

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER 20-11-10-04

IN THE MATTER OF AMENDING LANE
MANUAL CHAPTER 15 "ROADS" TO
CLARIFY ROADWAY REQUIREMENTS
AND TERMINOLOGY, ALIGN THE
CODE WITH CURRENT POLICIES, AND
ADOPT CERTAIN NOTIFICATION
STANDARDS FOR ROADS AND
PROPERTIES SERVED BY ROADS

WHEREAS, Lane Code Chapter 15 ("Roads") sets out policies and associated standards for transportation, maintenance, and access to Public Roads and County Roads in Lane County; and

WHEREAS, Lane Manual Chapter 15 consolidates and coordinates the policies and standards established in Lane Code Chapter 15 applicable to the oversight, management, and maintenance of Public Roads and County Roads in Lane County; and

WHEREAS, the subject amendments are necessary to ensure consistency with and implement the amendments to Lane Code Chapter 15 contained in Ordinance 20-09; and

WHEREAS, the Board of Commissioners held a public hearing on and approved Ordinance 20-09 on November 10, 2020.

NOW, THEREFORE, the Board of County Commissioners of Lane County ORDERS the following:

The amendments to Lane Manual Chapter 15 contained in Exhibit A to sections 15.001(2), 15.213 (1), 15.305(5), 15.450(2), 15.855, and 15.450(2) are approved.

ADOPTED this 10th day of November, 2020.

A handwritten signature in cursive script, reading "Heather Buch", written over a horizontal line.

Heather Buch, Chair

Lane County Board of Commissioners

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Chapter 15

ROADS

15.001 General Purpose.

The general purpose of this chapter is to consolidate and coordinate policies and standards applicable to the oversight, management, and maintenance of Public Roads and County Roads in Lane County.

(1) It is intended that County Roads be maintained and designed by the County to provide for a high level of safety, utility, and efficiency for vehicular and pedestrian traffic.

(2) It is further recognized that although the County does not maintain certain public roads (Public Roads, or Local Access Roads, as defined in LC 15.010) the County has an inherent responsibility to adopt and enforce regulations that provide for a level of public safety and local access, as specified in this Chapter, on these roads.

(3) The provisions in this chapter will be used in combination with the requirements of LC Chapter 15 in order to ensure the General Purpose of this chapter is accomplished in a manner that is fair and equitable to Lane County citizens. *(Revised by Order No.04-5-5-8, Effective 6.4.04)*

15.002 Definitions.

(1) The definitions found in LC 15.010 shall apply unless otherwise specified in this chapter.

(2) As used in this chapter and unless specified otherwise, “Director” shall mean the Director of Public Works or the Director’s delegated representative.

(3) As used in this chapter and unless specified otherwise, “the Department” shall mean the Lane County Department of Public Works. *(Revised by Order No.04-5-5-8, Effective 6.4.04)*

ROAD NAMING AND RENAMING

15.005 Authority.

The following procedures and requirements relating to the naming or renaming of roads in Lane County are hereby adopted pursuant to authority granted Lane County by ORS Chapter 215, Lane Code Chapter 15 and the Lane County Home Rule Charter. *(Revised by Order No. 94-11-22-4, Effective 11.22.94)*

15.010 Purpose.

The procedures set forth herein are for the purpose of establishing a uniform policy in Lane County for the naming or renaming of roads. It is intended that this policy will clarify and set the requirements and responsibilities of the individuals, public bodies and Departments involved in the naming and renaming of roads. In addition, it provides the public with an outline of the required process for road naming and renaming. *(Revised by Order No. 94-11-22-4, Effective 11.22.94)*

15.015 Required Review and Action.

The Board of County Commissioners shall review and take appropriate action on all road naming and renaming when:

- (1) Any existing public or County road is named or renamed.
- (2) Any new public or County road is established.

15.205 Definition-County Road.

As defined in ORS 368. A public road which is part of the County Road system and has been assigned a County Road number pursuant to ORS 368.016. The Department is responsible for maintenance. A description of each County Road is kept in the Master Road Files in the Lane County Surveyor's office. See also Functional Class definitions in LC Chapter 15. *(Revised by Order No. 04-5-5-8, Effective 6.4.04)*

15.210 Purpose.

The following procedures and requirements are established for the purpose of delineating a uniform policy in Lane County for the acceptance of public roads for maintenance and conversion to County road status. It is intended that this policy will clarify and set the requirements and responsibilities of the individuals, public bodies and Departments involved in the acceptance of public roads. In addition, it provides the public with an outline of the required process for the acceptance of public roads for maintenance and conversion to County road status. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

15.213 Guidelines for Acceptance.

There is a need to carefully examine acceptance of new mileage into the County Road System. These guidelines are intended to protect the public investment already made in this road system and to make optimum use of available road revenues for the maintenance and improvement of the system. The following guidelines shall be used by the Board when considering acceptance of public roads into the County Road System:

(1) Roads providing local access may be accepted into the County Road System as County Local Roads as defined in LC 15.010 if they provide a needed extension or improvement in the overall road network, or to provide access to significant commercial or industrial development or governmental or other public facilities.

