

Lane Code  
CHAPTER 15 CONTENTS

Chapter 15

ROADS

15.005 General Purpose.

DEFINITIONS

15.010 Definitions.

FUNCTIONAL CLASSIFICATIONS AND RIGHT-OF-WAY WIDTH

15.020 County Road Functional Classifications.

15.030 Urban and Rural Roads.

15.035 Additions and Changes to County Road Functional Classifications.

15.040 Action by Board.

MINIMUM ROAD REQUIREMENTS

15.045 Minimum Requirements for Public Roads and Local Access Roads.

15.055 Minimum Requirements for Private Access Easements.

BUILDING SETBACK REQUIREMENTS

15.065 Purpose.

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

15.075 State Road and Highway Setbacks.

15.080 Building Setback Requirements From Interior Property Lines.

15.083 Additional Setback Requirements.

15.085 Variance to Setback Requirements.

15.090 Right to Require Removal of Structures.

15.095 Building Setback Line Chart.

DEDICATION AND IMPROVEMENT REQUIREMENTS

15.100 Purpose.

15.105 Dedication and Improvement Requirements.

15.110 Variance to Dedication and Improvement Requirements.

FRONTAGE

15.115 Purpose.

15.120 Frontage Requirements.

15.125 Variances to Frontage Requirements.

ACCESS

15.130 Purpose.

15.135 General Access Requirements.

15.137 Access Management Requirements.

15.138 Road and Driveway Approach Spacing Standards.

15.139 Standards for Culverts and Private Approaches on County Roads.

15.140 Variance to Access Requirements.

ROAD AND RIGHT-OF-WAY REGULATIONS

15.200 Use of Public Roads and County Roads.

15.205 Facility Permits.

15.210 Permit Procedure.

15.215 Road and Bridge Restrictions.

15.220 Temporary Road Closures.

15.225 Unopened Established County Rights-of-Way.

15.230 Lengths of Vehicles, Combinations of Vehicles, and Weight Limits.

Lane Code  
CHAPTER 15 CONTENTS

RURAL ADDRESSING/ROAD NAMING

- 15.305 Purpose.
- 15.310 Authority for Enactment.
- 15.312 Road Naming
- 15.315 Assignment of Address.
- 15.320 Correction of Address.
- 15.325 Exceptions.
- 15.330 Responsibility.
- 15.335 Fees.

ROADSIDE INTEGRATION VEGETATION MANAGEMENT POLICY

- 15.500 Purpose
- 15.505 Definitions.
- 15.510 Roadside Vegetation Management Plan.
- 15.515 Training, Education, and Implementation.
- 15.517 Data Collection and Analysis.
- 15.520 Public Notification.
- 15.525 Record Keeping.
- 15.530 Annual Report (Reporting).

LEVYING, COLLECTING AND ENFORCING SPECIAL ASSESSMENTS

- 15.600 Authority.
- 15.605 Purpose.
- 15.610 Application.
- 15.620 Initiation of Improvements.
- 15.625 Procedures.
- 15.630 Priority System.
- 15.636 Assessments.
- 15.640 Intersections.
- 15.645 Foreclosure.

ROAD SYSTEM DEVELOPMENT

- 15.695 Specific Road Improvements.
- 15.696 Roadway Performance Standards.
- 15.697 Traffic Impact Analysis Requirements.

ROAD DESIGN STANDARDS

- 15.700 Purpose.
- 15.701 General Provisions.
- 15.702 Urban Arterial And Collector Standards.
- 15.703 Rural Arterial And Collector Standards.
- 15.704 Urban Local Street Standards.
- 15.705 Rural Local Road Standards.
- 15.706 Public Road, Local Access Road, and Private Access Easement (Private Road) Standards.
- 15.707 Pavement Structure.
- 15.708 Turnaround Areas.
- 15.709 Deviations From Design Standards and Facility Permit Requirements.
- 15.710 Road Design Standard Diagrams.

SIDEWALKS

- 15.715 Sidewalk Maintenance and Liability.
- 15.720 Prohibited Activities and Uses.
- 15.730 Sidewalk Design and Construction Specifications.

Lane Code  
CHAPTER 15 CONTENTS

STATUTORY WAYS OF NECESSITY

15.800 Jurisdiction.

GENERAL VARIANCE PROVISIONS

15.900 General Variance Provisions.

ENFORCEMENT

15.950 Enforcement Requirements.

15.955 Failure to Comply.

## Chapter 15

### ROADS

#### 15.005 General Purpose.

The general purpose of this Chapter is to consolidate and coordinate those rules, regulations and standards relating to the existing and future transportation and access needs of Lane County. It is intended to establish minimum requirements for efficient, safe and attractive 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 participation in the widening and 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. For purposes of this chapter, the Comprehensive Plan shall mean the Lane County General Plan, including the following documents which provide the overall policy direction for roads within Lane County.

- (1) The Lane County Transportation System Plan (TSP);
- (2) The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan); and
- (3) The transportation system plans adopted by the incorporated communities within Lane County outside of the Eugene-Springfield metropolitan area. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-04, 6.4.04)*

### DEFINITIONS

#### 15.010 Definitions.

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

- (1) AASHTO, American Association of State Highway and Transportation Officials. Publisher of “A Policy on Geometric Design of Highways and Streets,” nationally accepted source for contemporary road design standards.
- (2) Access. Subject to adopted policies and standards, the means by which a lot, parcel, area or tract directly obtains safe, adequate and usable ingress and egress.
- (3) Access Management. The regulation of vehicular access to streets, roads and highways from public and private roads and driveways to reduce potential conflicts and promote safety as well as to preserve the capacity, speed, and traffic flow for which the road system was planned and designed. These measures may include, but are not limited to, policies and spacing standards for access to roadways, and use of physical controls such as channelization and raised medians.
- (4) Additional Setback. Reserve areas required where soil conditions or topographic features necessitate significant cut or fill requiring slope easements for a roadway. These areas are site specific and are not generally required for an entire roadway segment. Additional setbacks are determined by physical characteristics of the land rather than the width of the roadway.
- (5) American Association of State Highway and Transportation Officials. See AASHTO.
- (6) Approach (Road Approach, Driveway Approach). The area of intersection of an approaching road or driveway with a road.
- (7) Board. The Lane County Board of Commissioners.
- (8) Capacity.

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

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

(9) Capital Improvement Program (CIP). A short range financial plan that programs construction project funding for the County Road Fund. Lane County maintains an annually updated CIP for transportation improvement projects.

(10) Channelization. The separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly movement of both vehicles and pedestrians. Channelization provides maximum convenience, and instills driver confidence. 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. Channelization does not include continuous median turn lanes. Channelization may increase capacity.

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

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

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

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

(15) Director. The Director of the Lane County Department of Public Works or the Director's delegated representative.

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

(17) Final Design. An engineering design which specifies in detail the location and alignment of a planned transportation facility or improvement that has been approved by the Board. See also Preliminary Design.

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

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

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

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

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

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

Local Roads are County-maintained roads and do not include Public Roads that have not been accepted by the Board as County Roads, or Local Access Roads.

(19) Improvement Agreement. An agreement that may, under prescribed circumstances, be used in lieu of required road improvements or a performance agreement, that is executed between the County and a developer in a form approved by the Board, and which runs with the land, in which 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 Lane Code.

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

(21) Land Use Decision. As defined in LC 14.015.

(22) Land Use Regulation. As defined in LC 14.015.

(23) Legal Interest. As defined in LC 14.015.

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

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

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

(27) Operation, maintenance, and/or repair. Routine activities necessary to operate and maintain the road system. These activities include, but are not limited to, signing, pavement marking, traffic signals, pavement surface maintenance and repair; pothole patching, culvert pipe and ditch grading, maintenance, or repair; dust control; vegetation control; and litter and animal carcass cleanup. These activities and minor transportation system improvements associated with them 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.

(28) Performance Agreement. A written agreement executed by an applicant or developer or his or her 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.

(29) Preliminary Design. An engineering design which specifies in detail the proposed location and alignment of a planned transportation facility or improvement. Preliminary design is normally specified as part of the Capital Improvement Program

public involvement process when a project is being readied to be sent out to bid for construction. See also Final Design.

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

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

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

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

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

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

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

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

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

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

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

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

(e) Roads are further defined as follows:

(i) County Road. As defined in ORS Chapter 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.

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

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

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

(v) Local Access Road. A Public Road that is not a County road, state highway, or federal road. Pursuant to ORS 368, the County and its officers, employees and/or agents, is not liable for failure to improve Local Access Roads and is not liable to keep Local Access Roads in repair. The County shall spend County moneys on Local Access Roads only if it determines that the work is an emergency or if:

(aa) the Director recommends the expenditure; and

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

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

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

(vii) Public Road. 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 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 County, and shall 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. A Public Road is not normally maintained by the County unless it has been accepted by the Board as a County Road as defined in this section, but the County may regulate its use. (Common terms for this type of road are "Dedicated Public Road" and "Local Access Road.")

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

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

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

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

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

(37) Travel Surface. Synonymous with Travel Way.

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

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

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

**FUNCTIONAL CLASSIFICATIONS AND RIGHT-OF-WAY WIDTH**

**15.020 County Road Functional Classifications.**

In the development of an area, it is generally considered infeasible and undesirable to design all streets to safely and effectively handle both local and non-local trips. Therefore, a range of street classifications are assigned to streets 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) County Roads as defined in LC 15.010(35) shall be classified as in Table 1, according to the functional class definitions specified in LC 15.010(18).

Table 1: Functional Classifications for County Roads

<u>Functional Class</u>
Local
Minor Collector
Major Collector
Minor Collector
Principal Arterial

(2) For purposes of LC 15.137(2)(c) and other applicable sections of this chapter, County Road functional classifications shall be ranked as higher or lower according to the volume and quality of traffic flow they are anticipated to handle, as specified below:

- (a) Arterial shall be the highest functional classification;
- (b) Collector shall be the next highest functional classification;
- (c) Local shall be the lowest classification.

(d) Local Access Roads and Public Roads as defined in LC 15.010(35) shall be ranked as equivalent to Local for the rankings specified in LC 15.020(2)(a) through (c) above.

(3) 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 shall be used to determine a road's functional classification. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 4-80, 7.11.80; 1-91, 6.14.91; 10-04, 6.4.04)*

### **15.030 Urban and Rural Roads.**

(1) Roads that are located within an urban growth boundary shall be designated as Urban Roads.

(2) Roads that are located outside of an urban growth boundary shall be designated as Rural Roads.

(3) A change in the location of an urban growth boundary shall result in a corresponding change in the urban or rural designation of a road. *(Revised by Ordinance No. 4-80; 7.11.80; 10-04, 6.4.04)*

### **15.035 Additions and Changes to County Road Functional Classifications.**

(1) Application. An application for additions or changes to County Road functional classifications shall be submitted to the Planning Division upon a form and accompanied by such data as may be described for that purpose by the Division. An application may be submitted by the owners of the property abutting an existing or proposed road, the Board of County Commissioners, the Planning Commission, the Planning Division, or the Department of Public Works.

