~(~~Revised by ~~~~Ordinance 10-04, ~~Effective~~ 6.4.04; **Ordinance** 20-09, 12.10.20)

15.800.130~~709~~ – ~~———~~Deviations ~~F~~from Design Standards ~~and Facility Permit Requirements~~.

~~(1)~~**A.** Applicability. Deviations may be sought from the minimum Road Design Standard requirements specified in LC 15**.800**~~.700 through LC 15.708, and from the Facility Permit requirements in LC 15.205 through LC 15.210 pursuant to this section~~ **in the following instances:**~~.~~

~~(a)~~**1.** Deviations may be sought based upon **any of** the following considerations:

~~(i)~~**a.** Design requirements would result in the need for a Variance to a requirement of other sections of Lane Code if the deviation is not granted;

~~(ii)~~**b.** Design requirements would result in an inconsistency with other requirements of Lane Code if the deviation is not granted;

~~(iii)~~**c.** Topography or slope constraints;

~~(iv)~~**d.** Proximity of existing homes/structures;

~~(v)~~**e.** Presence of existing significant trees or other vegetation;

~~(vi)~~**f.** The presence of a significant natural resource constraint including the presence of:

(~~aa~~**1**) wetlands designated in the National Wetlands Inventory;

(~~bb~~**2**) wildlife habitat for sensitive, threatened, or endangered species listed in a federal, state, or local inventory;

(~~cc~~**3**)riparian vegetation within a riparian setback area specified in LC **Chapter 16**~~16.253(2)~~;

(~~dd~~**4**) areas within the floodway as designated on federal floodplain maps;

(~~ee~~**5**) other significant natural resource areas if designated on an adopted local natural resource inventory.

~~(vii)~~**g.** Historic resources listed in an adopted state or local inventory or officially designated as a state or federal historic landmark;

~~(viii)~~**h.** Insufficient right-of-way, and inability to obtain additional right-of-way;

~~(i~~~~x.~~~~)~~ Adopted Board decisions, including those found in project specific Design Concept and Findings documents;

~~(b)~~**2.** Deviations must not compromise safety and sound engineering practices.

~~(c)~~**3.** A request for a deviation will not be permitted if the standards in question are required as a condition of approval of a land use decision. In that case, the process outlined in LC Chapter 14 for requesting a modification or appeal of the land use decision will be necessary.

~~(2)~~**B.** Procedure for Reviewing a Deviation Request. The following process must be followed when a deviation to the facility permit or design standards is sought.

~~(a)~~**1.** Preliminary Assessment. The purpose of the preliminary assessment is to determine the validity of the deviation request based upon applicability requirements and considerations specified in LC 15.**800.130A**~~709(1)~~. A preliminary assessment meeting with Public Works staff may be required to ensure that the applicant understands the design standard deviation request process, and to ensure that County staff understand the nature of the requested design standard deviation.

~~(b)~~**2.** Application.

~~(i)~~**a.** After any required preliminary assessment has been completed, an application for a design standard deviation may be submitted for review with the applicable fee. Supporting materials must demonstrate consistency with requirements in LC 15.**800.130B.3**~~709(2)(c) below~~.

~~(ii)~~**b.** Public Works Engineering Division staff will review the application for completeness. If additional information is needed from the applicant, the County will request the information in writing within **fourteen (**14**)** days of application and fee submittal.

~~(iii)~~**c.** Additional materials may be requested of the applicant, including written information to address issues of concern that may be related to the request.

~~(iv)~~**d.** Supplemental documentation may be required depending on site-specific circumstances as determined by the County Engineer~~ or designee~~, as follows:

(~~aa~~**1**) Traffic and Crash Experience Analysis~~—~~**.** The level of information and analysis must be sufficient to document that the proposed design deviation will not significantly affect safety.

(~~bb~~**2**) Impacts on regulated natural resources~~—~~**.** Documentation must be of sufficient detail to determine potential impacts on regulated water and wildlife resources such as wetlands, aquifers, fish bearing water bodies, and species listed as threatened or endangered on federal or state inventories, if the deviation is approved. Any required permits from federal, state and local agencies must be obtained prior to initiation of construction if the deviation is granted.

(~~cc~~**3**)Costs~~—~~**.** The analysis must be of sufficient detail to compare project costs with and without the proposed design standard deviation(s).

(~~dd~~**4**) Proposed Mitigation~~—~~**.** Propose potential mitigation measures, how they would be implemented, and the time~~-~~line for implementation, to off-set potential safety reductions of the proposed design deviation.

(~~ee~~**5**) Site plans~~—~~**.** ~~s~~**S**howing previous lot configurations, structures or development.

~~(v)~~**e.** If additional information is requested from the applicant, it must be submitted within **thirty (**30**)** days from the date the request for additional information was mailed.

~~(c)~~**3.** Requirements for Granting a Deviation.

~~(i)~~**a.** The safety and function of the road system cannot be compromised by the proposed deviation, based upon accepted engineering practices;

~~(ii)~~**b.** The deviation cannot significantly increase maintenance costs;

~~(iii)~~**c.** The deviation will not result in an inconsistency with other standards found in Lane Code; and

~~(iv)~~**d.** The deviation, if approved, will not result in the need for a Variance to any other applicable Lane Code requirement; or

~~(v)~~**e.** The deviation is for a project initiated by the County and the Board recommends the deviation.

~~(d)~~**4.** Review and Decision.

~~(i)~~**a.** As necessary, a deviation review committee will convene to review the design standard deviation request. As appropriate, the committee may consist of representatives from agencies within and outside the County with jurisdiction in the area of the request. The committee will make a recommendation to the County Engineer ~~or designee~~ whether to accept, deny, or modify the request. The recommendation will be based upon requirements of LC 15.**800.130B.3.**~~709(2)(c).~~

~~(ii)~~**b.** The County Engineer ~~or designee~~ will review the deviation request and make a decision in writing and mail the decision to the applicant within **thirty (**30**)** days from the date the application is deemed complete. If there is a committee review of the deviation request, the County Engineer ~~or designee~~ will make a decision in consideration of the committee's recommendation.

~~(iii)~~**c.** The County may assign conditions and require mitigation to ensure the continued safe and efficient operation of the road system if the request for a deviation is granted.

~~(e)~~**5.** ~~Reconsiderations and~~ Appeals.

~~(i) The applicant may appeal the initial County Engineer decision to the Director. Appeals must be in writing and submitted with the applicable fee. Appeals must be submitted within 30 days of the date the decision was mailed to the applicant.~~

~~(ii) Appeals must be submitted with written arguments and supporting materials explaining how the County erred in its conclusions that the requirements of LC 15.709(2)(c) have not been met, or erred in assigning conditions to ensure safe and efficient operation of the road.~~

~~(iii) Upon receipt of the appeal, the County Engineer or designee may decide to reconsider the decision. Reconsideration must be reviewed and acted upon within 14 days of receipt of the request. If the County Engineer or designee decides not to reconsider the decision, the appeal is then reviewed and acted upon by the Director within 30 days of receipt of the request.~~

~~(iv) Further a~~**A**ppeals are directed to the Board. Appeals to the Board will be heard at a regularly scheduled Board meeting no later than **sixty (**60**)** days after the appeal is filed. The appeal must be filed with the applicable fee and presented to the Board by Department staff in a written report of relevant facts according to the County Administrative Procedures Manual and Process ~~For~~ **for** Submitting Agenda Items ~~For~~ **for** Consideration ~~At~~ **at** Board Of County Commissioners' Meetings. The appellant will have an opportunity to present information at the Board meeting.

~~(3)~~**C.** Applications must be properly submitted and approved by the County prior to incorporation of design features into final project plans and related documents. Any required conditions of approval and mitigation must be incorporated into final project plans and related documents.

~~(~~Revised by ~~~~Ordinance 10-04, ~~Effective~~ 6.4.04; **Ordinance** 20-09, 12.10.20)

~~15.710 Road Design Standard Diagrams.~~

~~The Road Design Standard Diagrams found in this section illustrate the requirements of LC 15.700 through LC 15.708. The text in LC 15.700 through 15.708 supersedes the diagrams if an inconsistency exists or if an interpretation is needed. (Revised by Ordinance 1-75, Effective 3.15.75; 10-04, 6.4.04; 20-09, 12.10.20)~~

