



INFORMATIONAL HANDOUT

LANE CODE CHAPTER 15 DEVIATIONS

LANE COUNTY TRANSPORTATION PLANNING 3040 N. Delta Highway, Eugene, OR 97408
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This handout is for informational purposes and is not a substitute for the language of Lane Code 15.709.

LANE CODE 15.709 DEVIATIONS

Deviations may be requested from the Road Design Standards in Lane Code 15.700 through 15.708 and from the Facility Permit requirements in Lane Code 15.205 through 15.210.

APPLICABILITY

Deviations may be requested based upon the considerations of Lane Code 15.709(1)(a):

- Design requirements would result in the need for a variance to a requirement of other sections of Lane Code;
- Design requirements would result in an inconsistency with other requirements of Lane Code;
- Proximity of existing homes or structures;
- Site constraints including topography or slope; existing significant trees or other vegetation; wetlands, riparian vegetation, flood hazard areas, or other significant natural resource areas;
- Presence of wildlife habitat for sensitive, threatened, or endangered species listed in a federal, state, or local inventory;
- Presence of historic resources listed in an adopted state or local inventory, or officially designated as a state or federal historic landmark;
- Insufficient right-of-way and inability to obtain additional right-of-way;
- Adopted Board decisions (e.g., Design Concept and Findings documents);
- Other site specific circumstances.

Deviations shall not compromise safety and sound engineering practices.

PLEASE NOTE: Deviations may not be requested if the standards in question are required as a condition of approval of a land use decision.

APPROVAL REQUIREMENTS

Deviations are subject to the requirements of Lane Code 15.709(2)(c):

- (i) The safety and function of the road system shall not be compromised by the proposed deviation, based upon accepted engineering practices;
- (ii) The deviation will not result in an inconsistency with other standards found in Lane Code; and
- (iii) The deviation will not result in the need for a Variance to any other applicable Lane Code requirement; or
- (iv) The deviation is for a project initiated by the County and the Board recommends the deviation.

PRELIMINARY ASSESSMENT MEETING

Prior to submittal of an application for a deviation, a preliminary assessment meeting may be required to determine whether the proposed deviation is consistent with the requirements of Lane Code 15.709(1). Applicants should contact Lane County Transportation Planning to determine whether a preliminary assessment meeting is required.

REVIEW PROCESS

After any required preliminary assessment meeting has been completed, a **Lane Code Chapter 15 Deviation Application**, accompanied by the applicable fee, may be submitted to Lane County Transportation Planning for review pursuant to Lane Code 15.709(2). The application form is available online at:

www.lanecounty.org/TransportationPlanning

Lane County Transportation Planning staff shall review the application for completeness and may request additional information. If additional information is needed, Transportation Planning staff shall inform the applicant in writing within 14 days of receipt of the application and applicable fee.

Additional information may include written information with regard to issues of concern or supplemental documentation with regard to traffic and crash experience analysis; impacts on regulated natural resources; costs; and proposed mitigation. The applicant shall be directed to submit the requested additional information within 30 days of the date the request was mailed.

If necessary, the County Engineer or designee shall convene a Deviation Review Committee, consisting of representatives from the appropriate agencies, to review the application. The Committee shall make a recommendation to the County Engineer or designee whether to approve, deny, or modify the proposed deviation. The Committee's recommendation shall be based upon requirements of Lane Code 15.709(2)(c).

The County Engineer or designee shall review the application, make a decision in writing, and mail the decision to the applicant within 30 days of the date the County deemed the application complete. If applicable, the County Engineer or designee will take the recommendation of the Deviation Review Committee into consideration when making their decision.

In approving an application, the County Engineer or designee may assign conditions and require mitigation to ensure the continued safe and efficient operation of the road system.

RECONSIDERATIONS AND APPEALS

The applicant may appeal the initial decision of the County Engineer or designee to the Public Works Director pursuant to Lane Code 15.709(2)(e). Appeals shall be in writing and submitted within 30 days of the date the County Engineer or designee mailed the decision to the applicant.

Appeals shall include written arguments and supporting materials explaining how the County Engineer or designee erred in concluding the requirements of Lane Code 15.709(2)(c) were not met or erred in assigning conditions to ensure safe and efficient operation of the road.

Upon receipt of the appeal, the County Engineer or designee may decide to reconsider the decision. If the County Engineer or designee decides to reconsider the

decision, the appeal shall be reviewed and acted upon within 14 days of receipt of the appeal.

If the County Engineer or designee decides not to reconsider the decision, the appeal shall be reviewed and acted upon by the Public Works Director within 30 days of receipt of the appeal. Further appeals shall be directed to the Board of County Commissioners.