(2) Investigation and Reports. The Planning Director shall make or cause to be made an investigation to provide necessary information to determine if the proposed addition or change to County Road functional classifications is consistent with the purposes of this chapter. As a part of the investigation, the Planning Director shall receive from the Director all pertinent information and recommendations relating to said application. In addition, if determined appropriate by the County Engineer or designee, a recommendation on the matter from the Roads Advisory Committee shall be included in the information submitted to the Planning Director. A report of such investigation shall be submitted to the Planning Commission for its consideration prior to or at a public hearing on the application.

(3) Planning Commission Public Hearing and Notice.

(a) The Planning Commission shall hold not less than one public hearing on the proposed addition or change.

(b) Notice of the time and place of the hearing shall be given at least 10 days prior to the date of the public hearing. The notice shall be published in a newspaper of general circulation in the County, or in a newspaper published in part of the County in which the proposed road is located. Notice of the hearing shall also be accomplished by causing at least three public notices to be posted at least 10 days prior thereto along the alignment of the existing or proposed road, not more than 500 feet apart, or by mailing notices to the owners of all property abutting the existing or proposed road alignment not less than 10 days prior thereto, using for this purpose the last known name and address of such owners as shown upon the records of the County Assessor.

(c) The Planning Commission at its public hearing shall review the proposed addition or change and shall receive pertinent evidence and testimony. Upon

completion of the hearing, the Planning Commission shall submit its report and recommendation to the Board.

(d) At the hearing, the Planning Commission shall consider whether the proposed addition or change is consistent with the criteria in LC 15.035(4) below.

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

(a) The addition or change will result in the County Road being used consistent with the functional classification definitions found in LC 15.010(18).

(b) The addition or change will not result in an inconsistency with the adopted General Plan Policies, including the policies of the Transportation System Plan. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 4-80, 7.11.80; 10-04, 6.4.04)*

#### **15.040 Action by Board.**

(1) Within 30 days of a Planning Commission recommendation, the Board shall schedule a public hearing. Such hearing and action by the Board shall be in accordance with the provisions of this subsection for Planning Commission hearings and the Lane County Charter.

(2) Prior to the hearing, the Planning Director shall forward to the Board a copy of the record for the proposed addition or change, including all pertinent data filed with the Commission and the minutes of the Planning Commission's public hearing. If a recommendation on the matter was made by the Roads Advisory Committee, the minutes of the Committee's discussion and recommendation shall be included in the materials forwarded to the Board.

(3) At the hearing, the Board shall determine whether the proposed addition or change is consistent with the criteria in LC 15.035(4) above.

(4) The Board shall not be required to follow the recommendation of the Planning Commission or Roads Advisory Committee. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 4-80, 7.11.80; 10-04, 6.4.04)*

### **MINIMUM ROAD REQUIREMENTS**

#### **15.045 Minimum Requirements for Public Roads and Local Access Roads.**

The following minimum requirements shall apply to Public Roads and Local Access Roads as defined in LC 15.010(35) when new development is proposed to ensure that such roads will reasonably conform with the stated 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 shall also meet the requirements in this section.

(1) A Public Road or Local Access Road that is part of or serves a land division shall comply with the following:

- (a) the land division requirements in LC 13.050; and
- (b) road dedication and improvement requirements in LC 15.105; and
- (c) the provisions in LC 15.045(3) through (7) below.

(2) When a Public Road or Local Access Road is used to provide access to a vacant lot or parcel where development other than a land division is proposed, prior to land use and zoning authorization for the proposed development the following shall apply:

(a) The applicant for the proposed development shall 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) If the applicant is unable to obtain the written certification specified in LC 15.045(2)(a), the property owner shall 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 legal description of the lot or parcel where development is proposed;

(ii) the name(s) of the owner(s) of the property;

(iii) a declaration and agreement that the property owner(s), successors, and assigns hold Lane County, its 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) reasons why the fire district certification cannot be obtained. An applicant's refusal to obtain the certification shall not in itself be an allowable reason;

(v) a statement that the property owner was advised and understands that the road may be inadequate for emergency vehicles;

(vi) a statement that the property owner declares and agrees that he and/or she has read the Covenant and Hold Harmless Declaration and has signed it of his or her own free will.

(c) The requirements specified above in LC 15.045(2)(a) through (b) shall apply only to lands outside of a County-designated Forest zone. Lands within a Forest zone shall be governed by the siting and development standards of the applicable zoning district.

(d) 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, shall not be subject to fire district certification requirements of LC 15.045(2)(a) through (b).

(3) As far as is feasible, roads shall be in alignment with existing or appropriate projections of existing roads by continuations of the centerline thereof.

(4) When necessary to retain access to or permit a satisfactory future division of adjoining lands, roads shall be extended to the boundary of a land division. A temporary turnaround meeting the requirements of LC 15.708 may be required for the resulting dead-end road.

(5) In order to effect separation of through and local traffic, Frontage Roads as defined in LC 15.010(35) or reverse frontage parcels or lots may be required by the County when a proposed parcel or lot 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) Where a cut or fill road slope is outside the normal right-of-way, a slope easement shall be required of sufficient width to permit maintenance of the cut or fill.

(7) The County may require that at the entrance to a Public Road or Local Access Road a sign be posted at private expense stating the name of the road and indicating the road is not a County-maintained road. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 4-80, 7.11.80; 10-04, 6.4.04)*

### **15.055 Minimum Requirements for Private Access Easements.**

The following minimum requirements shall apply to Private Access Easements as defined in LC 15.010(35) when new development is proposed to ensure that such roads will reasonably conform with the stated purpose of this chapter.

(1) A Private Access Easement that is part of or serves a land division shall comply with the following:

- (a) the land division requirements in LC 13.050; and
- (b) road dedication and improvement requirements in LC 15.105; and
- (c) the provisions in LC 15.055(3) through (8) below.

(2) When a Private Access Easement is used to provide access to a vacant lot or parcel where development is proposed, prior to land use and zoning authorization for the proposed development the following shall apply:

(a) The applicant for the proposed development shall 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) If the applicant is unable to obtain the written certification specified in LC 15.055(2)(a), the property owner shall 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 legal description of the lot or parcel where development is proposed;

(ii) the name(s) of the owner(s) of the property;

(iii) a declaration and agreement that the property owner(s), successors, and assigns hold Lane County, its 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) reasons why the fire district certification cannot be obtained. An applicant's refusal to obtain the certification shall not in itself be an allowable reason;

(v) a statement that the property owner was advised and understands that the road may be inadequate for emergency vehicles;

(vi) a statement that the property owner declares and agrees that he and/or she has read the Covenant and Hold Harmless Declaration and has signed it of his or her own free will.

(c) The requirements specified above in LC 15.055(2)(a) through (b) shall apply only to lands outside of a County-designated Forest zone. Lands within a Forest zone shall be governed by the siting and development standards of the applicable zoning district.

(d) 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 shall not be subject to fire district certification requirements of LC 15.055(2)(a) through (b).

(3) 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 or County Road as defined in LC 15.010(35), and may require dedications and improvements pursuant to the requirements of LC 15.105.

(4) The minimum width for private access easement shall be of a width determined by the County suitable for the intended use, but in no case less than 30 feet. Notwithstanding this requirement, a pre-existing easement of at least 20 feet in width and serving a lot or parcel created in its present configuration prior to April 28, 2004 is allowable provided it complies with other requirements of this chapter.

(5) All approved documents creating a private access easement shall provide for the installation, construction and maintenance thereof 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) Development on a lot or parcel 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.

(7) Any easement approved as a private access easement shall be an affirmative, perpetual easement appurtenant to the property that will be served by the easement, and contain at a minimum the names of grantor and grantee, the description of the land covered by the easement, a description of the lot(s) or parcel(s) to be served by the easement, a description of the intent or purpose of the easement and a statement of maintenance responsibility. All approved easements shall be recorded.

(8) The County may require that at the entrance to a Private Access Easement road a sign be posted at private expense stating the name of the private road and the words "Private Road, Not Dedicated for Public Use or Maintained by Lane County." *(Revised by Ordinance No. 6-75, Effective 3.26.75; 9-76, 8.27.76; 10-80 7.11.80; 1-91, 6.14.91; 10-04, 6.4.04)*

## **BUILDING SETBACK REQUIREMENTS**

### **15.065 Purpose.**

It is the purpose of this section to establish appropriate guiding setback lines to protect the vested interest of the public in the existing and proposed capacity of roads, including pedestrian ways, bikeways and public transit lanes; to promote public safety and welfare by providing for adequate vision clearance, fire protection and light and air; and to prevent or reduce deterioration of property values and promote conditions for desirable residential, commercial, industrial, institutional or public land uses. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-04, 6.4.04)*

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

(1) A lot or parcel of land adjoining a road designated as a Local Access Road, Public Road, County Road or State Road or Highway shall have a building setback line which conforms to the following minimum requirements:

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

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

(c) Setbacks shall be measured at right angles to the centerline of a straight road or as radials on a curved road to the nearest point of the front wall of the building. Setbacks shall be taken from the minimum right-of-way width specified as follows:

(i) For County Roads as defined in LC 15.010(35), the minimum right-of-way width for development setback purposes shall be based upon the functional class of the road, as follows:

- (aa) Urban Principal Arterial - 100 feet;
- (bb) Urban Minor Arterial - 80 feet;
- (cc) Urban Major Collector - 70 feet;

(dd) Urban Minor Collector - 60 feet;  
(ee) Rural Arterial or Collector - 80 feet;  
(ff) Urban Local - 60 feet, except that the right-of-way width may be reduced to a minimum of 45 feet for development setback purposes upon written approval of the County Engineer or designee;

(gg) Rural Local Roads - 50 feet.

(ii) For Public Roads and Local Access Roads as defined in LC 15.010(35), the minimum right-of-way width for development setback purposes shall be 50 feet.

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

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

(e) Setback lines for those areas requiring an additional setback pursuant to LC 15.083 below shall be measured as specified above in LC 15.070(1)(a) through (d) above, plus the distance specified in LC 15.083.

(f) Cornices, canopies, eaves and similar architectural features may be extended beyond the front wall a distance not exceeding two and one-half feet.

(g) Uncovered porches, platforms, landing places, stairways and fire escapes may extend beyond the front wall a distance not exceeding three and one-half feet, provided that such porch, platform or landing place shall have its floor no higher than the entrance or first floor of the building. A railing no higher than three feet may be placed around each landing place.

(h) Signs conforming to all other applicable standards and requirements may project beyond the setback line.

(i) Fences, walls or hedges, and guard railings, or other similar landscaping or architectural devices, may be established within the setback area provided that they do not exceed three and one-half feet in height and further provided they comply with Visual Clear Zone requirements specified in LC 15.095(3).

(j) Wire fencing such as that used for livestock, excluding "cyclone" or chain-link fencing, of up to 6 feet in height and which complies with Visual Clear Zone requirements specified in LC 15.095(3) may be established within the setback area.

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

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

(a) A special building setback line may be established when it is incidental to a subdivision, partitioning, or other land use decision as defined in 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 for Lane County. Any action to establish a special building setback line as part of a land use decision processed pursuant to the requirements of LC 14.050 shall be considered to constitute the required public notice and opportunity to appeal requirements of LC Chapter 14.