Diagram 1

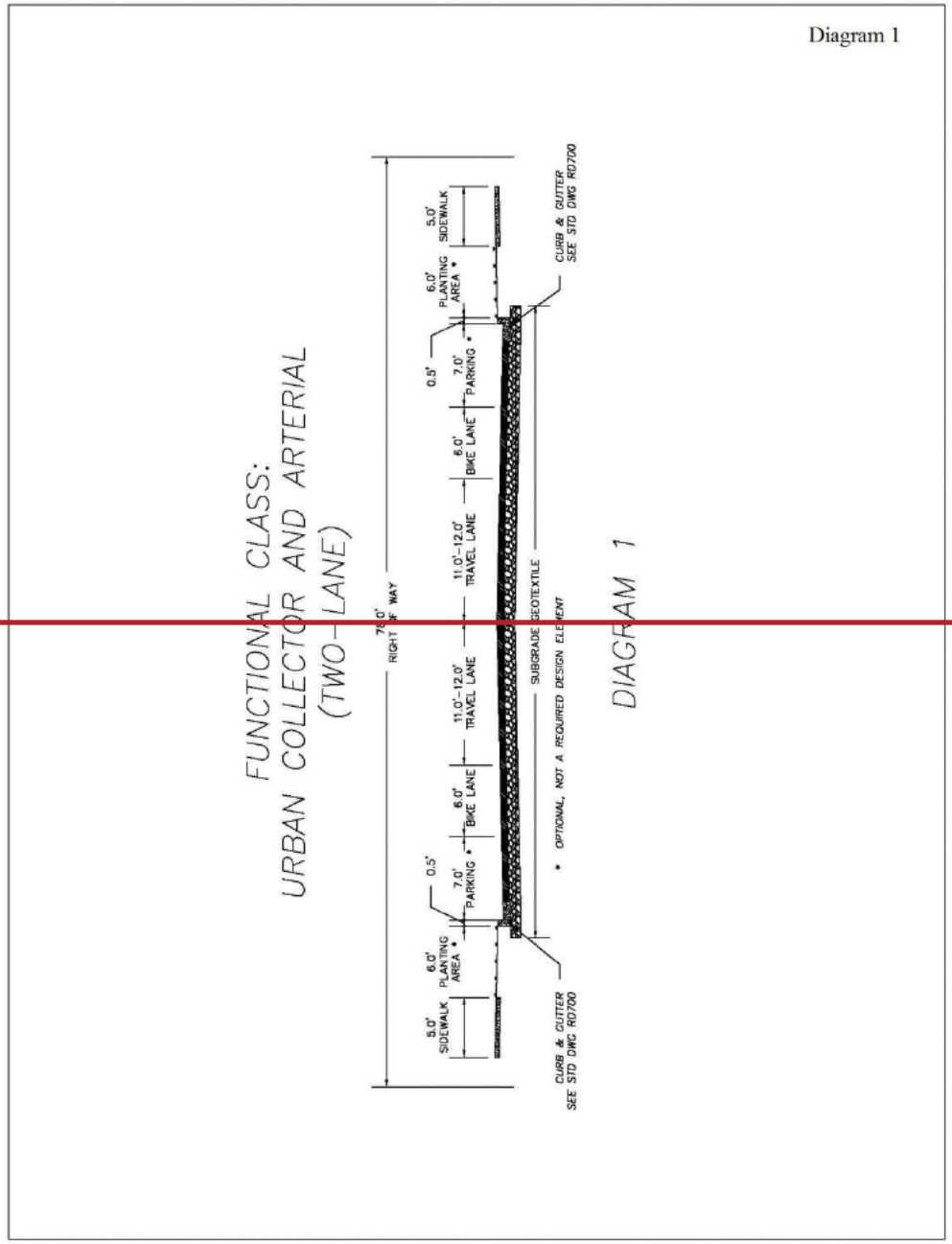


Diagram 2

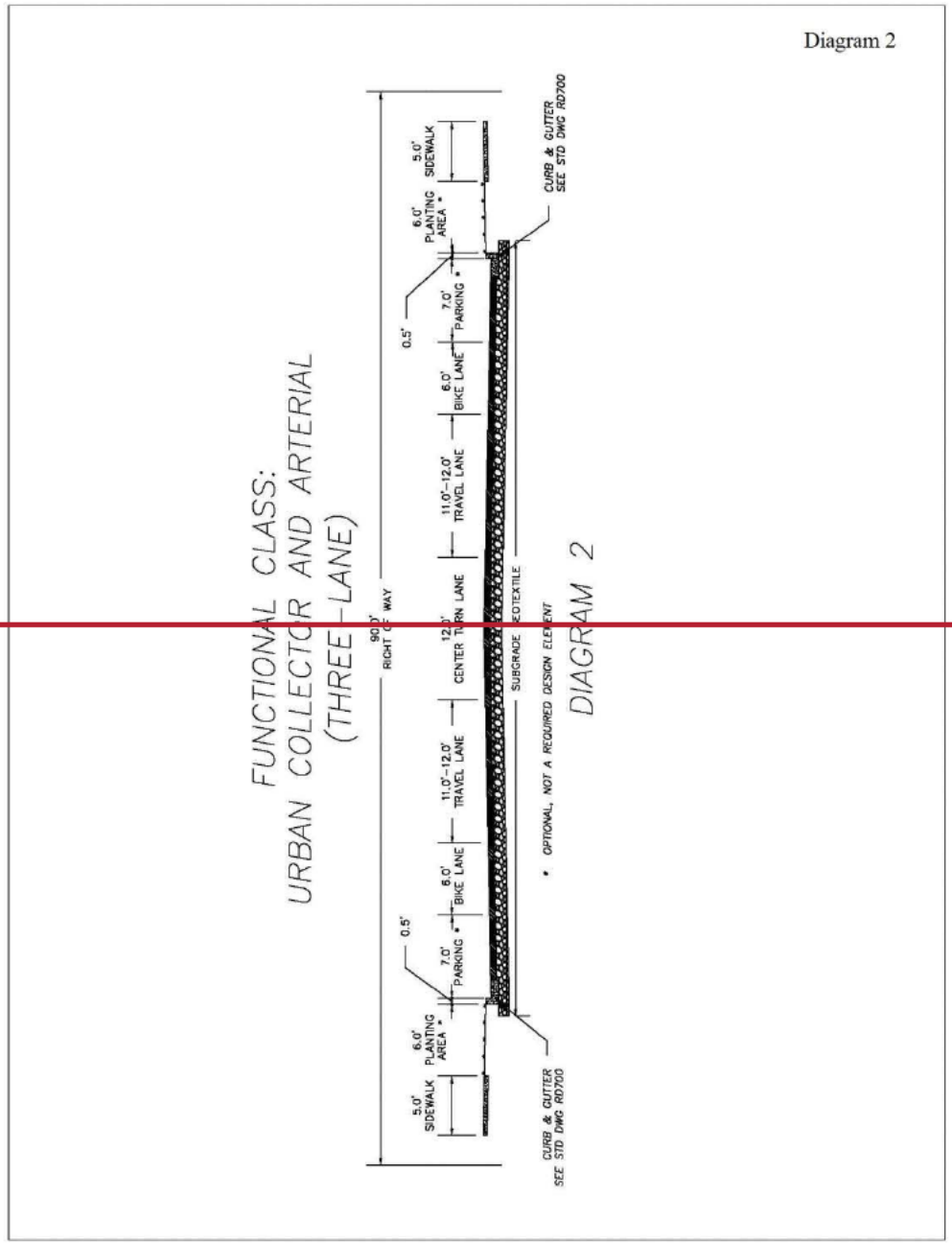

FUNCTIONAL CLASS:
URBAN COLLECTOR AND ARTERIAL
(THREE LANE)
DIAGRAM 2
90.0'
RIGHT OF WAY
0.5'
7.0'
PARKING
6.0'
BIKE LANE
11.0'-12.0'
TRAVEL LANE
12.0'
CENTER TURN LANE
11.0'-12.0'
TRAVEL LANE
6.0'
BIKE LANE
7.0'
PARKING
0.5'
6.0'
PLANTING AREA
5.0'
SIDEWALK
SUBGRADE
GEOTEXTILE
* OPTIONAL, NOT A REQUIRED DESIGN ELEMENT
CURB & GUTTER
SEE STD DWG RD700

Diagram 3

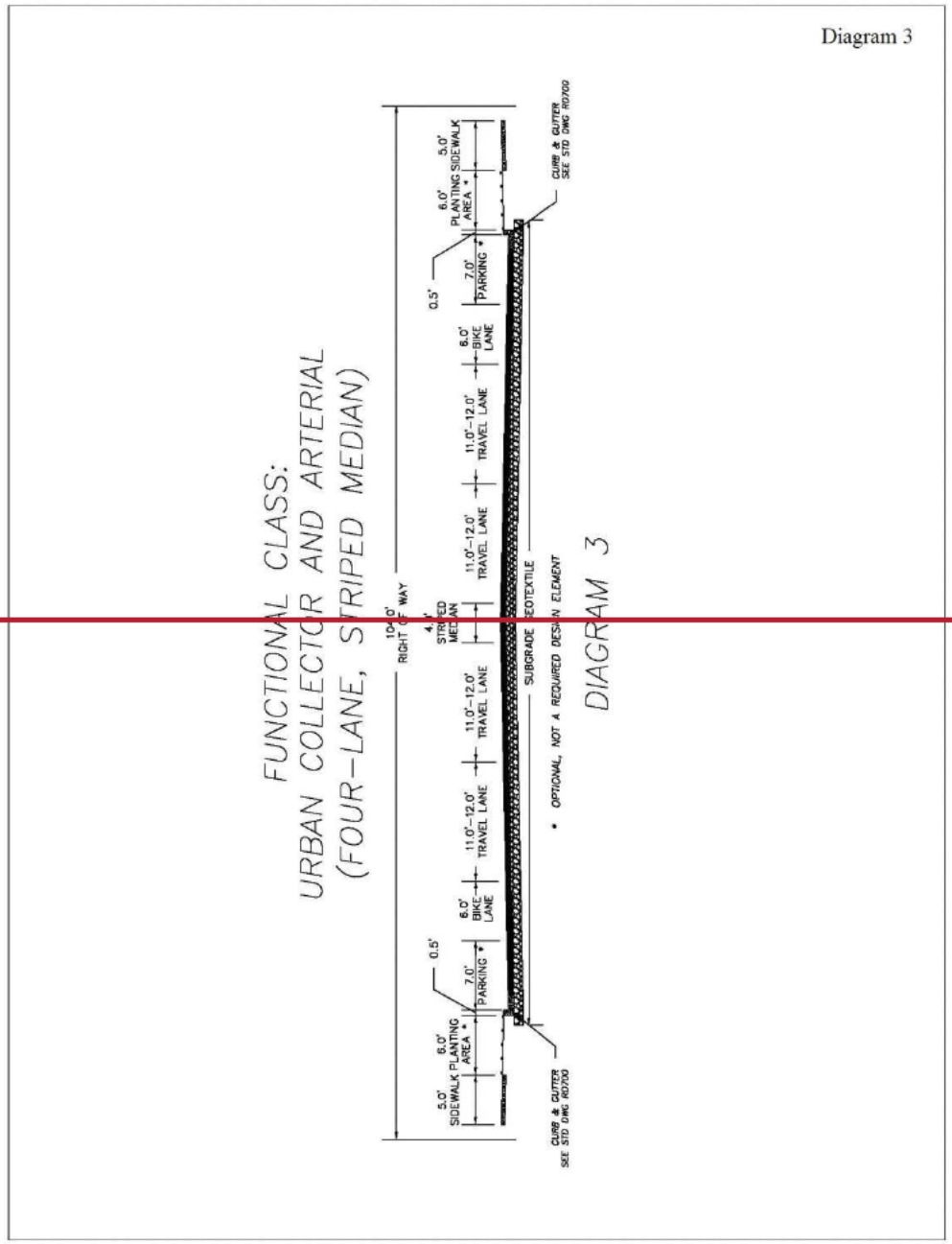

FUNCTIONAL CLASS:
URBAN COLLECTOR AND ARTERIAL
(FOUR-LANE, STRIPED MEDIAN)
DIAGRAM 3
100' RIGHT OF WAY
4' STRIPED MEDIAN
11.0'-12.0' TRAVEL LANE
6.0' BIKE LANE
7.0' PARKING *
0.5'
6.0' PLANTING AREA *
5.0' SIDEWALK
CURB & GUTTER SEE STD DWG RD700
SUBGRADE GEOTEXTILE
* OPTIONAL, NOT A REQUIRED DESIGN ELEMENT