(2) Roads created within subdivisions or partitions, primarily providing access to lots, shall be established as private access easements or local access roads (public roads) with appropriate property owner associations or districts providing for maintenance of these roads. Roads serving four or more lots or parcels may be considered for acceptance into the County Road network for purposes of overall road connectivity and to otherwise provide a safe and efficient road network.

(3) Roads that will function as collector roads within subdivisions or partitions may be accepted as County Roads.

(4) Extensions of existing County roads within subdivisions may be accepted as County Roads and classified appropriately according to their function.

(5) Roads providing access to the boundary of national forests or other public lands may be accepted. *(Revised by Order No. 04-5-5-8, Effective 6.4.04)*

15.215 Application.

An application must be in the form of a petition signed by not less than 60 percent of the owners of the land, representing not less than 60 percent of the land abutting the dedicated public road; shall include findings on how the application meets the policy criteria set forth in LM 15.410; and shall state the owners' desire for Lane County to accept the road as a County road. The application shall be submitted to the Director. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

15.220 Review.

Upon receipt of an application, the Director shall investigate and report his or her findings to the petitioners as to whether or not:

(4) Roads that have received County maintenance, but are unusually difficult to maintain because of substandard road width, right-of-way width, steep topography, or materials or construction practices, which may result in excessive cost and liability exposure.

(5) The following items shall be considered by the Board in reviewing these actions on a case-by-case basis:

(a) The need for a public right-of-way to provide for the orderly development of adjacent property.

(b) The need for public maintenance of the right-of-way.

(c) School bus traffic.

(d) Bridges and the potential for public safety problems associated with bridges.

(e) Railroad crossings and PUC requirements for County participation in applications for railroad crossing improvement or establishment.

(f) The potential for landslide and stability problems.

(g) Resource hauling (timber, agriculture, sand and gravel) that would unfairly burden other property owners.

(h) Use by law enforcement or fire protection personnel.

(i) Potential use as detour routes in the case of construction or disaster.

(j) Potential for elimination of right of access that is a matter of public record. *(Revised by Order No. 04-5-5-8, Effective 6.4.04)*

15.305 Vacation Procedures.

The below-listed procedures should be considered the policy of Lane County, and establish certain desirable safeguards in addition to the procedures for vacation of streets, lots, alleys, roads, highways, commons and public squares provided in ORS Chapter 368.

(1) The Surveyor's Office, upon receipt of any petition or resolution of the Board submitted in accordance with ORS Chapter 368, shall send a copy of such petition or resolution to the Planning Director and County Engineer for review.

(2) Upon receipt of such petition or resolution, the Surveyor's Office shall mail to persons owning property adjoining that to be vacated notice of the date, time and place of the hearing.

(3) Prior to the time of the scheduled hearing, the Surveyor's Office shall also contact any public utilities, cities, or other public agencies, which in the judgment of the Surveyor's Office might have an interest in the vacation, and solicit the views of such utilities or agencies regarding the vacation.

(4) When special planning or engineering considerations are involved, and at the discretion of the Planning Director and County Engineer, the petition or resolution may be submitted to the Planning Commission or Roads Advisory Committee for consideration and recommendations as appropriate. Such referral, however, shall not delay the hearing and decision on the petition or resolution by the Board.

(5) Road vacations proposed as part of lot or parcel reconfigurations or property line adjustments, that will result in loss of connectivity between Public and/or County Roads as defined in LC 15.010 shall require approval of a replat of all subdivision lots and partition parcels adjacent to the road to be vacated pursuant to the requirements of LC Chapter 13. As part of the replat process, the County may require dedication of right-of-way or the creation of private easements, and road improvements, to ensure previously existing connectivity between Public or County Roads is maintained.

(6) Vacations, other than those by petition, shall be referred to the Roads Advisory Committee for its consideration and recommendations.

(7) The Surveyor's Office shall attach a copy of the affidavit of posting to the final order of vacation prior to its submission to the Board of County Commissioners for action.

(8) The Board shall consider the general requirements of LM 15.300 in making its decision. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

GENERAL ROAD AND ACCESS POLICIES

15.405 Purpose.

The County Road System is intended to provide a network of roads that provides access to lots, parcels, or developments and connects to the State Highway System, city road systems, to BLM and Forest Service road systems, and to major resource and recreational areas within Lane County. The County Road System provides a circulation network that supports and promotes the economy of Lane County. Lane County strives to promote the health, safety, and welfare of its citizens by providing a safe road surface, pavement markings, signing, drainage, and roadside environment in order to promote safe and efficient travel for the public and to limit the possible liability exposure of Lane County. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

15.410 Criteria.

The statements set forth herein are for the purpose of establishing the minimum criteria to be used in Lane County for the evaluation of the appropriateness of proposed roads that are intended to provide access to lots or parcels. These criteria shall form the basis for determining what requirements may be necessary to insure that there will be adequate provisions available now and in the future to provide for the transportation and utilities needs of lots, parcels, or developments. This evaluation may include review of the relationship of the proposed road to the overall County Road System.

(1) The necessity for being able to travel to and from a permanent residential dwelling is a basic requirement for the development except in very rare circumstances.

(2) It is in the public interest to require adequate, safe and legally-assured access to all developments which is as free as possible from restrictions, and which will not cause undue public costs.