(b) Special setback lines may be established when it is determined that a special setback line is necessary along a road in order to either implement the Comprehensive Plan for Lane County, 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 line, which is not incidental to a partitioning or subdivision application of LC Chapter 13, or to another

land use decision as defined in LC Chapter 14, shall be subject to the General Variance Provisions for this chapter. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-80, 7.11.80; 10-04, 6.4.04)*

### 15.075 State Road and Highway Setbacks.

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

<u>Road Name</u>	<u>Section Length (miles)</u>	<u>Setback R/W Width (feet)</u>
Cloverdale Rd.		
Hendrick's Rd. to Hwy. 99	3.51	80
Franklin Blvd./McVay Hwy.		
Hwy. 126 to 30th Ave.	2.19	80
Highway 36		
Hwy. 99 to Territorial	5.52	80
Territorial to Hwy. 126W	45.97	70
Highway 58		
I-5 to Jasper-Lowell Rd.	5.73	120
Jasper-Lowell Rd. to County line	56.34	100
Highway 99 East		
Hwy. 99W to County line	3.37	100
Highway 99 North		
Jessen Dr. 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 Crk. Rd.		80
Sutton Crk. Rd. to Canary Rd.		100
Canary Rd. to Douglas County line		80
Highway 126 W (Route F)		
Beltline Rd. to Florence City limits	54.20	100
Highway 242		
Hwy. 126E at Belknap Springs		
To east County line	21.66	60
McKenzie Hwy. (Hwy 126 East)		
Hwy 99 to County line	76.14	100
Springfield-Creswell Hwy.		
City limits at 42nd St. to Hwy. 58	8.00	80
Territorial Rd./Hwy.		
County line to county line	42.08	80
Westfir Spur		
Hwy. 58 to Westfir-Oakridge Rd.	1.00	60
42nd St. South		
McKenzie Hwy. to Jasper Rd.		[See Springfield-Creswell Hwy.]

*(Revised by Ordinance 10-04, Effective 6.4.04)*

**15.080 Building Setback Requirements From Interior Property Lines.**

A lot or parcel of land shall have a building setback line from interior property lines which conforms to the following minimum requirements:

(1) Within all areas subject to the provisions of LC Chapter 16, "Lane County Land Use and Development Code," the interior setback line shall be as designated by the applicable Zoning District.

(2) Within all areas subject to the provisions of LC Chapter 10, "Zoning," the interior setback line shall be as designated by Zoning District and the Building Setback Line Chart, LC 15.095.

(3) Where a utility easement is recorded adjacent to an interior property line, the building setback line shall in no place be closer to the property line than the width of the easement regardless of the building setback line established by this section.

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

(5) Fences, walls or hedges not exceeding six feet in height may be located or maintained within the required interior building setback area, except where Visual Clear Zone requirements specified in LC 15.095(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. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-80, 7.11.80; 10-04, 6.4.04)*

**15.083 Additional Setback Requirements.**

(1) Additional Setbacks as defined in LC 15.010(4) shall be measured as specified in LC 15.070(1)(e) above and shall be required as specified below for the following County Roads:

Applegate Trail (Hwy. 36 to Territorial Hwy.)	+10'
Bailey Hill Rd. (City limits to Green Hill Rd.)	+20'
Bernhardt Creek Rd.(Sweet Creek Rd. to End County maint.)	+20'
Big Fall Creek Rd.(Jasper-Lowell Rd. to End County maint.)	+20'
Blue River Dr. (McKenzie Hwy. to McKenzie Hwy.)	+10'
Bolton Hill Rd. (Territorial Hwy. to Crow-Vaughn Rd.)	+10'
Brice Creek Rd. (Row River Rd. to Champion Creek Rd.)	+10'
Briggs Hill Rd. (Territorial Hwy. to Spencer Creek Rd.)	+20'
Camas Swale Rd. (Mile post 2.2 to Hamm Rd.)	+20'
Camp Creek Rd. (Marcola Rd. to McKenzie Hwy.)	+20'
Canary Rd. (Mile post 1.33 to Canary Rd. South)	+20'
Canary Rd. South (Canary Rd. to Siltcoos Station Rd.)	+10'
Clear Lake Rd. (Canary Rd. to Hwy. 101)	+10'
Cottage Grove-Lorane Rd. (City limits to Old Lorane Rd.)	+10'
Cottage Grove Reservoir Rd. (London Rd. to London Rd.)	+10'
Crest Dr. (Lorane Hwy. to Blanton Rd.)	+10'
Crow Rd. (Green Hill Rd. to Territorial Rd.)	+20'
Crow-Vaughn Rd. (Route F to Bolton Hill Rd.)	+20'
Crow-Vaughn Rd. (Bolton Hill Rd. to Territorial Hwy.)	+10'
Deadwood Creek Rd. (Hwy. 36 to Brooks Rd.)	+20'
Deerhorn Rd. (McKenzie Hwy. to Bridge St.)	+20'
Dillard Rd. (Urban Growth Boundary to Hwy. 99)	+20'
Fox Hollow Rd. (Urban Growth Boundary to So. Willamette St.)	+20'
Garoutte Rd. (Mosby Creek Rd. to Shoreview Dr.)	+10'
Gimple Hill Rd. (Bailey Hill Rd. to Pine Grove Rd.)	+20'
Goodpasture Rd. (McKenzie Hwy. to End County maint.)	+10'

Hamm Rd. (Territorial Hwy. to Camas Swale Rd.)	+20'
Heceta Beach Rd. (Hwy. 101 to Rhododendron Dr.)	+10'
High Prairie Rd. (East 1st St. to End County maint.)	+10'
High Prairie West (Westfir-Oakridge Rd. to High Prairie Rd.)	+10'
Hill Rd. (Old Mohawk Rd. to Marcola Rd.)	+10'
Jasper-Lowell Rd. (Jasper Rd. to Pengra Rd.)	+10'
Jasper-Lowell Rd. (Unity to Hwy. 58)	+10'
Knight Rd. (Route F to West Scheffler Rd.)	+10'
Little Fall Creek Rd. (Jasper-Lowell Rd. to End County maint.)	+10'
Marcola Rd. (Camp Creek Rd. to County line)	+10'
McKenzie View Dr. (Coburg Rd. to Hill Rd.)	+20'
Munsel Lake Rd. (Hwy. 101 to North Fork Siuslaw Rd.)	+10'
Petzold Rd. (Central Rd. to Crow Rd.)	+10'
Pine Grove Rd. (Crow Rd. to Spencer Creek Rd.)	+10'
Row River Rd. (Shoreview Dr. to Shoreview Dr.)	+20'
Row River Rd. (Sharps Creek Rd. to Brice Creek Rd.)	+10'
Shoreview Rd. (Row River Rd. to Row River Rd.)	+20'
Siltcoos Station Rd. (Canary Rd. South to County line)	+20'
South Jetty Rd. (Hwy. 101 to End County maint.)	+10'
Suttle Lake Rd. (Hwy. 101 to Hwy. 101)	+10'
Sweet Lane (Hwy. 99 to End County maint.)	+10'
Thompson Creek Rd. (Hwy. 36 to Indian Creek Rd.)	+20'
Wendling Rd. (Marcola Rd. to End County maint.)	+10'

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

### **15.085 Variance to Setback Requirements.**

(1) An application for any Variance to the requirements of this section may be requested in accordance with the General Variance Provisions in LC 15.900.

(2) 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(35) 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 shall, upon written request, purchase or condemn the land. Upon the failure of the County to purchase the property or initiate condemnation proceedings within six months of such request, the subject land shall be considered free of the requirements of this section affecting land within the planned right-of-way. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-80, 7.11.80; 10-04, 6.4.04)*

**15.090 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 land restricted against improvement by a setback requirement:

(1) Neither he or she nor any of his or her successors in interest may recover damages for public taking or removal of the structure improvement as thus built, made, moved or enlarged; and

(2) Upon appropriation of the land for public purpose for which this chapter makes reservations, the Board may require whoever owns the land at the time of the appropriation, or his or her successors in interest to the land, to remove or pay the cost of removing from the land and from abutting land restricted by setback requirements the structures or improvements thus built, made, moved or enlarged. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-80, 7.11.80; 10-04, 6.4.04)*

**15.095 Building Setback Line Chart.**

(1) In addition to the Building Setback requirements in LC 15.065 through 15.090 above, the following setback requirements apply to lands governed by LC Chapter 10, Zoning.

<u>District</u>	<u>Minimum Setback (Feet)</u>		
	<u>From Road ROW Specified in LC 15.070 (Feet)</u>	<u>From Interior Property Line (Side)</u>	<u>(Rear)</u>
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	15*	20*
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
Mobile Home Parks	25	5	5

15.100	Lane Code		15.105
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 shall serve as guide but may be varied-see LC Chapter 10 "Zoning" for requirements.		
Unzoned Areas	20	5	5
* Exception: For any lot of less than one acre within a recorded subdivision, the setback shall be five feet.			

(2) Accessory Buildings. For lots and parcels subject to LC Chapter 10 Zoning requirements, the minimum setback distance for any residential accessory building shall be the same as that required for the main building, except that:

(a) the minimum distance between the entrance to any garage or carport and the applicable minimum road right-of-way specified in LC 15.070(1)(c) for the road from which access is taken shall be 20 feet; and

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

(3) Visual Clear Zone. All corner lots or parcels shall have a visual clear zone that is consistent with the Visual Clear Zone definition in LC 15.010. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 3-76, 4.7.76; 10-80, 7.11.80; 10-04, 6.4.04)*

## DEDICATION AND IMPROVEMENT REQUIREMENTS

### 15.100 Purpose.

It is the purpose of this section to ensure that an appropriate portion of right-of-way and improvement costs are provided for by abutting properties without general public cost when the development of the abutting property, due to the size or type of use, necessitates the need for additional expansion or construction of existing or planned transportation facilities. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-04, 6.4.04)*

### 15.105 Dedication and Improvement Requirements.

(1) When a land division or other development is proposed, the County may require dedications of right-of-way or easements and improvements necessary to meet the applicable road design standards of LC 15.700 through LC 15.708 and other requirements of this chapter. Road dedication or improvements shall be adequate to serve traffic generated by the new development.

(2) When a traffic impact analysis is required pursuant to LC 15.697, the County may require Public Road or County Road dedications and improvements consistent with the County-approved traffic impact analysis.

(3) If required by the County-approved traffic impact analysis pursuant to LC 15.697, changes or additions to County Road functional classifications shall be made pursuant to the procedures specified in LC 15.035 through LC 15.040.

(4) 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 LM 15.850 through 15.865. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-80, 7.11.80; 10-04, 6.4.04)*

**15.110 Variance to Dedication and Improvement Requirements.**

An application for any Variance to the requirements of this section may be requested in accordance with the General Variance Provisions in LC 15.900. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-04, 6.4.04)*

**FRONTAGE****15.115 Purpose.**

It is the purpose of this section to ensure that all parcels, lots or building sites abutting a County Road, Public Road or a Private Access Easement (Private Road) have the road frontage necessary for safe, usable and convenient ingress and egress and which ingress or egress does not adversely affect the use of the lot or parcel, the abutting road and the surrounding area. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-04, 6.4.04)*

**15.120 Frontage Requirements.**

(1) Any lots or parcels abutting the right-of-way of a Public Road, County Road or a Private Access Easement (Private Road) as defined in LC 15.010(35) shall have continuous and usable abutment along said road of not less than 30 feet, except that a lawfully created lot or parcel with a minimum of 20 feet usable abutment and that existed as of April 28, 2004 is allowable.