Diagram 4

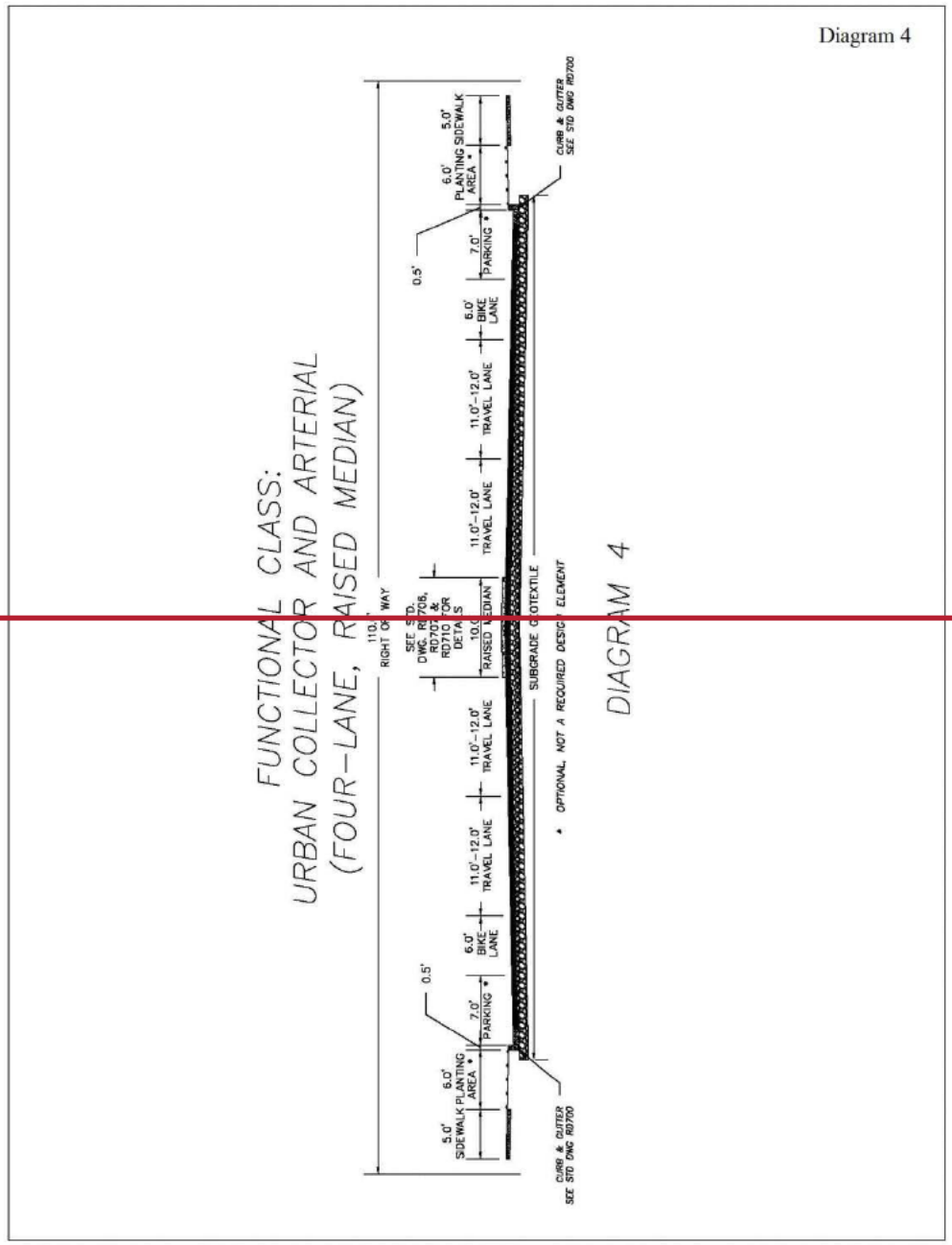
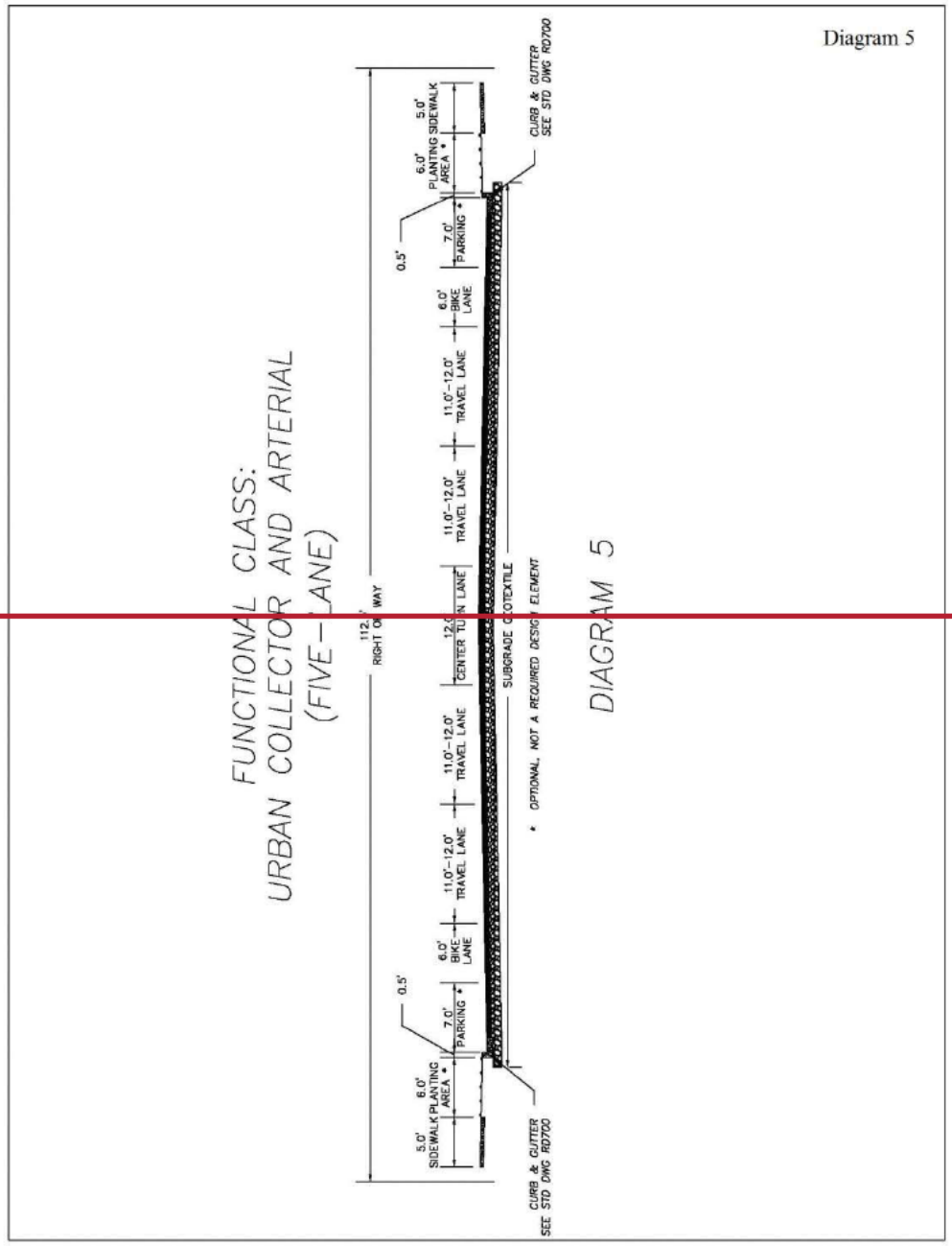

FUNCTIONAL CLASS:
URBAN COLLECTOR AND ARTERIAL
(FOUR-LANE, RAISED MEDIAN)
DIAGRAM 4
110.' RIGHT OF WAY
5.0' SIDEWALK
6.0' PLANTING AREA *
0.5'
7.0' PARKING *
6.0' BIKE LANE
11.0'-12.0' TRAVEL LANE
11.0'-12.0' TRAVEL LANE
RAISED MEDIAN
11.0'-12.0' TRAVEL LANE
11.0'-12.0' TRAVEL LANE
6.0' BIKE LANE
7.0' PARKING *
0.5'
6.0' PLANTING AREA *
5.0' SIDEWALK
CURB & GUTTER SEE STD DWG RD700
CURB & GUTTER SEE STD DWG RD700
SEE STD. DWG. RD706, RD707 & RD710 FOR DETAILS
SUBGRADE GEOTEXTILE
* OPTIONAL, NOT A REQUIRED DESIGN ELEMENT

Diagram 5


FUNCTIONAL CLASS:
URBAN COLLECTOR AND ARTERIAL
(FIVE-LANE)
DIAGRAM 5
112' RIGHT OF WAY
5.0' SIDEWALK
6.0' PLANTING AREA *
0.5'
7.0' PARKING *
6.0' BIKE LANE
11.0'-12.0' TRAVEL LANE
12.0' CENTER TURN LANE
SUBGRADE GEOTEXTILE
* OPTIONAL, NOT A REQUIRED DESIGN ELEMENT
CURB & GUTTER SEE STD DWG RD700

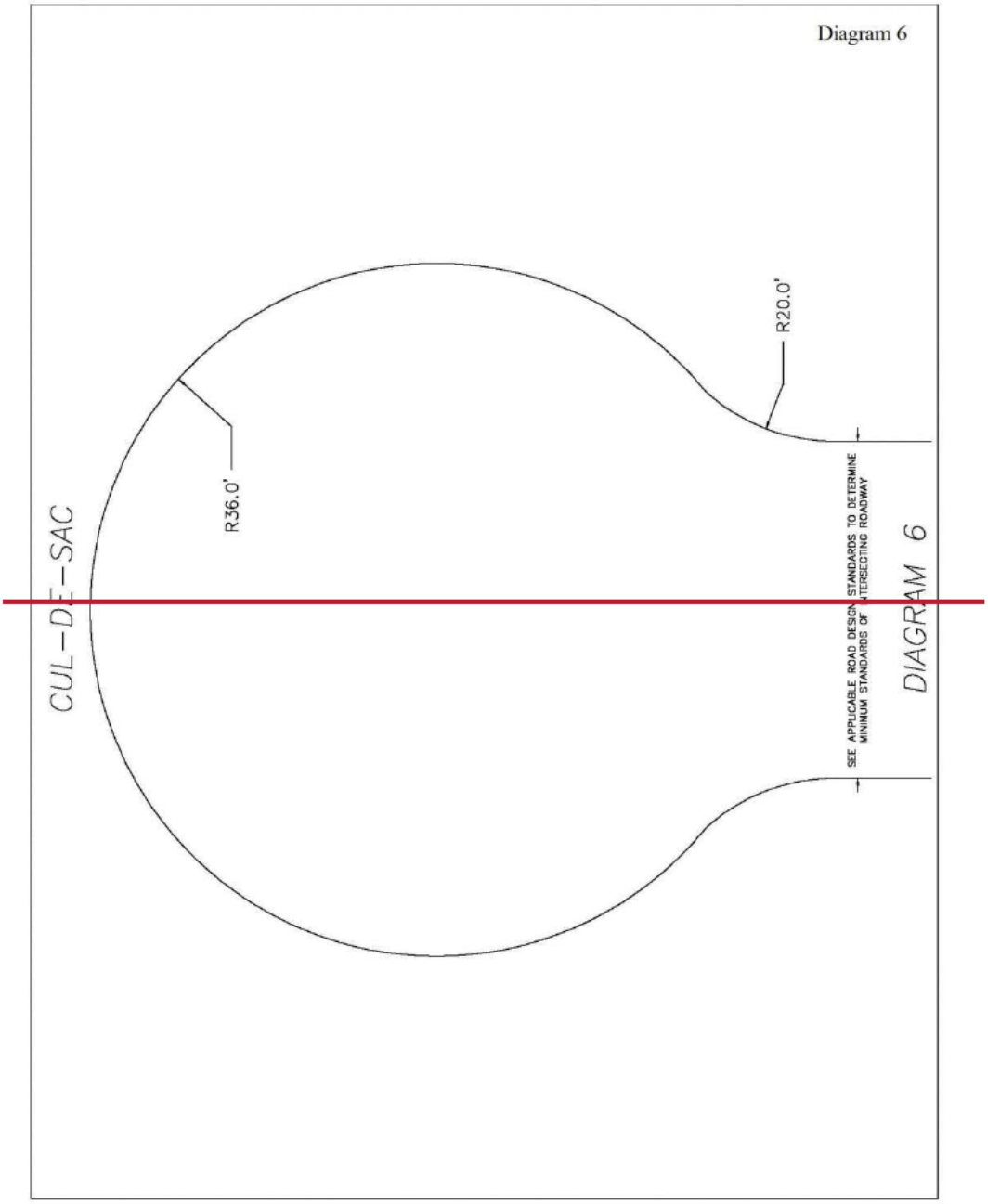


Diagram 6
R20.0'
R36.0'
CUL-DE-SAC
SEE APPLICABLE ROAD DESIGN STANDARDS TO DETERMINE MINIMUM STANDARDS OF INTERSECTING ROADWAY
DIAGRAM 6