(3) The costs of providing right-of-way and improvements for roads needed to directly serve new or existing developments should be substantially borne by the benefited persons, usually the sub-divider or developer, rather than by the people of the County at large.

(4) A road must serve, in most situations, as the means of access for the following public or semipublic services.

- (a) Fire Service.
- (b) Ambulance Service.
- (c) Police Service.
- (d) Mail Service.
- (e) School Bus Service.
- (f) Public Transit Service.
- (g) Delivery Service.
- (h) Solid Waste Disposal Service.
- (i) Means of addressing to allow others to find dwelling.

(5) A road, besides serving as the means for vehicular access, should also provide area for the following possible utilities:

- (a) Drainageways.
- (b) Electrical Power Lines.
- (c) Telephone Lines.
- (d) Water Lines.
- (e) Fire Control Outlets.

- (f) Sewer Lines.
- (g) Natural Gas Lines.
- (6) The access management, road design standards, and other requirements of LC Chapter 15 shall be used in making decisions about the road system in Lane County.
- (7) Panhandle lots may be created if they do not hinder future development of the surrounding area. If more than two panhandled lots are used together, they should be established through a formal subdivision or partitioning procedure.
- (8) The access needs of industrial and commercial land uses and activities are different than those for residential uses in some aspects and may require special consideration.
- (9) Paved roads are, all other things being equal, more safe to travel than gravel roads, have a lower maintenance cost, and have a lower nuisance value (dust, noise, etc.).
- (10) Road requirements should not, if at all possible, hamper or prevent the development of new concepts and innovations for the development of land or hamper the continuation or extension of a complete transportation network. (*Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04*)

ROAD DESIGN STANDARDS/RECOGNIZED ENGINEERING GUIDELINES

15.450 Minimum Road Design Standards/Recognized Engineering Guidelines.

(1) Roads within Lane County shall be designed and developed pursuant to the procedures and requirements of LC Chapter 15, with guidance from applicable policies set forth in LM Chapter 15.

(2) In the absence of a county-adopted standard for a particular design element, the following publications provide the basis for road design, construction, signing and marking decisions. While these documents are listed in the Transportation System Plan and in LC Chapter 15, Lane Manual includes the publication date of each document below, so the publication dates may be updated by Board Order as newer versions are published:

(a) The following documents published by the American Association of State Highway and Transportation Officials (AASHTO):

- (i) A Policy on Geometric Design of Highways and Streets (2018);
- (ii) Roadside Design Guide (4th Edition, 2011)
- (iii) Guidelines for Geometric Design of Very Low Volume Local Roads (ADT < 400) (2001); and
- (iv) Guide for Design of Pavement Structures (4th Edition, With 1998 Supplement).

(b) *The Manual On Uniform Traffic Control Devices* (MUTCD), (2009) published by the Federal Highway Administration. (It should be understood that this reference includes Oregon Supplement to the 2009 Edition adopted by the Oregon Transportation Commission pursuant to Oregon Revised Statutes 810.200 and the corresponding Oregon Vehicle Code 810.200(1));

(c) The following documents published by the Oregon Department of Transportation (ODOT) and the American Public Works Association (APWA), Oregon Chapter:

- (i) Oregon Standard Specifications for Construction (ODOT & APWA, 2021);
- (ii) Oregon Standard Drawings (ODOT & APWA, 2021);
- (iii) *ODOT Highway Design Manual* (2012);

- (iv) *ODOT Hydraulics Manual* (2014);
 - (v) *ODOT Erosion Control Manual* (2019);
 - (vi) *Oregon Bicycle and Pedestrian Plan* (ODOT, 2011);
 - (vii) *1999 Oregon Highway Plan* (ODOT).
- (d) The *Highway Capacity Manual 6th Edition* published by the Transportation Research Board.
- (e) The *Trip Generation*, 10th Edition manual published by the Institute of Traffic Engineers. (*Revised by Order No. 04-5-5-8, Effective 6.4.04; 12-04-4-6, 4.4.12*)

PUBLIC ROAD AND RIGHT-OF-WAY POLICIES

15.505 Purpose.

This section shall identify various policies of the Board of County Commissioners adopted in the interest of public safety and preservation and improvement of the public road system in Lane County. (*Revised by Order No. 87-6-10-3, Effective 6.10.87*)

15.510 Gates, Fences, Cattleguards.

(1) Gates and fences along County Roads or Public Roads as defined in LC 15.010, and built at the option of the property owner shall be constructed to such standards as established in Lane Code. Identification of property lines shall not be the responsibility of Lane County.

(2) Gates, fences and cattleguards will generally not be permitted within public rights-of-way, except as approved by the Director, through the facility permit process established in LC Chapter 15, "Roads." Gates, fences and cattleguards within public rights-of-way without the benefit of a facility permit shall be regarded as unauthorized facilities and subject to the provisions of LC Chapter 15.