(2) A lot or parcel meeting the requirements of LC 15.135(6) and served by an easement of less than 20 feet in width, shall be deemed to meet the frontage requirements of LC 15.120. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-04, 6.4.04)*

**15.125 Variances to Frontage Requirements.**

An application for any Variances to the requirements of this section may be requested in accordance with the General Variance Provisions in LC 15.900. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-04, 6.4.04)*

**ACCESS****15.130 Purpose.**

It is the purpose of this section to insure that all lawfully created lots and parcels have reasonably safe, convenient and usable access that is sufficient to insure the continued unhampered lawful use of the lots and parcels, the restricting of undue individual hardship and public cost, and the efficient provisions for transportation and other needed facilities, services, and utilities. It is considered that the necessity for being able to travel to and from a lawfully established use and providing for the delivery of necessary services is a basic requirement for development. County Roads, Public Roads, Local Access Roads, and Private Access Easements as defined in LC 15.010(35) are required to comply with certain minimum standards in order to insure that vehicular access needs of the lot or parcel are met, that there is adequate and safe access for police, fire and other public service vehicles, that there is adequate provision for the installation and maintenance of sewer, water and storm drainage improvements, and that such roads are constructed in accordance with acceptable construction and engineering practice. The requirements of this subsection are intended to provide for the permanent access needs and the orderly development of the lot or parcel, the surrounding area and the community. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 1-91, 6.14.91; 10-04, 6.4.04)*

**15.135 General Access Requirements.**

(1) All lots, parcels, or building sites shall have reasonably safe and usable vehicular access either directly to a Public Road, County Road, State Road or an approved Private Access Easement.

(2) A lot or parcel shall be considered as having legal access for the purposes of development when the lot or parcel:

(a) was created in an approved and recorded land division; or

(b) 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(35); or

(c) is adjacent to a Public Road or County Road, and meets the frontage requirements of LC 15.120; or

(d) is served by a Private Access Easement meeting the requirements of LC 15.055; or

(e) is adjacent to a state road and meets any applicable state access and permit requirements.

(3) A lot or parcel shall be considered as having reasonably safe and usable vehicular access for purposes of development if the road providing access to the lot or parcel is:

(a) a County-maintained road or State-maintained road; or

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

(c) any applicable dedication and improvement requirements of this chapter are met.

(4) Lots in platted subdivisions shall take access from the adjacent platted road unless a Variance to Access Requirements is approved pursuant to LC 15.140. Such roads shall be adequate to serve the proposed development and shall be:

(a) constructed at private expense to the requirements specified in this chapter; and

(b) 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) When an existing County Road is used to provide access to a vacant lot or parcel where development is proposed:

(a) the approach for the driveway or private access easement serving the property shall meet the access management requirements and spacing and sizing requirements of LC 15.137 through LC 15.139 below; and

(b) the County may require dedications of right-of-way or easements and improvements pursuant to LC 15.105; and

(c) all work within the County Road right-of-way shall comply with the facility permit requirements of LC 15.205 through LC 15.210.

(6) When a lot or parcel is the site of an existing building, the lot or parcel shall be deemed to meet the access provisions of LC 15.135 through LC 15.139 when a building permit application is for the remodeling, alteration or replacement of an existing structure or the addition of an accessory building and no additional dwelling units or guest houses are created. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-04, 6.4.04)*

**15.137 Access Management Requirements.**

The following requirements shall apply when access is taken from a County Road as defined in LC 15.010(35):

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

(2) Where a right of access from a lot or parcel to a County Road exists, access may be allowed at less than the designated spacing standard only if the property does not have reasonable alternative access and the designated spacing cannot be accomplished. When sufficient frontage is unavailable to meet spacing standards, reasonable alternative access will be provided with the following restrictions:

(a) If possible, joint access should be considered;

(b) Not more than one access point will be permitted;

(c) For corner lots, access shall be limited to the intersecting street with the lowest expected traffic volume. If traffic volume is the same or undetermined for either road, access shall be taken from the road with the lower functional classification as defined in LC 15.020(2).

(3) Where a right of access to a collector or arterial road exists, the maximum number of approaches to the road from land within one contiguous ownership shall be one, irrespective of whether the land may be divided into two or more lots or parcels or whether property frontage and spacing standards of LC 15.138 would allow additional access points. More than one approach may be considered if, in the judgment of the County Engineer or designee additional approaches are necessary to accommodate and service traffic to and from a property, and additional approaches will not interfere with driver expectancy and the safety of through traffic on the road.

(4) Where the right of access exists to a Local Road as defined in LC 15.010(18)(e), more than one approach to the road from a lot or parcel may be considered if, in the judgment of the County Engineer or designee additional approaches are necessary to accommodate and service traffic to and from a property, and additional approaches will not interfere with driver expectancy and the safety of traffic on the road.

(5) Driveway and road approaches on County Roads shall be located where they do not create undue interference or hazard to the free movement of highway and pedestrian traffic. Locations 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 shall not be permitted.

(6) Driveway and road approach spacing on County Roads shall comply with the spacing standards in LC 15.138, subject to the following:

(a) Within urban growth boundaries, block length and connectivity policies and standards specified in city transportation system plans and city development codes shall apply;

(b) Offset intersections with spacing less than the standards in LC 15.138 should be avoided. A minimum offset of 150 feet is required for roads designed for speeds of 25 miles or more per hour;

(c) For rural major collector roads new intersections should generally be minimized;

(d) For urban arterial roads, new intersections shall include consideration for optimal traffic signal spacing (typically ¼ to ½ mile) and avoidance of queuing or other operational problems.

(7) Decisions regarding placement, location, relocation, and spacing of traffic control devices, including but not limited to traffic signals, turn lanes, and medians shall 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 cited in LM 15.450 shall be used.

(8) New development shall accommodate on-site traffic circulation needs on the site and not by circulating on and off the site through multiple access points using the County Road system. "Backing out" maneuvers are prohibited on all arterials and collectors.

(9) New land divisions shall consolidate access to the greatest extent possible. New access onto arterials and collectors shall be minimized. *(Revised by Ordinance 10-04, Effective 6.4.04)*

**15.138 Road and Driveway Approach Spacing Standards.**

Requirements in this section apply to new driveway and road approach intersections with a County Road. When access is needed to a lot or parcel, if the legal status of a lot or parcel has not been determined, the spacing standards in this section apply to all contiguous land in one ownership.

(1) Outside urban growth boundaries, Table 2 below shall be used in determining spacing between existing and proposed approaches onto County Roads.

(2) Within urban growth boundaries, the spacing standard for County Roads will be pursuant to the applicable city standards.

(3) Where sufficient frontage is unavailable to meet spacing standards, reasonable alternative access will be permitted as specified in LC 15.137, consistent with other applicable requirements.

(4) Spacing standards shall be measured from center-line to center-line of a road or driveway approach at the intersection of the approach with the County Road Right-of-Way as defined in LC 15.010(34)(a).

(5) Site plans for new development shall 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 shall be shown to scale and labeled on the site plan.

<b>Table 7.4: Minimum Public Roadway Intersection and Private Access Spacing Standards</b>					
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 shall determine the travel speed. An applicant for access may submit a speed study completed by an Oregon certified engineer or other professional with appropriate expertise, to be considered and approved by the County, if there is disagreement with the County speed determination. *(Revised by Ordinance 10-04, Effective 6.4.04; 17-06, 1.11.18)*

**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(34)(a) shall be 16 feet for Rural Arterials and Collectors; and

(b) 12 feet for Rural Local Roads.

(c) The maximum approach width shall be 30 feet for residential use and 35 feet for other uses.

(d) The minimum radius shall be 10 feet.

(e) Side-slopes shall be no steeper than 3H:1V.

(f) Approaches shall be constructed with asphalt concrete. The approach surface may be Portland cement concrete with prior approval and installation according to County specifications.

(g) Culverts shall 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 may be required to provide adequate conveyance capacity for a 10-year design storm event. A longer pipe length may be required if a wider driveway apron is approved or terrain or ditch depth dictates.

(2) Sloped end culverts shall be required if the road facility in the area has been upgraded to include sloped end culverts. Side slopes shall match side slopes of the road.

(3) Additional specifications shall be required as necessary to minimize surface flow of water and debris onto the Public Roadway, such as in the case of uphill approaches. *(Revised by Ordinance 10-04, Effective 6.4.04)*

**15.140 Variance to Access Requirements.**

An application for a Variance to the requirements of this section may be requested in accordance with the General Variance Provisions in LC 15.900, except that the following additional requirements shall apply:

(1) In addition to the criteria in LC 15.900(2), the Variance application may be considered for approval if it is deemed necessary because of the unusual uses, title limitations, location, or date or means of creation of the lots or parcels or because of the limitations imposed by the arrangement of contiguous or adjacent lots or parcels;

(2) Any Variance to the access requirements of this section shall 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) The lot or parcel for which a Variance is sought shall be lawfully created; and

(4) If a Variance to the access requirements requires that a private access easement be created and/or approved as a part of any conditional approval, the minimum requirements for private access easements specified in LC 15.055 shall be complied with as deemed necessary to insure that any approved access will reasonably conform with the stated purposes of this section. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-04, 6.4.04)*

## ROAD AND RIGHT-OF-WAY REGULATIONS

### 15.200 Use of Public Roads and County Roads.

In furtherance of the purpose of this chapter, to ensure the safety and convenience of the traveling public and to effectively and efficiently manage and maintain the public investment in the road system, the Director is delegated authority granted the Board by state statute to regulate the use of Public Roads and County Roads as defined in LC 15.010(35) and to require permits for certain activities. *(Revised by Ordinance No. 20-82, Effective 9.3.82; 10-04, 6.4.04)*

### 15.205 Facility Permits.

(1) Activities Requiring a Facility Permit. Placement of facilities and development within the right-of-way of a County Road as defined in LC 15.010(35), and alteration of such facilities and development shall be authorized only through facility permits issued by the Director in accordance with ORS 374.305 through 374.340. Facilities and development includes, but is not limited to, road improvements, sidewalks, new or reconstructed driveway or road approach intersections, utility placements, excavation, clearing, grading, culvert placement or replacement, stormwater facilities, or any other facility, thing or appurtenance.

(2) Prohibited Activities. Landscaping and trees, landscape timbers, rocks, irrigation facilities, walls, gates, fencing, non-standard mailbox supports, stairways, and any other fixed object or barrier that has the potential of hindering the normal operation, maintenance, or use of a Public Road or County Road shall generally be prohibited and subject to the Failure to Comply and Enforcement Provisions of LC 15.210(11) and LC 15.950 through LC 15.955.