Diagram 7

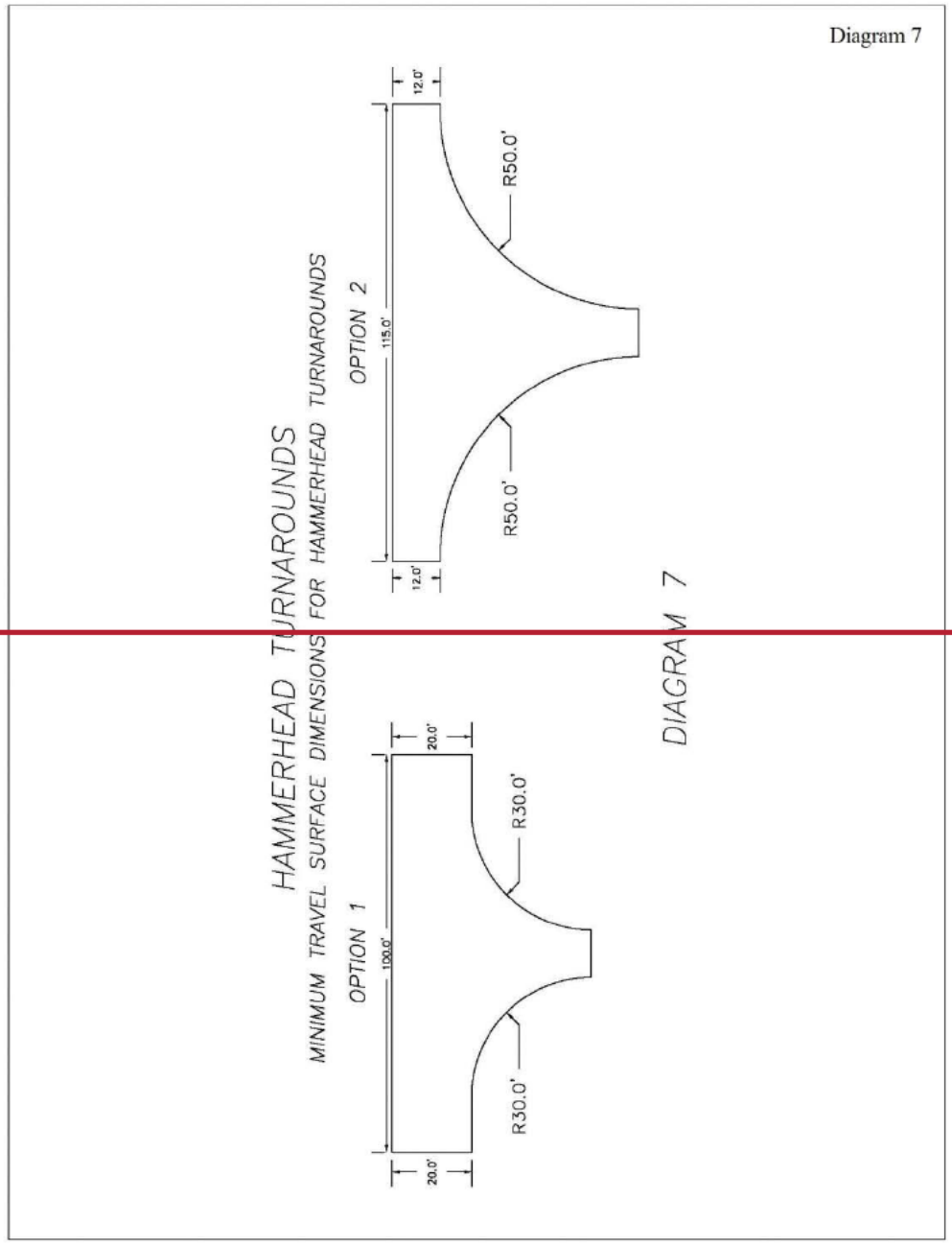

HAMMERHEAD TURNAROUNDS
MINIMUM TRAVEL SURFACE DIMENSIONS FOR HAMMERHEAD TURNAROUNDS
OPTION 1
100.0'
20.0'
20.0'
R30.0'
R30.0'
OPTION 2
115.0'
12.0'
12.0'
R50.0'
R50.0'
DIAGRAM 7

Diagram 8

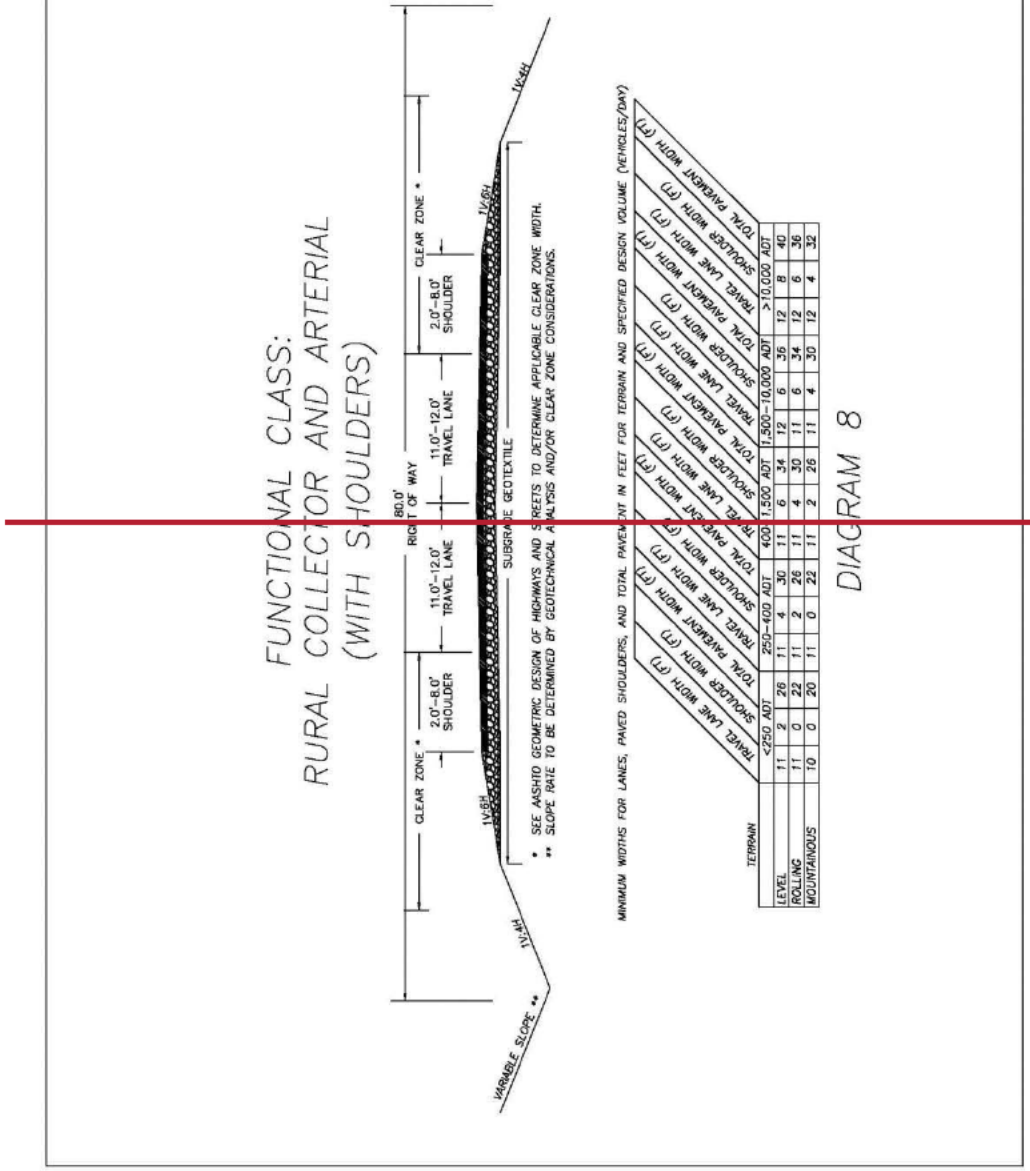
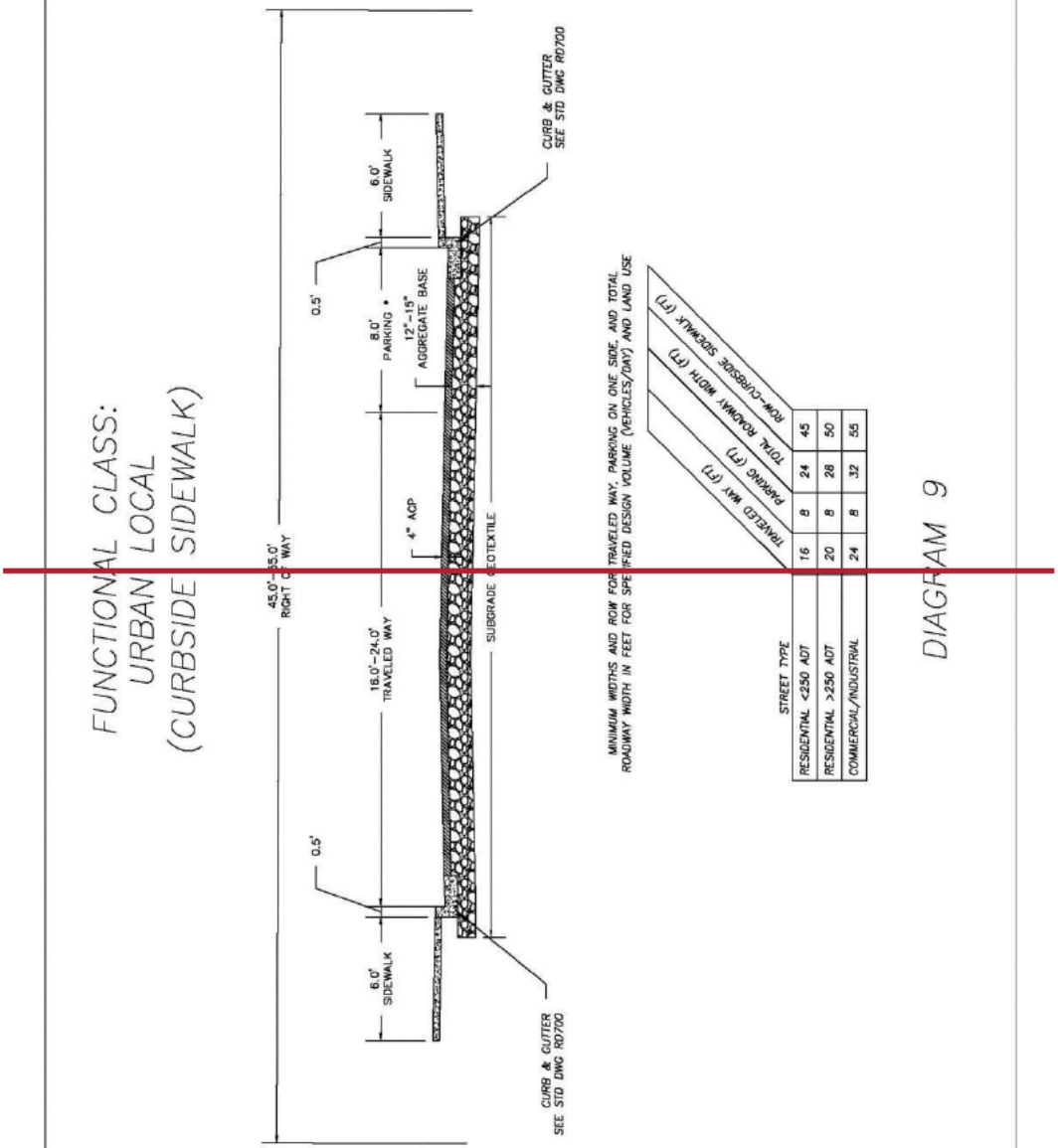