(3) Fences will be constructed along road improvement projects initiated by Lane County at public expense when additional right-of-way has been acquired, the adjacent landowner has an existing fence and the new right-of-way line lies beyond the existing fence. Such fencing shall be scheduled and constructed to a standard as determined by the Director. Upon completion, the fence as constructed becomes the property of the adjacent landowner, except on roads functionally classified as arterials. (*Revised by Order No. 87-6-10-3, Effective 6.10.87; 04-5-5-8, 6.4.04*)

15.515 Drainage.

(1) Roadside ditches and other drainage facilities shall be designed solely to promote drainage of the roadway without interfering with natural waterways. Whenever a road crosses a natural channel or waterway, culverts shall be installed to maintain the natural water flow. Such natural waterway shall be identified by survey of the topography and/or aerial photography of surrounding terrain.

(2) Water shall not be diverted from a natural channel or otherwise from private property down a roadside ditch unless it appears beneficial to a new road construction project, in which case the Department shall first enter into an agreement with affected property owners regarding the proposed diversion. (*Revised by Order No. 87-6-10-3, Effective 6.10.87; 04-5-5-8, 6.4.04*)

15.525 Illumination.

Roadway illumination will be provided by the County only as a part of construction or reconstruction of arterial roads 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

CRITERIA FOR COMMUNITY DEVELOPMENT PROJECT PRELIMINARY
RANKING AND SELECTION OF APPLICATIONS

Community Development projects will be rated and ranked using the following criteria. Points will be awarded in the amounts noted to the left, based on the applicant's response to the criteria. The maximum number of points is 100.

POINTS

- 10 (A) Project Description. A narrative statement addressing site improvements, needs of the community for the project, economic benefits to county and community, project timeline, and other factors.
 - 10 (B) Completeness of project proposal, including: utilities, financing, leveraging of other funds, and other factors effecting a complete project package.
 - 5 (C) Readiness to proceed with project improvements following an acceptable time line, not to exceed one year.
 - 10 (D) Availability to all County residents.
 - 15 (E) Availability of similar facilities in area. (Fewer points if other facilities available).
 - 10 (F) Compatibility of proposed roads with public road system. (Fewer points if there are compatibility problems).
 - 20 (G) Sharing of costs of public road improvements and/or leveraging of other funds.
 - (H)² If project is within city, has city agreed to accept jurisdiction of road improvements upon completion of project?
 - 10 (I) Benefit to the community.
 - 10 (J) Benefit to the youth of the community.
- A rating of 0 (zero) points in any one of the applicable criteria [(A) to (J)] may disqualify an application from further consideration. The County Board of Commissioners, per LM 15.826, may waive Community Development criteria.

Exhibit "A" to LM 15.810(2)

(Revised by Order No. 01-31-5, Effective 1.31.01; 04-5-5-8, 6.4.04)

PERFORMANCE AGREEMENT STANDARDS

15.850 Purpose.

The following procedures and requirements are established to define acceptable Performance Agreement mechanisms as utilized in the implementation of Lane Code provisions for development under LC Chapters 10, 13, 16 and 15. *(Revised by Order No. 86-1-29-22, Effective 1.29.86)*

15.855 Application and Review.

LC 16.090 and 13.010, under definition of Performance Agreements, authorizes using security agreements to assure performance of developments in the Land Development process. LC 15.210(4) authorizes using security agreements to assure performance of work required by facility permits. The County Administrator is delegated authority to accept and execute the following instruments:

² A project is not eligible for this program if a public agency is not willing to accept jurisdiction of road improvements.

- (1) Performance bonds.
- (2) Irrevocable letter of credit.
- (3) Assignments of savings accounts.
- (4) Trust agreements when the development meets the following criteria:
 - (a) Large scale industrial, commercial or residential developments in excess of 100 lots.
 - (b) Development scheduling is in excess of three years.
 - (c) Public improvements must be phased so, if not completed, that portion completed would result in logical public facility development.
 - (d) Construction of streets, structures, drainage and other development improvements shall be provided in phases. Each phase shall conform to the approved construction plans approved for the development. The phases shall be of adequate size to be functional and be approved by the Director.
- (5) For purposes of assuring performance of improvements associated with a land division approval or a facility permit, the County Administrator delegates authority for executing the instruments listed above in LM 15.855(1) through (4) above to the Director. *(Revised by Order No. 86-1-29-22, Effective 1.29.86; 04-5-5-8, 6.4.04)*

15.860 Alternate Performance Agreements.

Any Performance Agreements not specified in LM 15.855 above must contain specified security rights for the benefit of Lane County, equal to or better than that specified in LM 15.855 above. Such agreements shall be submitted to the Lane County Board of Commissioners by the Director via the regular agenda process. *(Revised by Order No. 86-1-29-22, Effective 1.29.86; 04-5-5-8, 6.4.04)*

15.865 Renewal of Performance Agreements.

- (1) Approving Authority. If the monetary value remains unchanged, the renewal process is an administrative action approvable by the Director. Increases in monetary requirements are required to be approved by the County Administrator.
- (2) Criteria for Approval of Renewals.
 - (a) The applicant shall have made application for the renewal within the original time set for completion.
 - (b) The applicant shall have the burden of proof to demonstrate that he or she has made a good faith and reasonable effort and progress to meet the time period specified, and that the reason for delay in meeting the condition could not have been reasonably avoided.
 - (c) The applicant shall have the burden of proof to demonstrate either:
 - (i) That the uncompleted conditions can be met within a period of time not to exceed one year beyond the original time set forth.
 - (ii) That for reasons over which the applicant does not have control, certain items cannot be met within one year beyond the original expiration date set forth, but can be met within a reasonable time. The reasonable time shall be specified in any renewal granted by the Director or County Administrator. "Reasons over which the applicant does not have control" shall mean circumstances which would reasonably prevent any applicant, as opposed to a particular applicant, from meeting the uncompleted items within two years from the date of approval.
- (3) Application Requirements.
 - (a) An application for renewal shall be completed on the form provided by the Director and shall contain any necessary supporting materials or documents.
 - (b) The application for an extension shall be accompanied by the required filing fee to help defray the costs of processing the application.