(3) New Development Requiring a Facility Permit. A facility permit is required for access serving new development specified in LC 15.205(3)(a) through (c) below, when requiring intersection with a County Road as defined in LC 15.010(35), to ensure road and driveway approaches, culverts, and other facilities and development as specified in LC 15.205(1) above within the right-of-way of a County Road are constructed in a manner consistent with the purpose of this chapter:

- (a) a new structure on a vacant parcel;
- (b) a dwelling, including a manufactured dwelling;
- (c) if specified as a condition of approval in a land division or other land

use decision.

(4) Development Exempt From Facility Permit Requirements. Notwithstanding LC 15.205(3), the following new development and uses are specifically exempt from facility permit requirements 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) Temporary medical hardship homes;
- (b) Replacement dwellings.

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

(6) Nonmotorized Vehicles. Bicycling on Delta Highway shall be only as authorized on permit of the Director in accordance with LC 5.400.

(7) 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) Loading logs along County Roads, installation of stock guards or fencing along or within public rights-of-way and such special activities 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) 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 criteria set forth in LC 15.210(2), the amenity shall:

(i) serve a public purpose or provide a public benefit;

(ii) be located so as not to be an obstruction to a vehicle running off the road;

(iii) not be designed or colored so as to distract vehicle operators;

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

(v) include the agreement of the donor to maintain the amenity for a period of no fewer than 5 years.

(8) Access Management. Activities requiring a facility permit shall be subject to applicable Access requirements and spacing standards of LC 15.135 through 15.139 as part of the facility permit approval process. *(Revised by Ordinance No. 20-82, Effective 9.3.82; 10-04, 6.4.04)*

### **15.210 Permit Procedure.**

The following rules and regulations are adopted with regard to permits specified in LC 15.205 above:

(1) Application. Application for permits shall be made on forms provided by the Department. The applicant shall certify that all information supplied on the application is correct and shall agree to abide by all applicable Federal, State and County laws, rules and regulations with regard to performance under the permit.

(2) Approval Criteria. Facility permit applications shall 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 shall also be reviewed for consistency with LC 15.135 through 15.139. The Director, in approving any application, may attach special terms and conditions to promote these objectives. Applications for activities or uses that are deemed to jeopardize public safety or cause unnecessary damage to the road system shall be denied.

(3) 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) Performance and Indemnity Requirements.

(a) The holders of permits shall be liable for damage or injury to persons or property, including roads and structures, resulting from work done or privileges granted under any permit.

(b) Before a permit shall be issued, applicants for 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 agents and employees, against liability in the event of any injury or damage occurring by reason

of the permittee's operations on a road. Applicants for facility permits may be required to show proof of such insurance.

(c) Applicants for permits to load logs 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) Applicants 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) When a facility permit is required as specified in LC 15.205(3), land use and zoning authorization for the development on a construction permit shall not be provided until a facility permit for access associated with the development has been issued. For purposes of this subsection, in addition to a copy of the issued facility permit, documentation of facility permit issuance shall consist of a site plan meeting the requirements of the Department and approved as to the access location and width by the Engineering Division, Right-of-Way Management Permits Section.

(f) In all cases, performance bonds and insurance shall be at least in the minimum amount designated by the Director.

(g) The holders of all permits shall conduct any work or privilege granted by permit at their own sole risk and shall indemnify, save harmless and defend Lane County, its 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 shall not be limited by reason of the enumeration of any insurance coverage that may be required.

(5) Safety Requirements. Holders of permits shall exercise diligence and care to ensure safety to the public and protection of the road system. Safety precautions shall include such stipulations reasonably related to 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 shall apply. During construction performed in connection with facility permits, roads shall be kept free of debris. Flaggers, barricades and other safety devices shall be employed as necessary to warn traffic of possible hazards. Lighted warning lights shall be maintained where necessary between the hours of sunset and sunrise.

(6) Construction.

(a) Facilities shall be constructed in conformance with:

(i) applicable Road Design Standards and requirements of LC 15.700 through LC 15.710;

(ii) applicable Access Management requirements of LC 15.130 through 15.139; and

(iii) applicable traffic impact analysis requirements pursuant to LC 15.697.

(b) The permittee shall notify the Director prior to the removal of any survey monuments, and shall be responsible for the cost of replacing any survey monuments moved or destroyed while working in public rights-of-way.

(c) The entire cost of construction, including special conditions and safety requirements, shall be borne by the permittee.

(d) Upon completion of the work, the road and right-of-way shall be restored to its original condition at the expense of the permittee.

(7) 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 approval has been granted. The Director is granted authority by the Board to act as its

agent pursuant to ORS 374.305 through 374.340 with regard to correction of deficient or unauthorized installations.

(8) Maintenance. Holders of facility permits shall be responsible for maintenance of facilities at their own expense. The expense of relocation or alteration of road approaches in connection with a road improvement project shall be borne by the Department, except when such alteration is made in connection with assessable improvements in urban areas. Facilities shall be kept in a good state of repair at all times. 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) Permit Duration, Extensions, and Termination. Unless otherwise specified, construction and improvements required by a facility permit shall be completed within one year from the date the facility permit was issued.

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

(i) the request for an extension is submitted in writing with the applicable fee prior to the permit expiration date, and

(ii) a performance agreement is executed for the facility permit work. The performance agreement shall be on a form prepared or approved by Lane County and meet the requirements of LM 15.850 through 15.865.

(b) Permits may be terminated and a new Facility Permit may be required when:

(i) 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” shall mean any of the following:

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

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

(cc) an additional permanent dwelling unit;

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

(ii) the permittee 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) Permittees shall be 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 shall be determined by the Director based upon the *Manual For Uniform Traffic Control Devices* publication cited in LM 15.450. Responsibility of the permittee shall be limited to cost of design and installation or construction only.

(11) Failure to Comply. The Director is authorized to remove unauthorized facilities and vegetation from public rights-of-way. When not representing an immediate hazard, the Director may first attempt to contact the owner for removal of unauthorized facilities or installations. Upon failure of the owner to comply with removal by a specified date, the Director may cause the unauthorized facility to be removed with the cost billed to the owner.

(12) Deviations from Facility Permit Requirements. Deviations from the requirements in LC 15.205 through 15.210 may be sought pursuant to the provisions in LC 15.709, Deviations from Design Standards and Facility Permit Requirements. *(Revised by Ordinance No. 20-82, Effective 9.3.82; 10-04, 6.4.04)*

**15.215 Road and Bridge Restrictions.**

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 those facilities with such restrictions as authorized under ORS 810.030. Such action shall be abated unless confirmed at the next public meeting of the Board with a duly executed Board Order. *(Revised by Ordinance No. 20-82, Effective 9.3.82; 10-04, 6.4.04)*

**15.220 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. *(Revised by Ordinance No. 20-82, Effective 9.3.82; 10-04, 6.4.04)*

**15.225 Unopened Established County Rights-of-Way.**

Rights-of-way legally established for County road purposes over which roads have not been constructed shall not be opened for purposes of private access or land development at public expense. Construction of roads in these circumstances shall be as specified by facility permit and through the land development process, if applicable, at the expense of the applicant. *(Revised by Ordinance No. 20-82, Effective 9.3.82; 10-04, 6.4.04)*

**15.230 Lengths of Vehicles, Combinations of Vehicles, and Weight Limits.**

(1) 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 that as established in Table 3, below. In combinations featuring more than one trailer or semi-trailer, the shortest trailer shall be positioned to the rear of the combination.

Table 3: 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 shall 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) Weight Limits. Load limits shall be regulated according to the requirements of ORS 818.010. *(Revised by Ordinance No. 73-82, Effective 10.29.82; 10-04, 6.4.04)*

## **RURAL ADDRESSING/ROAD NAMING**

### **15.305 Purpose.**

The purpose of this subchapter 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. *(Revised by Ordinance No. 13-84, Effective 11.9.84; 10-04, 6.4.04)*

### **15.310 Authority for Enactment.**

This subchapter is enacted pursuant to the authority vested in the County by its Charter and ORS Chapter 215. *(Revised by Ordinance No. 13-84, Effective 11.9.84; 10-04, 6.4.04)*

### **15.312 Road Naming**

The naming or renaming of roads in Lane County shall be accomplished as set forth by order of the Board pursuant to LM 15.005 through 15.035. *(Revised by Ordinance No. 10-04, Effective 6.4.04)*

### **15.315 Assignment of Address.**

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

- (1) A new address shall be assigned only for:
  - (a) A new structure on a vacant lot or parcel provided the structure and the lot or parcel are lawfully established; and
  - (b) New, lawfully established structures on a lot or parcel 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) Other circumstances if, upon review by the Department, the address assignment will be consistent with other provisions of Lane Code.
- (2) For new addresses assigned to lawfully established structures that are not dwellings or manufactured dwellings, the address shall not be used to establish residency.
- (3) Manufactured dwellings within manufactured dwelling parks and multi-unit structures shall be issued one address number with separate unit numbers.
- (4) Home occupations shall not be assigned an address unless the structure otherwise qualifies for a new address pursuant to LC 15.315(1) above.
- (5) A new temporary medical hardship dwelling shall not be assigned an address unless the structure qualifies for a new address pursuant to LC 15.315(1)(b). An address assigned for a temporary medical hardship dwelling shall no longer be valid when the hardship ceases.
- (6) No address shall 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) 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(35) an address shall be assigned only upon compliance with the requirements in LC 15.305 through 15.335 and only upon documentation of a recorded access easement meeting the requirements of this chapter. The location of the private access easement shall be accurately shown on the site plan as specified in LC 15.315(6). *(Revised by Ordinance No. 13-84, Effective 11.9.84; 10-04, 6.4.04)*

**15.320 Correction of Address.**

Address corrections may be initiated at the request of the property owner, or authorized agent, or the Department when it is demonstrated that incorrect addresses jeopardize the safety of the dwelling(s) affected. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

**15.325 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. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

**15.330 Responsibility.**

The Department shall be charged with the responsibility of notifying affected agencies of assigned addresses. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

**15.335 Fees.**

All applications and requests for address assignment shall be accompanied by the fee amount established by separate order of the Board. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

## **ROADSIDE INTEGRATION VEGETATION MANAGEMENT POLICY**

**15.500 Purpose**

(1) Lane County promotes roadside vegetation management practices that emphasize environmental protection, promote health and safety of the public and County employees in order to support vibrant communities and preserve infrastructure. Lane County shall serve as a positive model for environmental stewardship.

(2) The County shall use non-herbicidal control methods, including prevention, as its preferred tools for roadside vegetation management. Permitted herbicides may be used when other methods/options have been ineffective.

*(Revised by Ordinance No. 12-03, Effective 9.11.03; 16-07, 10.27.16)*

**15.505 Definitions.**

As used in this chapter, the following terms have the following meanings:

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

Herbicide means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any plant from growing where unwanted.

Management Prescription Plan means the document entitled “*Rights-of-Way Management Prescription Plan & Action Thresholds 2006*” maintained by the Department of Public Works.

Permitted Product means an herbicide listed on the Permitted Product list identified in LC 15.510(6).

Threshold means the point at which maintenance is required to ensure set standards are maintained. *(Revised by Ordinance No. 12-03, Effective 9.11.03; 16-07, 10.27.16)*

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

(b) Increasing vegetation tolerance thresholds, while maintaining current roadside safety an infrastructure standards.