FUNCTIONAL CLASS:
RURAL COLLECTOR AND ARTERIAL
(WITH SHOULDERS)
CLEAR ZONE *
2.0'-8.0' SHOULDER
11.0'-12.0' TRAVEL LANE
80.0' RIGHT OF WAY
11.0'-12.0' TRAVEL LANE
2.0'-8.0' SHOULDER
CLEAR ZONE *
1V:6H
1V:4H
SUBGRADE
GEOTEXTILE
VARIABLE SLOPE **
* SEE AASHTO GEOMETRIC DESIGN OF HIGHWAYS AND STREETS TO DETERMINE APPLICABLE CLEAR ZONE WIDTH.
** SLOPE RATE TO BE DETERMINED BY GEOTECHNICAL ANALYSIS AND/OR CLEAR ZONE CONSIDERATIONS.
MINIMUM WIDTHS FOR LANES, PAVED SHOULDERS, AND TOTAL PAVEMENT IN FEET FOR TERRAIN AND SPECIFIED DESIGN VOLUME (VEHICLES/DAY)
TERRAIN
LEVEL
ROLLING
MOUNTAINOUS
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
DIAGRAM 8

Diagram 9


FUNCTIONAL CLASS:
URBAN LOCAL
(CURBSIDE SIDEWALK)
45.0'-55.0'
RIGHT OF WAY
0.5'
6.0'
SIDEWALK
8.0'
PARKING *
12"-15"
AGGREGATE BASE
4" ACP
18.0'-24.0'
TRAVELED WAY
SUBGRADE GEOTEXTILE
CURB & GUTTER
SEE STD DWG RD700
MINIMUM WIDTHS AND ROW FOR TRAVELED WAY, PARKING ON ONE SIDE, AND TOTAL ROADWAY WIDTH IN FEET FOR SPECIFIED DESIGN VOLUME (VEHICLES/DAY) AND LAND USE
STREET TYPE
TRAVELED WAY (FT)
PARKING (FT)
TOTAL ROADWAY WIDTH (FT)
ROW-CURBSIDE SIDEWALK (FT)
RESIDENTIAL <250 ADT 16 8 24 45
RESIDENTIAL >250 ADT 20 8 28 50
COMMERCIAL/INDUSTRIAL 24 8 32 55
DIAGRAM 9

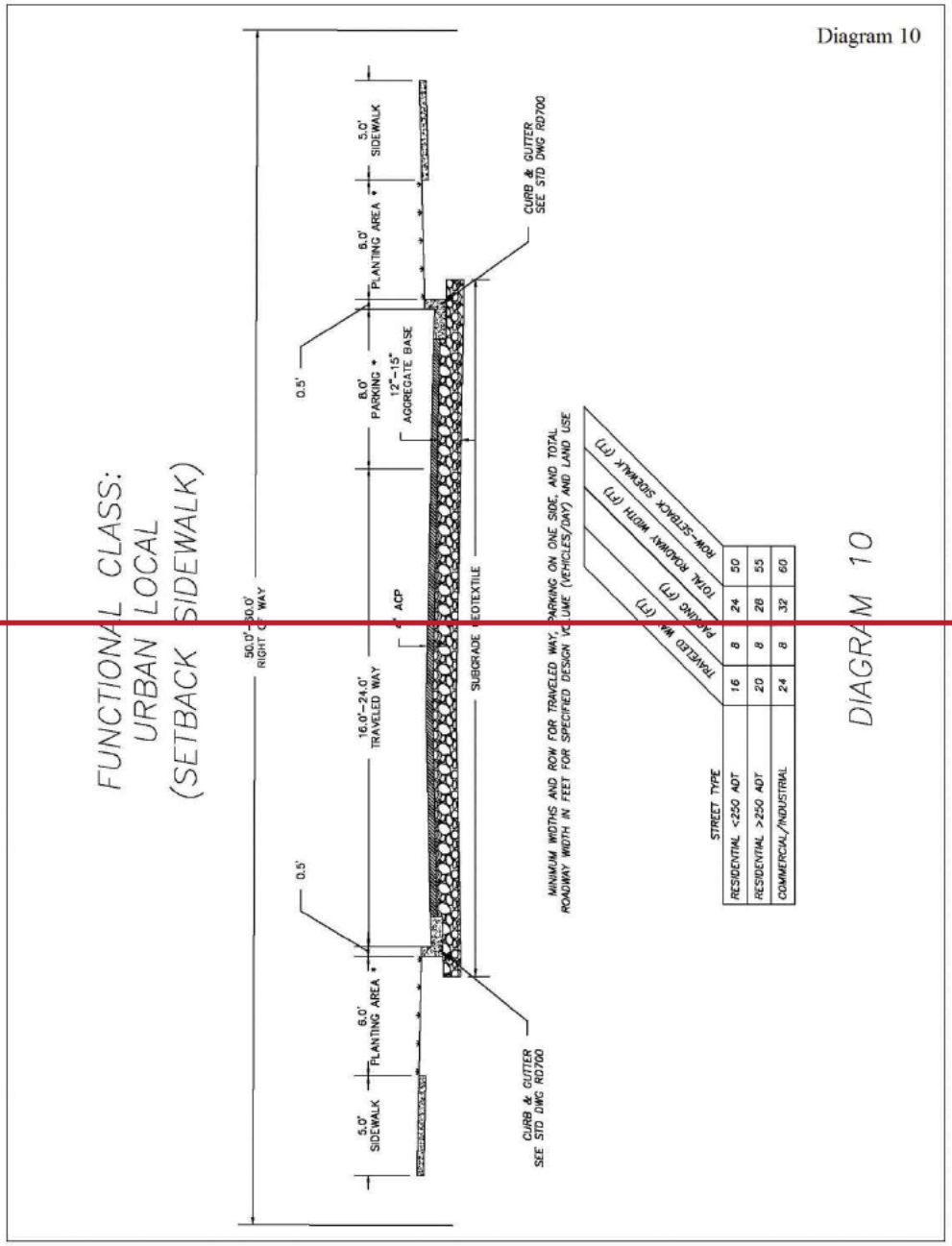


Diagram 10
FUNCTIONAL CLASS:
URBAN LOCAL
(SETBACK SIDEWALK)
DIAGRAM 10
50.0'
RIGHT OF WAY
5.0'
SIDEWALK
6.0'
PLANTING AREA
CURB & GUTTER
SEE STD DWG RD700
0.5'
8.0'
PARKING +
12"-15"
AGGREGATE BASE
4" ACP
SUBGRADE GEOTEXTILE
16.0'-24.0'
TRAVELLED WAY
MINIMUM WIDTHS AND ROW FOR TRAVELED WAY, PARKING ON ONE SIDE, AND TOTAL ROADWAY WIDTH IN FEET FOR SPECIFIED DESIGN VOLUME (VEHICLES/DAY) AND LAND USE
STREET TYPE
RESIDENTIAL <250 ADT
RESIDENTIAL >250 ADT
COMMERCIAL/INDUSTRIAL
TRAVELED WAY (FT)
PARKING (FT)
TOTAL ROADWAY WIDTH (FT)
ROW-SETBACK SIDEWALK (FT)
16 8 24 50
20 8 28 55
24 8 32 60