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Chapter 15

ROADS

15.001 General Purpose.

The general purpose of this chapter is to consolidate and coordinate policies and standards applicable to the oversight, management, and maintenance of Public Roads and County Roads in Lane County.

(1) It is intended that County Roads be maintained and designed by the County to provide for a high level of safety, utility, and efficiency for vehicular and pedestrian traffic.

(2) It is further recognized that although the County does not maintain certain public roads (Public Roads, or Local Access Roads, as defined in LC 15.010~~(35)~~) the County has an inherent responsibility to adopt and enforce regulations that provide for a level of public safety and local access, as specified in this Chapter, on these roads.

(3) The provisions in this chapter will be used in combination with the requirements of LC Chapter 15 in order to ensure the General Purpose of this chapter is accomplished in a manner that is fair and equitable to Lane County citizens. *(Revised by Order No.04-5-5-8, Effective 6.4.04)*

15.002 Definitions.

(1) The definitions found in LC 15.010 shall apply unless otherwise specified in this chapter.

(2) As used in this chapter and unless specified otherwise, “Director” shall mean the Director of Public Works or the Director’s delegated representative.

(3) As used in this chapter and unless specified otherwise, “the Department” shall mean the Lane County Department of Public Works. *(Revised by Order No.04-5-5-8, Effective 6.4.04)*

ROAD NAMING AND RENAMING

15.005 Authority.

The following procedures and requirements relating to the naming or renaming of roads in Lane County are hereby adopted pursuant to authority granted Lane County by ORS Chapter 215, Lane Code Chapter 15 and the Lane County Home Rule Charter. *(Revised by Order No. 94-11-22-4, Effective 11.22.94)*

15.010 Purpose.

The procedures set forth herein are for the purpose of establishing a uniform policy in Lane County for the naming or renaming of roads. It is intended that this policy will clarify and set the requirements and responsibilities of the individuals, public bodies and Departments involved in the naming and renaming of roads. In addition, it provides the public with an outline of the required process for road naming and renaming. *(Revised by Order No. 94-11-22-4, Effective 11.22.94)*

15.015 Required Review and Action.

The Board of County Commissioners shall review and take appropriate action on all road naming and renaming when:

- (1) Any existing public or County road is named or renamed.
- (2) Any new public or County road is established.

15.205 Definition-County Road.

As defined in ORS 368. A public road which is part of the County Road system and has been assigned a County Road number pursuant to ORS 368.016. The Department is responsible for maintenance. A description of each County Road is kept in the Master Road Files in the Lane County Surveyor's office. See also Functional Class definitions in LC Chapter 15. *(Revised by Order No. 04-5-5-8, Effective 6.4.04)*

15.210 Purpose.

The following procedures and requirements are established for the purpose of delineating a uniform policy in Lane County for the acceptance of public roads for maintenance and conversion to County road status. It is intended that this policy will clarify and set the requirements and responsibilities of the individuals, public bodies and Departments involved in the acceptance of public roads. In addition, it provides the public with an outline of the required process for the acceptance of public roads for maintenance and conversion to County road status. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

15.213 Guidelines for Acceptance.

There is a need to carefully examine acceptance of new mileage into the County Road System. These guidelines are intended to protect the public investment already made in this road system and to make optimum use of available road revenues for the maintenance and improvement of the system. The following guidelines shall be used by the Board when considering acceptance of public roads into the County Road System:

(1) Roads providing local access may be accepted into the County Road System as County Local Roads as defined in LC 15.010~~(18)~~ if they provide a needed extension or improvement in the overall road network, or to provide access to significant commercial or industrial development or governmental or other public facilities.

(2) Roads created within subdivisions or partitions, primarily providing access to lots, shall be established as private access easements or local access roads (public roads) with appropriate property owner associations or districts providing for maintenance of these roads. Roads serving four or more lots or parcels may be considered for acceptance into the County Road network for purposes of overall road connectivity and to otherwise provide a safe and efficient road network.

(3) Roads that will function as collector roads within subdivisions or partitions may be accepted as County Roads.

(4) Extensions of existing County roads within subdivisions may be accepted as County Roads and classified appropriately according to their function.