(2) Mechanical, Manual, and Other Alternative Vegetation Control Methodsto evaluate and address existing vegetation problems or problems that may develop on county roadsides in spite of prevention techniques, the Department of Public Works shall follow the approach outlined below:

(a) Monitor roadside vegetation growth to determine if thresholds have been exceeded and whether control is needed.

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

(3) Use of Herbicide Products.

(a) County staff may use only those herbicides listed on the Permitted Product List or as otherwise authorized by the Board of Health under this section 15.510(3).

(b) County staff shall submit to the Board of Health for consideration and adoption a Permitted Products list for use of herbicides by the Department of Public Works for roadside management. County staff, on behalf of the Board of Health, shall solicit review and comment from staff and the Public Health Administrator who will work with the Public Health Advisory Committee.

(b) 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) 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.

(d) Prior to the authorization, the Director of Public Works shall review in writing the following considerations with the Board of Health:

(i) The nature of the problem and the reason to use the non-listed herbicide.

(ii) Determinations made 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 6 – Permitted Product List Criteria.

(iii) 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, and to the environment.

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

(vi) Any legal requirements that are applicable.

The Board of Health may 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.

(4) Application Methods and Buffers.

(a) Herbicide applications adjacent to waterways or bodies of water that occur within 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 200 feet of known or identified school bus stops or within 500 feet of a school must adhere to Management Prescription Plan guidelines in order to protect human health.

(c) Other areas determined to present risk to children or the environment as determined by the Director of Public Works shall be added to the guidelines within the Management Prescription Plan.

The County's Department of Public Works staff shall continue to review research regarding alternative vegetation control methods to evaluate their effectiveness and potential for use in County roadside vegetation management operations.

(5) 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. Recent 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.

(6) 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) Product contains none of the following substances:

(i) A known, likely, or probable carcinogen;

(ii) Reproductive toxicants;

(iii) Known or probable endocrine disruptors;

(iv) A substance acutely toxic to humans or labeled as DANGER or POISON;

(v) Nervous system toxicants (ingredients that are cholinesterase inhibitors and/or are listed as neurotoxic);

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

(b) In addition, consideration shall be given to the following:

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

(ii) Active ingredient has extremely low or very low mobility in soils.

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

(c) These criteria will be reviewed by the Public Health Advisory Committee annually. The findings and recommendations of the Committee will be reported to the Board of Health and the Director of Health and Human Services. *(Revised by Ordinance No. 12-03, Effective 9.11.03; 16-07, 10.27.16)*

**15.515 Training, Education, and Implementation.**

(1) The Department of Public Works staff involved in roadside vegetation management shall 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) The Director of Public Works shall designate a staff member to be responsible for the implementation of this chapter. *(Revised by Ordinance No. 12-03, Effective 9.11.03; 16-07, 10.27.16)*

**15.517 Data Collection and Analysis.**

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

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

(3) 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. *(Revised by Ordinance 16-07, Effective 10.27.16)*

**15.520 Public Notification.**

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

(1) Orange road signs 48 inches will be posted on both ends of all County roadways with proposed herbicide applications at least seven days prior to any application. All signs will be left in place following any applications for a minimum of three days. 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) Public notification of herbicide use along roadsides maintained by Lane County shall be listed on Lane County's website.

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

(4) 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 days prior to the proposed applications and for at least seven days post application. *(Revised by Ordinance No. 12-03, Effective 9.11.03; 16-07, 10.27.16)*

**15.525 Record Keeping.**

County staff shall maintain publicly accessible information with records of herbicides used on county roadsides for a minimum of six 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 applicator's name and 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; 16-07, 10.27.16)*

### **15.530 Annual Report (Reporting).**

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

(1) 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) Control methods that have replaced herbicide use in the previous year;

(3) Control methods that have been proven ineffective;

(4) What non-herbicide control methods the Department of Public Works intends to use in the plan year. County staff shall post the report on the County website and make copies available to the public. *(Revised by Ordinance No. 12-03, Effective 9.11.03; 16-07, 10.27.16)*

## **LEVYING, COLLECTING AND ENFORCING SPECIAL ASSESSMENTS**

### **15.600 Authority.**

The following provisions relating to the application of a special assessment policy for public improvements are hereby 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)*

### **15.605 Purpose.**

The requirements set forth herein are for the purpose of defining policies, conditions and procedures whereby specially benefited property owners shall be assessed for the costs of road improvements. Remonstrance procedures included in Section 9 of the Lane County Home Rule Charter are not repeated herein, but apply in full. The procedures set forth in this subchapter shall 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; 10-04, 6.4.04)*

### **15.610 Application.**

The provisions herein apply to all County roads, Public Roads as defined in LC 15.010(35) and platted streets within the unincorporated areas of Lane County and under the jurisdiction of Lane County. These provisions shall also apply to the following County roads within the limits of incorporated cities:

(1) Connecting roads maintained under the authority of ORS Chapter 373;

(2) County roads subject to an intergovernmental agreement under the authority of ORS 373.260;

(3) County roads within the limits of incorporated cities not covered by LC 15.610(1) and (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; 7-82, 7.9.82; 10-04, 6.4.04)*

**15.620 Initiation of Improvements.**

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

- (1) 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) Petition signed by owners of not less than 60 percent of the separate ownerships abutting the proposed improvements, representing not less than 60 percent of the frontage of the land abutting the proposed improvements. The signature of an owner of property that has multiple ownership is valued 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; 7-82, 7.9.82; 5-97, 5.16.97; 10-04, 6.4.04)*

**15.625 Procedures.**

When a resolution has been adopted or a petition has been filed for the reconstruction of an existing road, the procedures outlined in ORS Chapter 371 pertaining to an engineer's report, notice to owners, filing of objections, etc., shall be followed. *(Revised by Ordinance No. 11-73, Effective 9.28.73)*

**15.630 Priority System.**

All proposed projects shall be consistent with a road improvement priority system as may be adopted by Lane County. Any road proposed for reconstruction by petition, which, in the judgment of the Director is in conflict with said 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; 10-04, 6.4.04)*

**15.636 Assessments.**

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

- (1) By Petition.
  - (a) Local Streets and Roads and Minor Collectors. The direct cost of the complete street improvements up to and including 36 feet in width curbs, gutters and sidewalks within urban growth boundaries; and the direct cost of improvements up to and including 24 feet in width in the rural areas shall be assessed to the abutting property on a cost per front foot basis.
  - (b) Major Collectors, Minor Arterials and Principal Arterials. The direct cost of constructing the curbs, gutters, driveway and private access easement approaches, and sidewalks within urban growth boundaries, unincorporated rural communities and exception areas adjacent to urban growth boundaries as designated in an acknowledged comprehensive plan shall 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 shall be paid by Lane County. If the abutting property does not take access from the road when the improvement project is completed, whether by choice of the owner or denial by Lane County, the assessment for curbs, gutters and sidewalks shall be deferred. Abutting property taking access from the road over other abutting property shall not be eligible for assessment deferral under this section. Any deferred assessment shall be a lien against the abutting property which may be removed and access granted in the future, provided that a) Lane County (or the government 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 Lane County the full amount of the original deferred assessment, plus

accrued interest. Interest shall be calculated from the date the original assessments on the project became due, at the rate established by the Board for those assessments. Lane County (or the government with jurisdiction over the road) may grant access without requiring payment of the deferred assessment and interest if twenty years has elapsed since the date the original deferred assessment was certified. Any assessment deferred under this section shall be waived and the lien shall be extinguished twenty years from the date of certification. Notwithstanding waiver of the deferred assessment and extinguishment of the lien, Lane County (or the government with jurisdiction over the road) shall control access as provided by law.

(2) By Board Resolution.

(a) 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 shall 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 shall be paid by Lane County.

(b) Minor Collectors, Major Collectors, Minor Arterials and Principal Arterials. The same as defined in LC 15.636(1)(b) above.

(c) Property owners will be assessed for the sidewalk constructed on their frontage up to a maximum width of six feet. The remaining cost of sidewalks constructed for a project shall be paid by Lane County.

(d) Property owners will be assessed for the costs associated with approach construction on their frontage. Costs will be charged from the back of the curb to the back of the sidewalk, up to a maximum distance of six feet back from the curb. The balance of approach costs shall be paid by Lane County.

(3) By Petition or Resolution-Bridges. When the Board determines the public interest requires improvement to bridges on a local access road, the direct cost of bridge improvement or replacement shall be assessed to the specially benefiting property owners on a uniform basis as determined by the Board.

(4) For purposes of LC 15.636, Direct Cost shall mean all costs including engineering and administrative costs associated with installation of improvements specified.

(5) Deferrals.

(a) Assessments may be deferred on large frontages as specified below when all of the following conditions apply:

(i) The parcel:

(aa) is zoned equivalent to low density residential or single family residential; or

(bb) in any zone other than those specified in LC 15.636(5)(a)(i)(aa) above, is vacant or is occupied solely by the owner and is the owner's primary residence; and

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

(ii) The owner requests a deferral of the assessment; and

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

(b) When a deferral is allowed under LC 15.636(5)(a) above:

(i) the parcel shall be assessed for a minimum frontage of 100 feet. The costs for the remaining frontage may be deferred.

(ii) the deferred assessment shall be a lien against the abutting property.

(iii) The deferral shall terminate upon initiation of a land division of the property.

(c) Upon termination of a deferral under LC 15.636(5)(b)(iii), the owner of the property shall be required to pay to Lane County the full amount of the original deferred assessment plus accrued interest. Interest shall be calculated from the date of the original assessment at the rate established by the Board for those assessments. Any assessment deferred under this section shall be waived and the lien shall be extinguished 20 years from the date of certification.

(d) The deferral provisions under LC 15.636(5)(a) through (c) above are in addition to but shall not supersede the provisions in ORS 311.702 through 311.735 for Deferral of Special Assessments on Senior Citizens' Residential Property. *(Revised by Ordinance No. 11-73, Effective 9.28.73; 7-82, 7.9.82; 20-87, 10.14.87; 8-94, 11.25.94; 5-97, 5.16.97; 10-04, 6.4.04)*

#### **15.640 Intersections.**

For assessment projects, the cost of street improvements located within street intersections and railroad intersections shall be paid by Lane 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)*

#### **15.645 Foreclosure.**

The Director of the Department of Assessment and Taxation shall have the duties and responsibility of the County Court in ORS 371.650(3) and ORS 371.660 and shall have 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; 7-82, 7.9.82)*

### **ROAD SYSTEM DEVELOPMENT**

#### **15.695 Specific Road Improvements.**

Pursuant to LC 15.696 through 15.697 below, the owner of land being developed may be required, as a condition of development approval, to make road improvements necessitated by the development. The Director shall specify any required improvements and these are in addition to other requirements of this chapter. *(Revised by Ordinance No 7-82, Effective 7.9.82; 10-04, 6.4.04)*

#### **15.696 Roadway Performance Standards.**

(1) All roadways and intersections owned by Lane County must operate at or below the following standards. A local agency may choose to apply their adopted operational standards to county owned roadways in an UGB, provided that they do not allow for a lesser degree of mobility.