Diagram 11

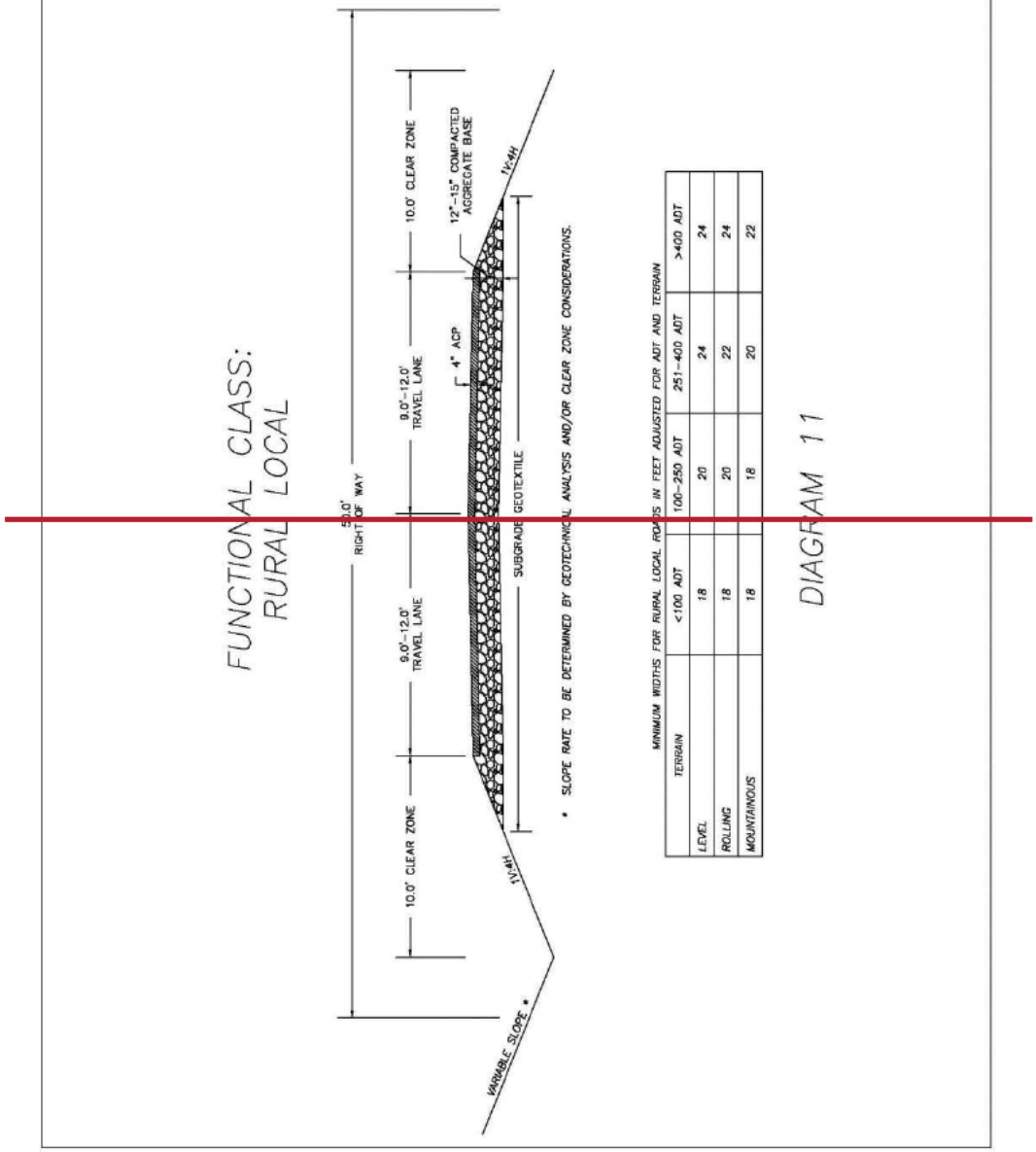

FUNCTIONAL CLASS:
RURAL LOCAL
50.0' RIGHT OF WAY
10.0' CLEAR ZONE
9.0'-12.0' TRAVEL LANE
9.0'-12.0' TRAVEL LANE
10.0' CLEAR ZONE
12"-15" COMPACTED AGGREGATE BASE
4" ACP
SUBGRADE GEOTEXTILE
1V:4H
1V:4H
VARIABLE SLOPE *
* SLOPE RATE TO BE DETERMINED BY GEOTECHNICAL ANALYSIS AND/OR CLEAR ZONE CONSIDERATIONS.
MINIMUM WIDTHS FOR RURAL LOCAL ROADS IN FEET ADJUSTED FOR ADT AND TERRAIN
TERRAIN | <100 ADT | 100-250 ADT | 251-400 ADT | >400 ADT
LEVEL | 18 | 20 | 24 | 24
ROLLING | 18 | 20 | 22 | 24
MOUNTAINOUS | 18 | 18 | 20 | 22
DIAGRAM 11

Diagram 12

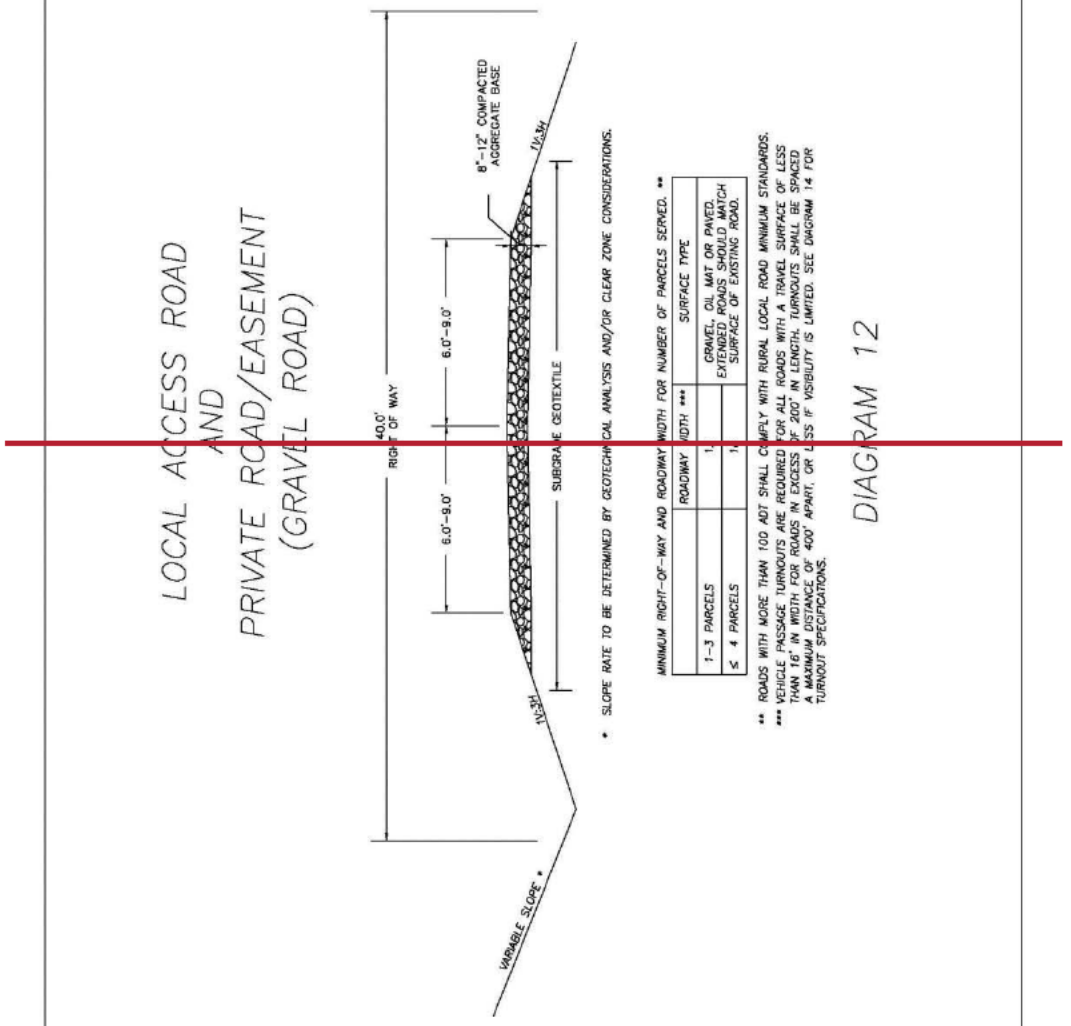

LOCAL ACCESS ROAD AND PRIVATE ROAD/EASEMENT (GRAVEL ROAD)
DIAGRAM 12
40.0' RIGHT OF WAY
6.0'-9.0'
6.0'-9.0'
8"-12" COMPACTED AGGREGATE BASE
SUBGRADE GEOTEXTILE
1V:3H
1V:3H
VARIABLE SLOPE *
* SLOPE RATE TO BE DETERMINED BY GEOTECHNICAL ANALYSIS AND/OR CLEAR ZONE CONSIDERATIONS.
MINIMUM RIGHT-OF-WAY AND ROADWAY WIDTH FOR NUMBER OF PARCELS SERVED. **
ROADWAY WIDTH ***
SURFACE TYPE
1-3 PARCELS
1.
GRAVEL, OIL MAT OR PAVED. EXTENDED ROADS SHOULD MATCH SURFACE OF EXISTING ROAD.
≤ 4 PARCELS
1.
** ROADS WITH MORE THAN 100 ADT SHALL COMPLY WITH RURAL LOCAL ROAD MINIMUM STANDARDS.
*** VEHICLE PASSAGE TURNOUTS ARE REQUIRED FOR ALL ROADS WITH A TRAVEL SURFACE OF LESS THAN 16' IN WIDTH FOR ROADS IN EXCESS OF 200' IN LENGTH. TURNOUTS SHALL BE SPACED A MAXIMUM DISTANCE OF 400' APART, OR LESS IF VISIBILITY IS LIMITED. SEE DIAGRAM 14 FOR TURNOUT SPECIFICATIONS.

Diagram 13

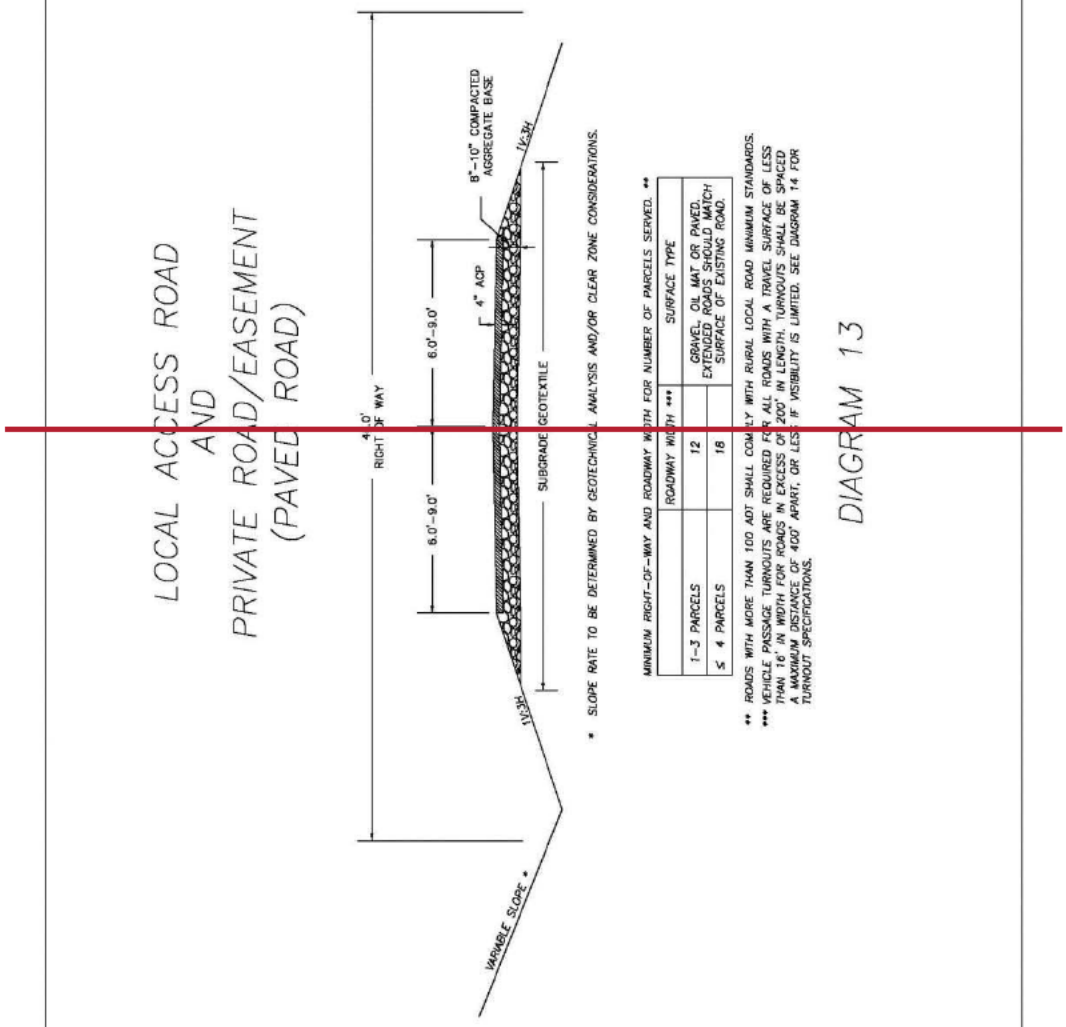
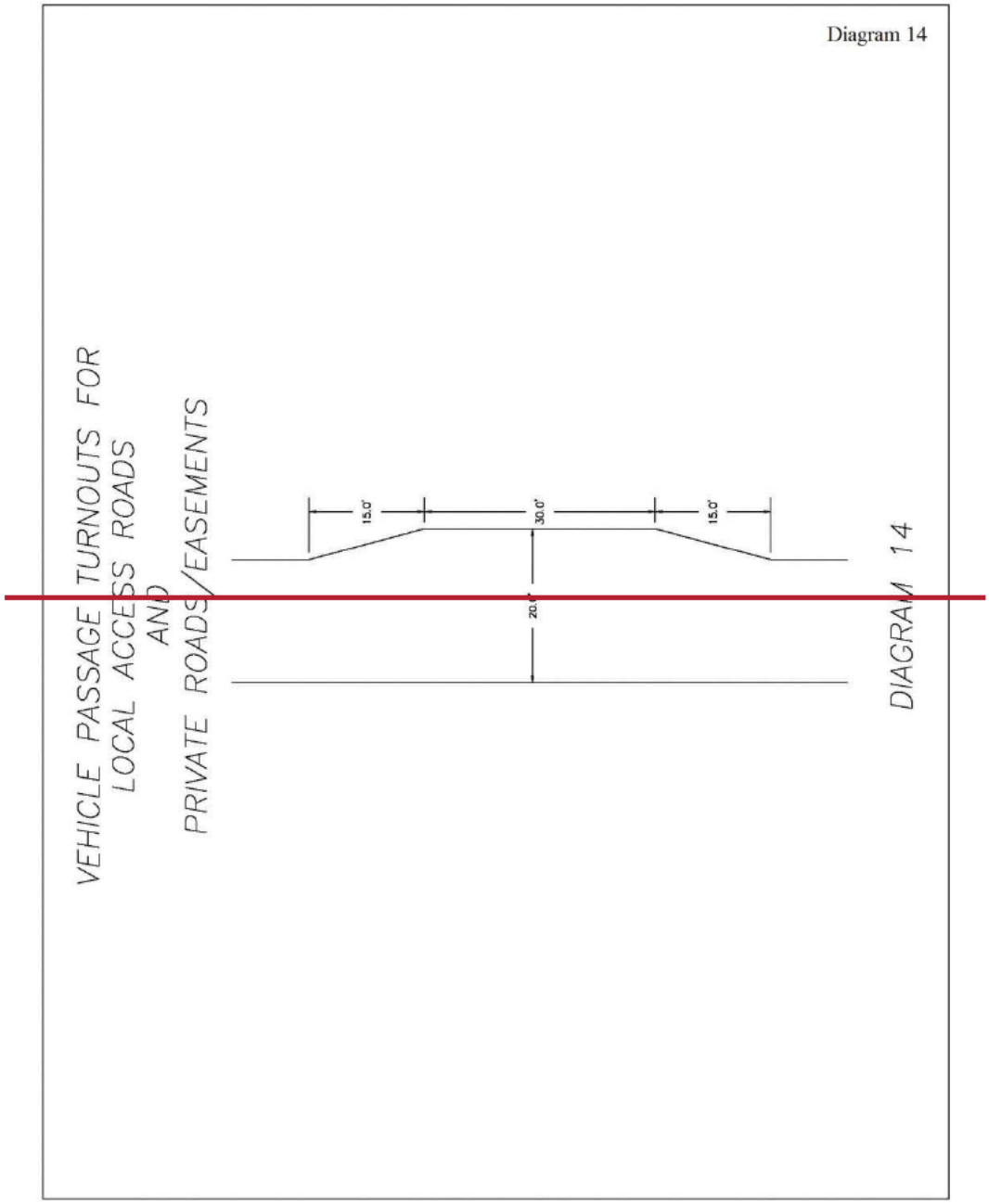