(5) Roads providing access to the boundary of national forests or other public lands may be accepted. *(Revised by Order No. 04-5-5-8, Effective 6.4.04)*

15.215 Application.

An application must be in the form of a petition signed by not less than 60 percent of the owners of the land, representing not less than 60 percent of the land abutting the dedicated public road; shall include findings on how the application meets the policy criteria set forth in LM 15.410; and shall state the owners' desire for Lane County to accept the road as a County road. The application shall be submitted to the Director. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

15.220 Review.

Upon receipt of an application, the Director shall investigate and report his or her findings to the petitioners as to whether or not:

(4) Roads that have received County maintenance, but are unusually difficult to maintain because of substandard road width, right-of-way width, steep topography, or materials or construction practices, which may result in excessive cost and liability exposure.

(5) The following items shall be considered by the Board in reviewing these actions on a case-by-case basis:

(a) The need for a public right-of-way to provide for the orderly development of adjacent property.

(b) The need for public maintenance of the right-of-way.

(c) School bus traffic.

(d) Bridges and the potential for public safety problems associated with bridges.

(e) Railroad crossings and PUC requirements for County participation in applications for railroad crossing improvement or establishment.

(f) The potential for landslide and stability problems.

(g) Resource hauling (timber, agriculture, sand and gravel) that would unfairly burden other property owners.

(h) Use by law enforcement or fire protection personnel.

(i) Potential use as detour routes in the case of construction or disaster.

(j) Potential for elimination of right of access that is a matter of public record. *(Revised by Order No. 04-5-5-8, Effective 6.4.04)*

15.305 Vacation Procedures.

The below-listed procedures should be considered the policy of Lane County, and establish certain desirable safeguards in addition to the procedures for vacation of streets, lots, alleys, roads, highways, commons and public squares provided in ORS Chapter 368.

(1) The Surveyor's Office, upon receipt of any petition or resolution of the Board submitted in accordance with ORS Chapter 368, shall send a copy of such petition or resolution to the Planning Director and County Engineer for review.

(2) Upon receipt of such petition or resolution, the Surveyor's Office shall mail to persons owning property adjoining that to be vacated notice of the date, time and place of the hearing.

(3) Prior to the time of the scheduled hearing, the Surveyor's Office shall also contact any public utilities, cities, or other public agencies, which in the judgment of the Surveyor's Office might have an interest in the vacation, and solicit the views of such utilities or agencies regarding the vacation.

(4) When special planning or engineering considerations are involved, and at the discretion of the Planning Director and County Engineer, the petition or resolution may be submitted to the Planning Commission or Roads Advisory Committee for consideration and recommendations as appropriate. Such referral, however, shall not delay the hearing and decision on the petition or resolution by the Board.

(5) Road vacations proposed as part of lot or parcel reconfigurations or property line adjustments, that will result in loss of connectivity between Public and/or County Roads as defined in LC 15.010~~(35)~~ shall require approval of a replat of all subdivision lots and partition parcels adjacent to the road to be vacated pursuant to the requirements of LC Chapter 13. As part of the replat process, the County may require dedication of right-of-way or the creation of private easements, and road improvements, to ensure previously existing connectivity between Public or County Roads is maintained.

(6) Vacations, other than those by petition, shall be referred to the Roads Advisory Committee for its consideration and recommendations.

(7) The Surveyor's Office shall attach a copy of the affidavit of posting to the final order of vacation prior to its submission to the Board of County Commissioners for action.

(8) The Board shall consider the general requirements of LM 15.300 in making its decision. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

GENERAL ROAD AND ACCESS POLICIES

15.405 Purpose.

The County Road System is intended to provide a network of roads that provides access to lots, parcels, or developments and connects to the State Highway System, city road systems, to BLM and Forest Service road systems, and to major resource and recreational areas within Lane County. The County Road System provides a circulation network that supports and promotes the economy of Lane County. Lane County strives to promote the health, safety, and welfare of its citizens by providing a safe road surface, pavement markings, signing, drainage, and roadside environment in order to promote safe and efficient travel for the public and to limit the possible liability exposure of Lane County. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

15.410 Criteria.

The statements set forth herein are for the purpose of establishing the minimum criteria to be used in Lane County for the evaluation of the appropriateness of proposed roads that are intended to provide access to lots or parcels. These criteria shall form the basis for determining what requirements may be necessary to insure that there will be adequate provisions available now and in the future to provide for the transportation and utilities needs of lots, parcels, or developments. This evaluation may include review of the relationship of the proposed road to the overall County Road System.

(1) The necessity for being able to travel to and from a permanent residential dwelling is a basic requirement for the development except in very rare circumstances.

(2) It is in the public interest to require adequate, safe and legally-assured access to all developments which is as free as possible from restrictions, and which will not cause undue public costs.

(3) The costs of providing right-of-way and improvements for roads needed to directly serve new or existing developments should be substantially borne by the benefited persons, usually the sub-divider or developer, rather than by the people of the County at large.

(4) A road must serve, in most situations, as the means of access for the following public or semipublic services.

- (a) Fire Service.
- (b) Ambulance Service.
- (c) Police Service.
- (d) Mail Service.
- (e) School Bus Service.
- (f) Public Transit Service.
- (g) Delivery Service.
- (h) Solid Waste Disposal Service.
- (i) Means of addressing to allow others to find dwelling.

(5) A road, besides serving as the means for vehicular access, should also provide area for the following possible utilities:

- (a) Drainageways.
- (b) Electrical Power Lines.
- (c) Telephone Lines.
- (d) Water Lines.
- (e) Fire Control Outlets.