(a) 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 0.85 if inside and UGB, or with a LOS "D" or better and a v/c ratio not higher than 0.80 outside and UGB during the highest one- 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) Two-way Stop and Yield Controlled Intersections: All public street intersection approaches serving more than 20 vehicles during the highest one- 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 0.95 if inside and UGB, or with a LOS "D" or better and a v/c

ratio not higher than 0.80 outside the UGB. Operational standards do not apply to approaches at intersections serving 20 vehicles or fewer during the peak hour or private driveways.

(2) When analyzing County roads within urban growth boundaries, the applicable design standards of the respective city apply. In the absence of city standards for such roads, the County's road design standards apply. Traffic study requirements should be coordinated with cities and ODOT when development proposals affect facilities under the jurisdiction of these agencies.

(3) 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) If nearby public or private roads, streets, or driveways are predicted to exceed the standards as a result of the proposal requiring a traffic impact analysis, the applicant shall recommend mitigation measures. If nearby road, street or driveway performance is predicted to exceed standards in order to maintain flow on the road or street where access is proposed, adequate space for vehicle queuing (based on 95% probability) must be maintained on the nearby road, street or driveway.

(5) Operational standards do not apply to unsignalized intersection approaches serving 20 vehicles or fewer during the peak hour or private driveways. *(Revised by Ordinance 10-04, Effective 6.4.04; 17-06, 1.11.18)*

#### **15.697 Traffic Impact Analysis Requirements.**

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

(a) any development proposal that if approved, will result in an increase of peak hour traffic flow of 50 or more automobile trips outside an urban growth boundary, or 100 or more automobile trips inside an urban growth boundary. The increase in number of trips shall 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; or

(b) development proposals that will affect county roads where congestion or safety problems have been identified by previous traffic engineering analysis; or

(c) any plan amendment proposal, unless waived by the County Engineer as specified below; or

(d) proposed development that will generate or receive traffic by single or combination vehicles with gross weights greater than 26,000 pounds as part of their 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; or

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

(f) potential impacts to pedestrian and bicycle routes, including, but not limited to school routes and multimodal roadway improvements identified in the TSP; or

(g) project development would increase intersection or driveway volumes by 25 peak hour vehicles trips or greater on roadways classified as minor collector, major collector, minor arterial or principal arterial; or

(h) a TIA is required by ODOT pursuant with OAR 734-051

(2) The County Engineer or designee may waive traffic impact analysis requirements specified in LC 15.697(1) above, when:

(a) 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) 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 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 Traffic Impact Analysis will be approved when:

(i) the plan designation or zoning that results will be entirely a resource designation; or

(ii) the plan designation or zoning that results will be entirely residential and the allowed density is not likely to result in creation of more than 50 lots; and

(iii) there is adequate information for the County Engineer or designee to determine that a transportation facility is not significantly affected as defined in Lane County Transportation System Plan Policy 20-d.

(3) Traffic impact analyses shall document compliance with the requirements and guidelines in LC 15.696 and shall:

(a) be prepared by an Oregon-certified engineer with expertise in traffic and road construction engineering;

(b) document compliance with:

(i) the Road Design Standards in LC 15.700 through 15.708; and

(ii) the Access requirements specified in LC 15.130 through 15.139; and

(iii) the goals and policies of the applicable transportation system plan; and

(c) evaluate all road facilities where direct access is proposed, including proposed access points, nearby intersections, and the nearest major intersection with a traffic signal; and

(d) address the requirements for pavement structure analysis in LC 15.707 if the analysis is required pursuant to LC 15.697(1)(d); and

(e) be approved as to scope prior to proceeding with the analysis, as specified in the Traffic Impact Analysis 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 95% probability) may be required.

(4) The traffic impact analysis shall demonstrate the following:

(a) for plan amendments and zone changes, that the performance standard specified in LC 15.696(1) for the affected road(s) will not be exceeded as a result of the plan amendment or zone change, within 20 years from the date the analysis was completed;

(b) for other development, that the performance standard specified in LC 15.696(1) for the affected road(s) will be achieved immediately and for the next five years.

(5) If the performance standard in LC 15.696(1) cannot be achieved or maintained as specified in LC 15.697(4) above, the analysis shall propose one or more of the following:

- (a) road dedications and improvements for capacity increases;
  - (b) implementation of demand management strategies;
  - (c) other mitigation measures.
- (6) 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) Reconfigure roadway and side-street accesses to minimize traffic conflicts at intersections;
  - (b) Limit parking near signalized intersections to increase intersection capacity;
  - (c) Coordinate and operate traffic signals to improve traffic progression;
  - (d) 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) Improve turning radii at intersections that are heavily used by trucks to avoid lane blockages;
  - (f) Install raised medians to reduce traffic conflicts;
  - (g) Improve accesses so that traffic can enter or exit the roadway with minimal disruptions of flow;
  - (h) Implement other transportation demand management or transportation system management measures to use existing capacity of the roadway more efficiently.
- (7) Proposed dedications, improvements, demand management strategies and other measures pursuant to LC 15.697(5) shall:
- (a) consider the safe operation of affected driveways and public street intersections;
  - (b) propose access locations as appropriate, consistent with the access requirements in LC 15.130 through 15.139;
  - (c) demonstrate that the proposed measures will be completed in a manner consistent with applicable state and local policies and standards; and
  - (d) include a description of how and when the dedications, improvements and other measures will be performed.
- (8) Traffic impact analyses shall be developed in coordination with agencies such as the Oregon Department of Transportation or a city when the proposal requiring the analysis affects facilities in their jurisdiction. Dedications, improvements, and other measures proposed pursuant to LC 15.697(4) shall comply with adopted plans and requirements of the agency with jurisdiction for the affected facility.
- (9) In addition to the requirements in this subsection, the *Highway Capacity Manual* publication cited in LM 15.450 shall be used as the guiding standard for completion of a traffic impact analysis. The McTrans *Highway Capacity Software* package, or other approved software packages, may be used to complete the analysis. The Oregon Department of Transportation's SIGCAP software, or other ODOT-approved software is acceptable where the study scope includes analysis of both State and County facilities.
- (10) Upon approval of the traffic impact analysis and proposed dedications, improvements, and other measures, requirements shall 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; 17-06, 1.11.18*)

## ROAD DESIGN STANDARDS

### 15.700 Purpose.

The purpose of this section is to provide standards for the construction and reconstruction of roads which are controlled and maintained by Lane 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 to 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)*

### 15.701 General Provisions.

(1) Roadway design elements not specified in LC 15.700 through 15.710 shall conform to guidelines of the following publications as determined appropriate by the County Engineer, using the publication version cited in LM 15.450:

(a) The following publications of the American Association of State Highway and Transportation Officials:

- (i) *A Policy on Geometric Design of Highways and Streets;*
- (ii) *Roadside Design Guide;*
- (iii) *Geometric Design of Very Low Volume Local Roads (ADT < 400);*
- (iv) *Guide for Design of Pavement Structures.*

(b) The following publications of the Oregon Department of Transportation and/or the American Public Works Association (APWA), Oregon Chapter:

- (i) *Highway Design Manual;*
- (ii) *Oregon Highway Plan;*
- (iii) *Oregon Bicycle and Pedestrian Plan;*
- (iv) *Oregon Standard Specifications for Construction;*
- (v) *Oregon Standard Drawings.*

(2) Where required, calculation of projected Average Daily Traffic (ADT) shall be based upon the Transportation Research Institute's *Trip Generation* manual using the publication version cited in LM 15.450.

(3) 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 15.450.

(4) Sidewalks, access ramps, driveways, medians, and other right-of-way design elements shall comply with Americans with Disabilities Act (ADA) requirements.

(5) Notwithstanding LC 15.030, County Roads outside of urban growth boundaries may be required to be improved to urban road design standards as determined on a case by case basis through the Capital Improvement Program adoption process, or as required by a Traffic Impact Analysis pursuant to LC 15.697. *(Revised by Ordinance 10-04, Effective 6.4.04)*

### 15.702 Urban Arterial And Collector Standards.

(1) Applicability.

(a) The Urban Arterial and Collector Standards apply to County Roads within urban growth boundaries with the following functional classifications:

- (i) Minor Collectors;
- (ii) Major Collectors;
- (iii) Minor Arterial;

(iv) Principal Arterial.

(b) For the streets listed in LC 15.702(1)(a), the standards apply to the following street improvements within urban growth boundaries:

(i) Newly constructed arterial and collector streets.

(ii) Reconstruction of existing arterial and collector streets, including reconstruction of the roadbed and addition of curbs, gutters and sidewalks, but not including preservation or pavement rehabilitation.

(iii) Widening of existing improved 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.

(2) Diagrams. Diagrams 1 through 5 in LC 15.710 illustrate Urban Arterial and Collector design configurations.

(3) Right-of Way Width. The minimum right-of-way width shall be the sum of all roadway design element widths plus an additional eight feet (four feet on each side). In addition, the right-of-way shall include space for utilities, transition areas, and cut and fill slopes, and may vary based on terrain.

(4) Roadway Width. The roadway width is the distance from curb face to curb face. See Vehicle Travel Lane Width and Bike Lane sections below to determine total roadway width.

(5) Vehicle Travel Lane Width.

(a) Urban Principal Arterials. Travel lanes shall be 12 feet wide. If a design deviation is approved pursuant to the requirements of LC 15.709, the minimum acceptable width shall be no less than 11 feet.

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

(6) Surface Type. Surface type shall be pavement.

(7) Pavement Structure. Pavement Structure design shall meet the requirements specified in LC 15.707.

(8) Sidewalks.

(a) Sidewalks are required on both sides of all arterial and collector streets with the exception of freeways and expressways:

(i) Sidewalks are not required on freeways.

(ii) Expressways shall be evaluated on a case by case basis to determine if sidewalks are required.

(b) Sidewalk design shall be either setback sidewalks or curbside sidewalks, as follows:

(i) The preferred design option is setback sidewalks. Setback sidewalks shall be a minimum of five feet wide with a minimum six 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) Curbside sidewalks shall be a minimum six feet wide (excluding curb width) to allow for:

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

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

(cc) Provision of ADA compliant driveway designs and handicap ramps. These standards generally call for flat landing areas, gentle grades, and adequate width for pedestrian and wheelchair movements.

(9) Bike Lanes.

(a) Bicycle lanes shall be a minimum of five and one-half feet wide and provide sufficient usable lane width around drainage grates and utility covers. In a typical application, the five and one-half feet width provides a one and one-half feet shy distance from a curb or parked car and four feet for travel.

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

(10) On-Street Parking.

(a) On-street parking is not permitted on arterial streets.

(b) On-street parking may be provided on collector streets only after a parking demand and supply study has been completed and the desirability and feasibility of on-street parking has been verified. A parking study shall consider, 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.

(c) Parking on collector streets will be required when the parking demand and supply study indicates a clear inadequacy in the supply of parking or determines the existing and/or future demand for parking validates the establishment of on-street parking facilities.

(d) Parallel parking is the preferred layout for on-street parking.

(e) Where allowed, parallel parking lane widths on collector streets shall be a minimum of seven feet wide.