LOCAL ACCESS ROAD AND PRIVATE ROAD/EASEMENT (PAVED ROAD)
4.0' RIGHT OF WAY
6.0'-9.0'
6.0'-9.0'
8"-10" COMPACTED AGGREGATE BASE
4" ACP
1V:3H
1V:3H
SUBGRADE
GEOTEXTILE
VARIABLE SLOPE *
* SLOPE RATE TO BE DETERMINED BY GEOTECHNICAL ANALYSIS AND/OR CLEAR ZONE CONSIDERATIONS.
MINIMUM RIGHT-OF-WAY AND ROADWAY WIDTH FOR NUMBER OF PARCELS SERVED. **
ROADWAY WIDTH ***
SURFACE TYPE
1-3 PARCELS
12
GRAVEL, OIL MAT OR PAVED. EXTENDED ROADS SHOULD MATCH SURFACE OF EXISTING ROAD.
≤ 4 PARCELS
18
** ROADS WITH MORE THAN 100 ADT SHALL COMPLY WITH RURAL LOCAL ROAD MINIMUM STANDARDS.
*** VEHICLE PASSAGE TURNOUTS ARE REQUIRED FOR ALL ROADS WITH A TRAVEL SURFACE OF LESS THAN 16' IN WIDTH FOR ROADS IN EXCESS OF 200' IN LENGTH. TURNOUTS SHALL BE SPACED A MAXIMUM DISTANCE OF 400' APART, OR LESS IF VISIBILITY IS LIMITED. SEE DIAGRAM 14 FOR TURNOUT SPECIFICATIONS.
DIAGRAM 13

Diagram 14


VEHICLE PASSAGE TURNOUTS FOR
LOCAL ACCESS ROADS
AND
PRIVATE ROADS/EASEMENTS
15.0'
30.0'
15.0'
20.0'
DIAGRAM 14

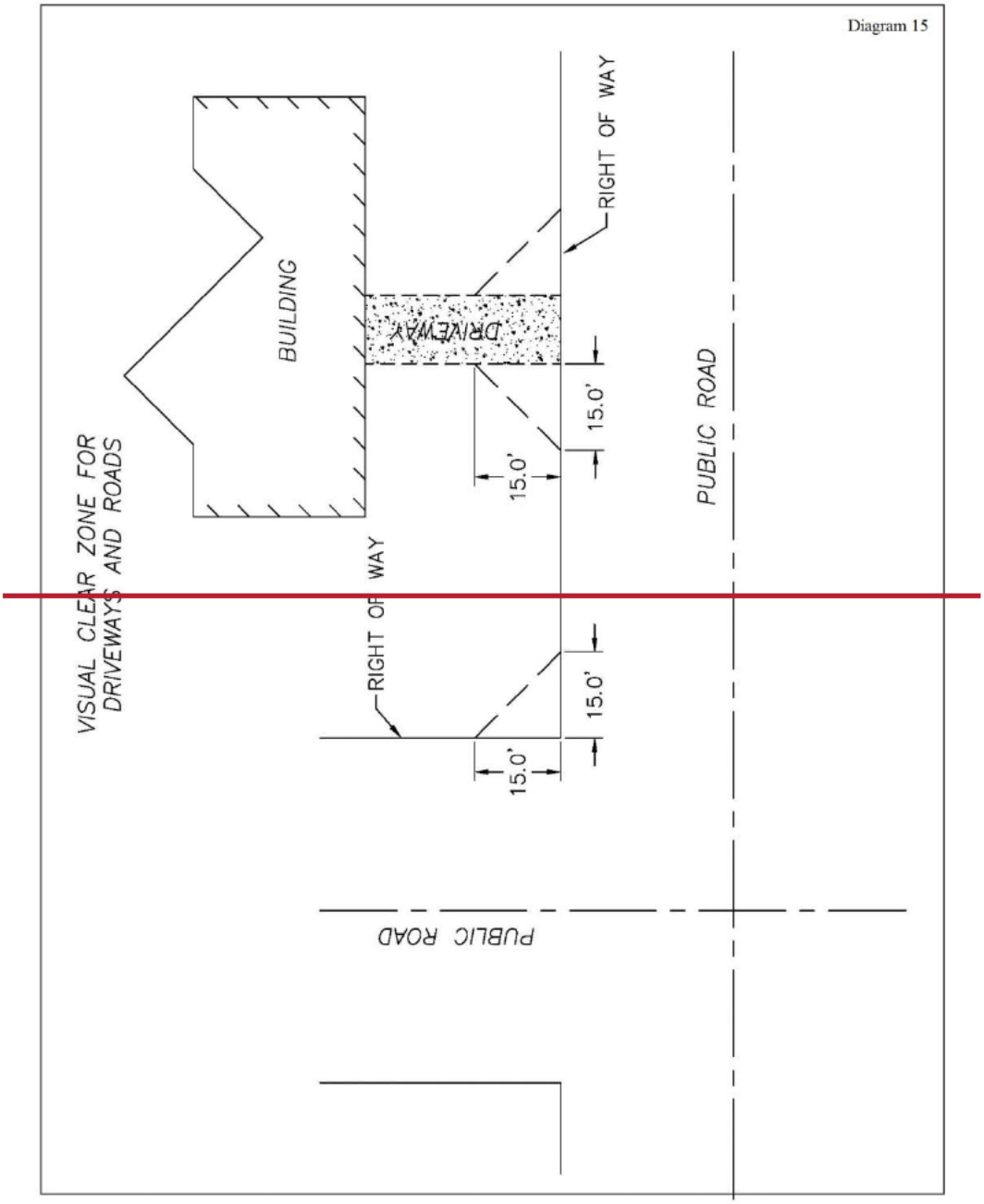


Diagram 15
VISUAL CLEAR ZONE FOR DRIVEWAYS AND ROADS
BUILDING
DRIVEWAY
RIGHT OF WAY
15.0'
15.0'
PUBLIC ROAD
RIGHT OF WAY
15.0'
15.0'
PUBLIC ROAD