- (f) Sewer Lines.
- (g) Natural Gas Lines.
- (6) The access management, road design standards, and other requirements of LC Chapter 15 shall be used in making decisions about the road system in Lane County.
- (7) Panhandle lots may be created if they do not hinder future development of the surrounding area. If more than two panhandled lots are used together, they should be established through a formal subdivision or partitioning procedure.
- (8) The access needs of industrial and commercial land uses and activities are different than those for residential uses in some aspects and may require special consideration.
- (9) Paved roads are, all other things being equal, more safe to travel than gravel roads, have a lower maintenance cost, and have a lower nuisance value (dust, noise, etc.).
- (10) Road requirements should not, if at all possible, hamper or prevent the development of new concepts and innovations for the development of land or hamper the continuation or extension of a complete transportation network. (*Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04*)

ROAD DESIGN STANDARDS/RECOGNIZED ENGINEERING GUIDELINES

15.450 Minimum Road Design Standards/Recognized Engineering Guidelines.

(1) Roads within Lane County shall be designed and developed pursuant to the procedures and requirements of LC Chapter 15, with guidance from applicable policies set forth in LM Chapter 15.

(2) In the absence of a county-adopted standard for a particular design element, the following publications provide the basis for road design, construction, signing and marking decisions. While these documents are listed in the Transportation System Plan and in LC Chapter 15, Lane Manual includes the publication date of each document below, so the publication dates may be updated by Board Order as newer versions are published:

(a) The following documents published by the American Association of State Highway and Transportation Officials (AASHTO):

- (i) A Policy on Geometric Design of Highways and Streets (2018~~4~~);
- (ii) Roadside Design Guide (4th Edition, 2011)
- (iii) Guidelines for Geometric Design of Very Low Volume Local Roads (ADT < 400) (2001); and
- (iv) Guide for Design of Pavement Structures (4th Edition, With 1998 Supplement).

(b) *The Manual On Uniform Traffic Control Devices* (MUTCD), (2009) published by the Federal Highway Administration. (It should be understood that this reference includes Oregon Supplement to the 2009 Edition adopted by the Oregon Transportation Commission pursuant to Oregon Revised Statutes 810.200 and the corresponding Oregon Vehicle Code 810.200(1));

(c) The following documents published by the Oregon Department of Transportation (ODOT) and the American Public Works Association (APWA), Oregon Chapter:

- (i) Oregon Standard Specifications for Construction (ODOT & APWA, 2021~~08~~);
- (ii) Oregon Standard Drawings (ODOT & APWA, 20~~02~~18);
- (iii) *ODOT Highway Design Manual* (20~~01~~23);

- (iv) *ODOT Hydraulics Manual* (201~~4~~);
 - (v) *ODOT Erosion Control Manual* (20~~0~~195);
 - (vi) *Oregon Bicycle and Pedestrian Plan* (ODOT, 2011~~1~~995);
 - (vii) *1999 Oregon Highway Plan* (ODOT).
- (d) The *Highway Capacity Manual 6th Edition*~~2010~~ published by the Transportation Research Board.
- (e) The *Trip Generation*, 10⁸~~th~~ Edition manual published by the Institute of Traffic Engineers. (*Revised by Order No. 04-5-5-8, Effective 6.4.04; 12-04-4-6, 4.4.12*)

PUBLIC ROAD AND RIGHT-OF-WAY POLICIES

15.505 Purpose.

This section shall identify various policies of the Board of County Commissioners adopted in the interest of public safety and preservation and improvement of the public road system in Lane County. (*Revised by Order No. 87-6-10-3, Effective 6.10.87*)

15.510 Gates, Fences, Cattleguards.

(1) Gates and fences along County Roads or Public Roads as defined in LC 15.010, and built at the option of the property owner shall be constructed to such standards as established in Lane Code. Identification of property lines shall not be the responsibility of Lane County.

(2) Gates, fences and cattleguards will generally not be permitted within public rights-of-way, except as approved by the Director, through the facility permit process established in LC Chapter 15, "Roads." Gates, fences and cattleguards within public rights-of-way without the benefit of a facility permit shall be regarded as unauthorized facilities and subject to the provisions of LC Chapter 15.

(3) Fences will be constructed along road improvement projects initiated by Lane County at public expense when additional right-of-way has been acquired, the adjacent landowner has an existing fence and the new right-of-way line lies beyond the existing fence. Such fencing shall be scheduled and constructed to a standard as determined by the Director. Upon completion, the fence as constructed becomes the property of the adjacent landowner, except on roads functionally classified as arterials. (*Revised by Order No. 87-6-10-3, Effective 6.10.87; 04-5-5-8, 6.4.04*)

15.515 Drainage.

(1) Roadside ditches and other drainage facilities shall be designed solely to promote drainage of the roadway without interfering with natural waterways. Whenever a road crosses a natural channel or waterway, culverts shall be installed to maintain the natural water flow. Such natural waterway shall be identified by survey of the topography and/or aerial photography of surrounding terrain.