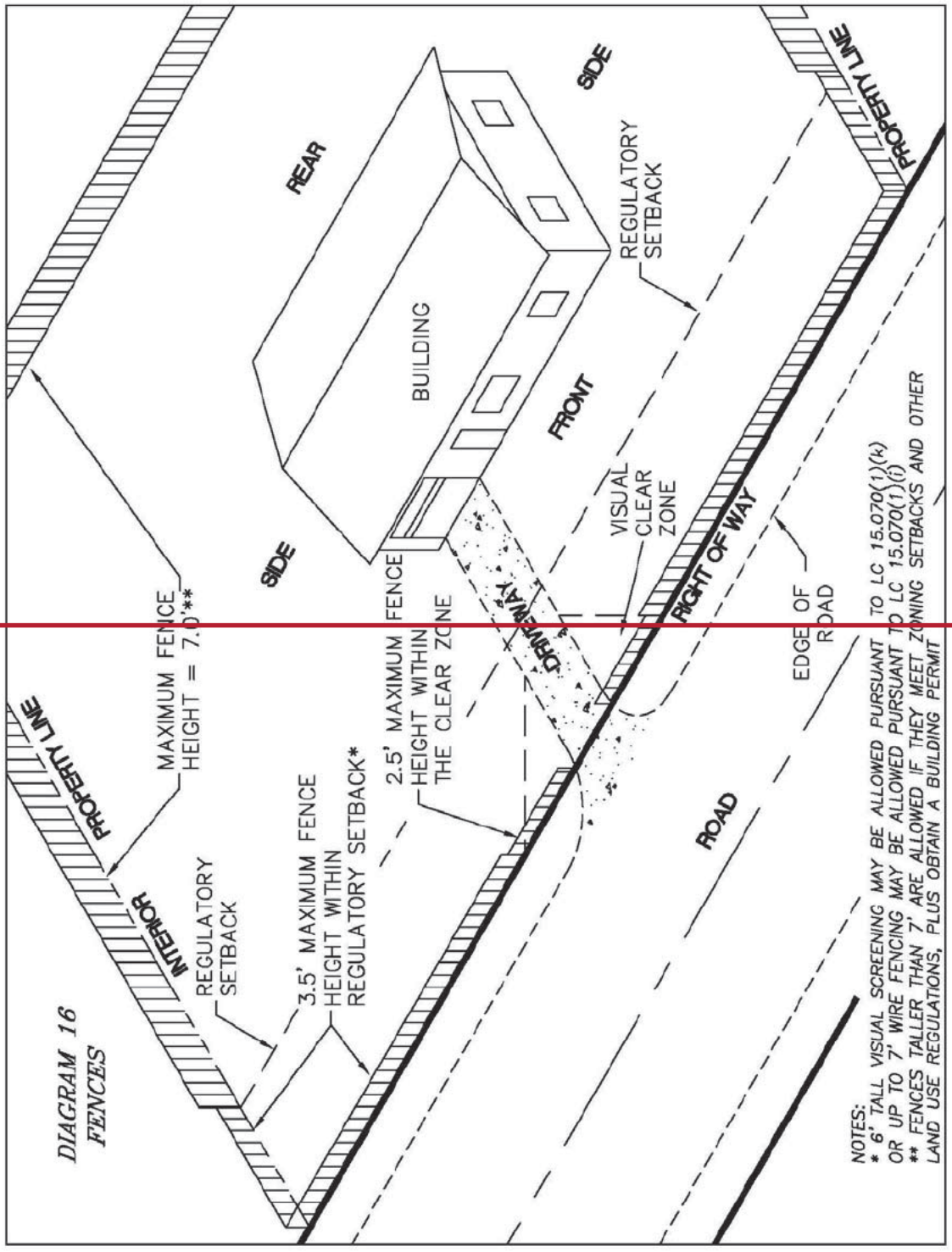


DIAGRAM 16
FENCES

~~SIDEWALKS~~

~~15.715 Sidewalk Maintenance and Liability.~~

~~The maintenance responsibility and liability of sidewalks are defined in ORS 368.910 or any other applicable statute. (Revised by Ordinance No. 1-75, Effective 3.15.75; 20-09, 12.10.20)~~

~~15.720 Prohibited Activities and Uses.~~

~~(1) Any activity or use which might obstruct or otherwise impede the normal passage of pedestrians and bicycles on sidewalks is prohibited. Such activities or uses include, but are not limited to, the following:~~

~~(a) The parking of a motor vehicle on or over any portion of a sidewalk.~~

~~(b) The dumping, depositing or placing of refuse, leaves or snow upon a sidewalk.~~

~~(c) The sale or display of merchandise on or near a sidewalk in such a way that the merchandise or prospective buyers of it might impede or obstruct the passage of pedestrians.~~

~~(d) The growth of trees, bushes or other plants in such a way that any part of the plant growing on or over a sidewalk might impede or obstruct the passage of pedestrians or bicycles.~~

~~(2) The use of motorized vehicles, horse-drawn vehicles or horses on any sidewalk is prohibited, except where sidewalks must be crossed in order to gain access to a driveway, road, street, alley or parking area. Nonmotorized vehicles such as bicycles may be used on sidewalks for normal passage. The users of such vehicles must not operate them in such a manner as to impede, hazard or prevent the normal passage of pedestrians.~~

~~(3) Notwithstanding LC 15.720(2), motorized wheelchairs are permitted on sidewalks. (Revised by Ordinance No. 1-75, Effective 3.15.75; 10-04, 6.4.04; 20-09, 12.10.20)~~

~~15.730 Sidewalk Design and Construction Specifications.~~

~~Sidewalks must be designed and constructed in conformance with the Road Design Standards in this chapter and the specifications of the County Public Works Engineering Division. (Revised by Ordinance No. 1-75, Effective 3.15.75; 10-04, 6.4.04; 20-09, 12.10.20)~~

15.900 – STATUTORY WAYS OF NECESSITY, VARIANCES, AND ENFORCEMENT

15.900.010~~800~~ – ~~———~~Jurisdiction Over Statutory Ways of Necessity.~~.~~

~~(1)~~**A.** ~~-~~ The Board divests its jurisdiction to hear Statutory Ways of Necessity and transfers that function to the Circuit Court.

~~(2)~~**B.** ~~-~~ In addition to the filing fee prescribed by the Circuit Court, the deposit provided by ORS 376.165 is **one thousand dollars (**$1,000**)**.

~~(3)~~**C.** ~~-~~ The Director and the County Surveyor, or their designees, will assist the Circuit Court and perform the duties prescribed in ORS 376.150 to **ORS** 376.200.

~~-~~(~~Revised by Ordinance No.~~ **Ordinance** 24-82, 12.10.82; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

~~GENERAL VARIANCE PROVISIONS~~

15.900~~-~~.020 – ~~—~~General Variance Provisions.

~~(1)~~**A.** ~~-~~ Purpose. The purpose of a Variance is to provide relief from the provisions of Chapter 15 when a strict application of the requirements would impose unusual practical difficulties or unnecessary physical hardship on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape or dimensions of a site or the location of lawfully existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity, or from population densities, street location or traffic conditions in the immediate vicinity.

B. Applicability. Variances may be requested from LC 15.200 Setback Requirements; LC 15.300 Dedication and Improvement Requirements; and LC 15.400 Frontage and Access.

~~(2)~~**C.** ~~-~~ Criteria. Variances~~, as provided in this chapter, to access, building setback and dedication and improvement requirements~~ may be granted only if, on the basis of the application, investigation and evidence submitted, the following expressly written findings are made:

~~(a)~~**1.** ~~-~~ That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be inconsistent with the objectives of this chapter, or

~~(b)~~**2.** ~~-~~ That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same vicinity, or

~~(c)~~**3.** ~~-~~ That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties in the same vicinity, and

~~(d)~~**4.** ~~-~~ That the granting of the modification will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity.

~~(e)~~**5. LC 15.400.060 Variance to Access Requirements establishes additional criteria.** ~~In addition to the criteria specified in this section, a Variance to access requirements specified in LC 15.130 through LC 15.139 must comply with the additional requirements specified in LC 15.140.~~

~~(3)~~**C.** ~~-~~ Effect on Substantially Identical Variances to Other County Regulations.

~~(a)~~**1.** A Variance granted by authority of this chapter eliminates the necessity of obtaining approval of a substantially identical or less extensive Variance or modification to other chapters of Lane Code~~,~~ and would constitute a Variance of that chapter.

~~(b)~~**2.** A Variance is not required to the frontage or setback requirements of this chapter for any subdivision or partitioning receiving final approval in accordance with the provisions of LC Chapter 13 (Land Divisions) when the requirements to be modified are specifically incorporated within the finally approved subdivision or partitioning.

~~(4)~~**D.** Conditions. Reasonable conditions may be imposed in connection with a Variance as deemed necessary to protect the best interests of the surrounding property or neighborhood and otherwise secure the purpose and requirements of this section. Guarantees and evidence may be required that such conditions will be and are being complied with.

~~(5)~~**E.** Application and Review. Application for a Variance must be reviewed according to the Type II pursuant to LC Chapter 14.

~~(Revised by Ordinance No.~~ **Ordinance** 6-75, 3.26.75; **Ordinance** 10-76, 1.1.77; **Ordinance** 5-80, 6.27.80; **Ordinance** 5-81, 4.8.81; **Ordinance** 6-82, 4.16.82; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

~~ENFORCEMENT~~

15.900.030~~950~~ – ~~———~~Enforcement Requirements.

~~(1)~~**A.** Title, Purpose, and Applicability. The provisions of this section are known as the Enforcement Requirements. The purpose of these requirements is to ensure compliance with the requirements of this chapter.

~~(2)~~**B.** Official Action. All officials, Departments, and employees of Lane County vested with authority to issue permits, certificates, or licenses, must adhere to and require conformance with the requirements of this chapter.

~~(3)~~**C.** Inspection and Right of Entry. Whenever the officials responsible for enforcement or administration of this chapter have cause to suspect any failure to comply with any provision of this chapter, or when necessary ~~to~~ **for** investigation of an application ~~for~~ or revocation of any discretionary or administrative approval under any of the procedures prescribed in this chapter, these officials, or their duly authorized representatives, may enter on any site or into any structure for the purpose of investigation, provided they do so in a reasonable manner. No secured building may be entered without the consent of the owner or occupant unless under authority of a lawful warrant.

~~(4)~~**D.** Stop Work Orders. Whenever any work is being done contrary to provisions of this chapter or an approved discretionary permit issued pursuant to the requirements of any of the sections of this chapter, or the Director has probable cause to believe that any other provision of the Lane Code is not being complied with in connection with the project of which the work being performed is a part, the Director may order the work stopped by notice in writing, posted on the project, or served on any person engaged in the doing or causing of such work to be done. Upon posting or service of notice,

all persons engaged in doing or causing the work to be done must immediately stop such work until authorized by the Director to proceed.

~~(5)~~**E.** ~~-~~ Abatement. Any use which is established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to the requirements of this chapter is hereby declared to be unlawful and a public nuisance, and may be abated as such.

~~(6)~~**F.** ~~-~~ Enforcement Official. It is the duty of the Director to enforce the provisions of this chapter. The enactment of this chapter does not invalidate any prior existing, or future prosecutions for violations, or failures to comply, that may have been committed under previous applicable County ordinances then in effect.

~~(7)~~**G.** ~~-~~ Legal Proceedings by District Attorney. In addition to the enforcement provisions of this chapter, upon request of the Director, the District Attorney or County Counsel may institute any additional proceedings, including but not limited to, seeking injunctive relief to enforce the provisions of this chapter.

~~(8)~~**H.** ~~-~~ Remedies Cumulative. It is the intent of this chapter that the remedies provided be cumulative and not mutually exclusive.

~~(Revised by Ordinance No.~~ **Ordinance** 1-93, ~~Effective~~ 4.16.93; **Ordinance** 1-00, 4.12.00; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)

15.900.040~~955~~ – ~~———~~Failure to Comply.

Failure to comply with any of the requirements of this chapter may be subject to an administrative civil penalty as provided by LC 5.025.030. Failure to comply with a Condition of an approved Special Use application or other discretionary permit issued pursuant to the requirements of any of the sections of this chapter is also subject to an administrative civil penalty. Continued failure to comply with this chapter after **ten (**10**)** days from mailing of the notice of failure to comply by registered or certified mail to the last known address of the alleged responsible person or after personal service, and continued failure to comply after an order has been entered, constitute a separate failure to comply for each day the occurrence continues. The Director has the authority to issue a notice of failure to comply.

~~(Revised by Ordinance No.~~ **Ordinance** 1-93, ~~Effective~~ 4.16.93; **Ordinance** 1-00, 4.12.00; **Ordinance** 10-04, 6.4.04; **Ordinance** 20-09, 12.10.20)