(2) Water shall not be diverted from a natural channel or otherwise from private property down a roadside ditch unless it appears beneficial to a new road construction project, in which case the Department shall first enter into an agreement with affected property owners regarding the proposed diversion. (*Revised by Order No. 87-6-10-3, Effective 6.10.87; 04-5-5-8, 6.4.04*)

15.525 Illumination.

Roadway illumination will be provided by the County only as a part of construction or reconstruction of arterial roads 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

CRITERIA FOR COMMUNITY DEVELOPMENT PROJECT PRELIMINARY
RANKING AND SELECTION OF APPLICATIONS

Community Development projects will be rated and ranked using the following criteria. Points will be awarded in the amounts noted to the left, based on the applicant's response to the criteria. The maximum number of points is 100.

POINTS

- 10 (A) Project Description. A narrative statement addressing site improvements, needs of the community for the project, economic benefits to county and community, project timeline, and other factors.
 - 10 (B) Completeness of project proposal, including: utilities, financing, leveraging of other funds, and other factors effecting a complete project package.
 - 5 (C) Readiness to proceed with project improvements following an acceptable time line, not to exceed one year.
 - 10 (D) Availability to all County residents.
 - 15 (E) Availability of similar facilities in area. (Fewer points if other facilities available).
 - 10 (F) Compatibility of proposed roads with public road system. (Fewer points if there are compatibility problems).
 - 20 (G) Sharing of costs of public road improvements and/or leveraging of other funds.
 - (H)² If project is within city, has city agreed to accept jurisdiction of road improvements upon completion of project?
 - 10 (I) Benefit to the community.
 - 10 (J) Benefit to the youth of the community.
- A rating of 0 (zero) points in any one of the applicable criteria [(A) to (J)] may disqualify an application from further consideration. The County Board of Commissioners, per LM 15.826, may waive Community Development criteria.

Exhibit "A" to LM 15.810(2)

(Revised by Order No. 01-31-5, Effective 1.31.01; 04-5-5-8, 6.4.04)

PERFORMANCE AGREEMENT STANDARDS

15.850 Purpose.

The following procedures and requirements are established to define acceptable Performance Agreement mechanisms as utilized in the implementation of Lane Code provisions for development under LC Chapters 10, 13, 16 and 15. *(Revised by Order No. 86-1-29-22, Effective 1.29.86)*

15.855 Application and Review.

LC 16.090 and 13.010, under definition of Performance Agreements, authorizes using security agreements to assure performance of developments in the Land Development process. LC 15.210(4)~~(e)~~ authorizes using security agreements to assure performance of work required by facility permits. The County Administrator is delegated authority to accept and execute the following instruments:

² A project is not eligible for this program if a public agency is not willing to accept jurisdiction of road improvements.

- (1) Performance bonds.
- (2) Irrevocable letter of credit.
- (3) Assignments of savings accounts.
- (4) Trust agreements when the development meets the following criteria:
 - (a) Large scale industrial, commercial or residential developments in excess of 100 lots.
 - (b) Development scheduling is in excess of three years.
 - (c) Public improvements must be phased so, if not completed, that portion completed would result in logical public facility development.
 - (d) Construction of streets, structures, drainage and other development improvements shall be provided in phases. Each phase shall conform to the approved construction plans approved for the development. The phases shall be of adequate size to be functional and be approved by the Director.
- (5) For purposes of assuring performance of improvements associated with a land division approval or a facility permit, the County Administrator delegates authority for executing the instruments listed above in LM 15.855(1) through (4) above to the Director. *(Revised by Order No. 86-1-29-22, Effective 1.29.86; 04-5-5-8, 6.4.04)*

15.860 Alternate Performance Agreements.

Any Performance Agreements not specified in LM 15.855 above must contain specified security rights for the benefit of Lane County, equal to or better than that specified in LM 15.855 above. Such agreements shall be submitted to the Lane County Board of Commissioners by the Director via the regular agenda process. *(Revised by Order No. 86-1-29-22, Effective 1.29.86; 04-5-5-8, 6.4.04)*

15.865 Renewal of Performance Agreements.

- (1) Approving Authority. If the monetary value remains unchanged, the renewal process is an administrative action approvable by the Director. Increases in monetary requirements are required to be approved by the County Administrator.
- (2) Criteria for Approval of Renewals.
 - (a) The applicant shall have made application for the renewal within the original time set for completion.
 - (b) The applicant shall have the burden of proof to demonstrate that he or she has made a good faith and reasonable effort and progress to meet the time period specified, and that the reason for delay in meeting the condition could not have been reasonably avoided.
 - (c) The applicant shall have the burden of proof to demonstrate either:
 - (i) That the uncompleted conditions can be met within a period of time not to exceed one year beyond the original time set forth.
 - (ii) That for reasons over which the applicant does not have control, certain items cannot be met within one year beyond the original expiration date set forth, but can be met within a reasonable time. The reasonable time shall be specified in any renewal granted by the Director or County Administrator. "Reasons over which the applicant does not have control" shall mean circumstances which would reasonably prevent any applicant, as opposed to a particular applicant, from meeting the uncompleted items within two years from the date of approval.
- (3) Application Requirements.
 - (a) An application for renewal shall be completed on the form provided by the Director and shall contain any necessary supporting materials or documents.
 - (b) The application for an extension shall be accompanied by the required filing fee to help defray the costs of processing the application.