(11) Crosswalks.

(a) Any markings used to establish a crosswalk shall conform to the *Manual On Uniform Traffic Control Devices* (MUTCD) publication cited in LM 15.450.

(b) 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) 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) Water conveyance capacity in curb and gutter design shall be provided by a minimum 18-inch gutter width.

(b) The minimum gutter slope shall be 0.5%.

(c) The minimum curb height shall be six inches.

(d) Curb designs that are acceptable for use on County roads include:

(i) Vertical curbs are 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) Sloping or mountable curbs are used on roads with speeds of 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) 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 shall only be used for drainage control and not as separation for vehicles and pedestrians.

(iv) Other curb designs that conform with accepted engineering practice as set forth in LC 15.701(1).

(13) Raised Medians. 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) The preferred raised median width is 10 feet when used to limit land access or control turning movements. The minimum width of medians used for this purpose shall be four feet.

(b) Medians used as a pedestrian refuge shall be a minimum of eight feet wide to enhance pedestrian safety. Medians used as a pedestrian refuge or to facilitate pedestrian and bicycle movements shall be designed with at-grade cuts at all intersections.

(c) The preferred raised median width for provision of turning bays is 14 feet. The minimum width for this type of median is 12 feet.

(d) Raised medians shall be designed at six inch curb height.

(14) Center Turn Lanes.

(a) Center turn lanes on arterial and collector streets shall be a minimum of 12 feet wide.

(b) A turn lane width of 14 feet may be used in industrial or commercial areas and other streets that experience a minimum 10% truck percentage of traffic volume. Where the truck percentage of traffic volume is greater than 15%, a minimum 14 feet center turn lane shall be required.

(c) Arterial and collector streets may have a continuous two-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) Traffic Signals. The application and use of traffic signals shall be guided by the principles, methods and warrants outlined in the *Manual on Uniform Traffic Control Devices* publication cited in LM 15.450.

(16) Maximum Grade. The maximum road grade shall be as follows:

Table 5: Maximum Grade

Terrain type	Urban Collector	Urban Arterial
Level	7%	5%
Rolling	10%	6%
Mountainous	12%	8%

(a) 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 500 foot segment exceeds 5% in grade shall be considered Level.

(b) 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 500 foot segment exceeds 5% in grade but does not exceed 8% in grade shall be considered Rolling.

(c) 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 500 foot segment exceeds 8% in grade shall be considered Mountainous.

(17) Street Lighting. 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 locations under special circumstances such as at traffic signals or high hazard locations.

(18) Speed Zones. The establishment of speed zones on County roads 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 the Oregon Department of Transportation. *(Revised by Ordinance 10-04, Effective 6.4.04)*

### **15.703 Rural Arterial And Collector Standards.**

#### (1) Applicability.

(a) The Rural Arterial and Collector Standards apply to County Roads outside of urban growth boundaries with the following functional classifications:

- (i) Minor Arterial; and
- (ii) Minor Collector; and
- (iii) Major Collector.

(b) For the roads specified in LC 15.703(1)(a), the standards apply to the following street improvements outside of urban growth boundaries:

- (i) Newly constructed arterial and collector streets.
- (ii) Reconstruction of existing arterial and collector streets, including upgrades to rural standards through reconstruction of the roadbed and addition of paved shoulders and ditches, but not including preservation or pavement rehabilitation.
- (iii) Widening of existing arterial and collector streets that result in adding center turn lanes, right turn lanes, paved shoulders, or other major widening improvements.

(2) Diagrams. Diagrams 8 and 9 in LC 15.710 illustrate rural arterial and collector design configurations.

#### (3) Right-of Way Width.

(a) The minimum right-of-way width for rural arterial and collector roads shall be 80 feet in two-lane sections and 100 feet in three-lane sections.

(b) In addition to meeting the requirements of LC 15.703(3)(a), the right-of-way shall include space for the roadway and an adequate drainage ditch, including accepted safety standards for ditch foreslopes and backslopes.

(4) Roadway Width. The pavement width shall be the sum of all vehicle lanes and paved shoulders. Minimum widths for lanes, paved shoulders, and total pavement are specified in the following table. Lane widths shown are for travel lanes only and do not apply to turning lanes.

Table 6: 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
400-1500 ADT			
Level	11	6	34
Rolling	11	4	30
Mountainous	11	2	26
1500-10,000 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) Pavement Structure. Pavement structure design shall meet the requirements specified in LC 15.707.

(6) Roadway and Ditch Side-Slopes.

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

(b) 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) When slopes steeper than 3H: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) The slope rate for cut slopes shall be determined by geotechnical analysis and/or clear zone considerations.

(e) 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) Ditch Depth. Ditch depth shall be a minimum of one 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 10-year design storm event.

(8) 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 15.450 shall be used.

(a) 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) 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) Raised Medians. Arterial and collector roads may have a raised median area for channelization and to provide a refuge area for pedestrians or vehicles.

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

(b) Medians used as a pedestrian refuge shall be a minimum of six feet wide to enhance pedestrian safety. Medians used as a pedestrian refuge or to facilitate pedestrian and bicycle movements shall be designed with at-grade cuts at all intersections.

(c) The preferred raised median width for provision of turning bays is 14 feet, with a minimum width for this type of median at 12 feet.

(d) Raised medians shall be designed at six inch curb height.

(10) Center Turn Lanes.

(a) All center turn lanes on arterial and collector streets shall be a minimum of 12 feet wide.

(b) A turn lane width of 14 feet may be used in industrial or commercial areas and other streets that experience a minimum 10% truck percentage of traffic volume. Where the truck percentage of traffic volume is more than 15%, a minimum 14 feet wide center turn lane shall be required.

(c) Arterial and collector roads may have intermittent left turn lanes or right turn lanes to separate turning traffic from through traffic lanes.

(d) Turn lanes shall be provided when, pursuant to LC 15.696, intersection or roadway level of service is determined to be D or worse and/or when other factors such as crash experience and side street volume exceed acceptable limits.

(11) Maximum Grade. The maximum road grade shall be as follows:

Table 7: Maximum Grade

Terrain type	Rural Collector	Rural Arterial
Level	7%	5%
Rolling	10%	6%
Mountainous	12%	8%

(a) 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 500 foot segment exceeds 5% in grade shall be considered Level.

(b) 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 500 foot segment exceeds 5% in grade but does not exceed 8% in grade shall be considered Rolling.

(c) 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 500 foot segment exceeds 8% in grade shall be considered Mountainous.

(12) Pedestrian Facilities. Sidewalks or walkways are permissible and may be required pursuant to adopted Transportation System Plan Bicycle and Pedestrian 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) Bike Facilities. Where required, paved shoulder widths shall accommodate bicycles. See LC 15.703(4), Roadway Width requirements, to determine required shoulder widths. *(Revised by Ordinance 10-04, Effective 6.4.04)*

**15.704 Urban Local Street Standards.**

(1) Applicability.

(a) The Urban Local Street Standards apply to County Roads functionally classified as Local Roads within urban growth boundaries.

(b) For the streets listed in LC 15.704(1)(a), urban local street standards apply to the following improvements:

- (i) Newly constructed urban local streets;
- (ii) Existing roads being reconstructed to Urban Local Street standards.

(c) 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.

(d) Notwithstanding LC 15.704(1)(a), within urban growth boundaries, the applicable design standards of the respective city shall apply to County Roads functionally classified as Local Roads. In the absence of city standards, the County’s road design standards shall apply.

(2) Diagrams. Diagrams 10 and 11 in LC 15.710 illustrate urban local street design configurations.

(3) Roadway Width and Right-of-Way Width.

(a) Minimum roadway width and right of way width requirements are specified in the following table:

Table 8: Minimum Roadway Width and Right of Way (ROW) Width (Feet)

Traveled Way	Parking (one side)	Total Pavement 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

(b) In addition to meeting the requirements of LC 15.704(3)(a), the right-of-way shall include adequate space for the traveled way, pedestrian facilities, signs, utilities, and drainage facilities.

(4) Surface Type. The surface type shall be pavement.

(5) Pavement Structure. Pavement structure design shall meet the requirements specified in LC 15.707.

(6) Vehicle Travel Lane Width. Local streets are unstriped, shared roadways with low design speeds and traffic volumes. Therefore, travel lanes are not specified.

(7) Curb and Gutter. Curb and gutter is required.

(a) Water conveyance capacity in curb and gutter design shall be provided by a minimum 18-inch gutter width.

(b) The minimum longitudinal gutter slope shall be 0.3%.

(c) The minimum curb height shall be six inches.

(8) Sidewalks. Sidewalks on new urban local streets are required and shall be constructed at the expense of the developer or abutting property owners.

(a) 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 Policy 6-b.

(b) When provided, curbside sidewalks shall be a minimum six feet wide.

(c) Setback sidewalks shall be a minimum five feet wide with a minimum six feet wide planting strip.

(9) Bike Lanes. Because of their low-volume, low-speed character, urban local streets shall be shared roadways for bicycle and vehicular movement. Striped bike lanes are not required.

(10) On-Street Parking. On-street parking shall be limited to one side. *(Revised by Ordinance 10-04, Effective 6.4.04)*

#### **15.705 Rural Local Road Standards.**

(1) Applicability.

(a) The Rural Local Road Standards apply to:

(i) County Roads functionally classified as Local Roads outside of urban growth boundaries.

(ii) Local Access Roads, Private Access Easements, and Public Roads as defined in LC 15.010(35) when such roads serve new development that will generate average daily traffic (ADT) of more than 100.

(b) For the roads listed in LC 15.705(1)(a) above, Rural Local Road Standards apply to:

(i) Newly constructed roads;

(ii) Existing roads being reconstructed to rural local road standards.

(c) 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 12 in LC 15.710 illustrates Rural Local Road design configurations.

(3) Right-of-Way Width.

(a) The minimum right-of-way width shall be 50 feet.

(b) In addition to meeting the requirements of LC 15.705(3)(a), the right-of-way shall include space for the travel way, rock slopes, utilities, and adequate drainage ditches, including accepted safety standards for ditch foreslopes and backslopes.

(4) Roadway Width. Minimum pavement widths are specified in the following table.

Table 9: Minimum Pavement Width (feet)

Terrain	<100 ADT	100-250	251-400	>400 ADT
Level	18	20	24	24
Rolling	18	20	22	24
Mountainous	18	18	20	22

(a) 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 500 foot segment exceeds 5% in grade shall be considered Level.

(b) 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 500 foot segment exceeds 5% in grade but does not exceed 8% in grade shall be considered rolling.

(c) 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 500 foot segment exceeds 8% in grade shall be considered Mountainous.

(5) Surface Type. Surface type shall be pavement.

(6) Pavement Structure. Pavement Structure design shall meet the requirements specified in LC 15.707.

(7) 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 20 feet wide may be striped with a centerline. Roads that are at least 22 feet wide may be striped with a centerline and fog lines.

(8) Shoulders. Road shoulders are not required.

(9) Roadway and Ditch Side-slopes.

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

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

(c) 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 15.450 shall be used when it is necessary to review the efficacy of a barrier.

(d) The slope rate for cut slopes shall be determined by geotechnical analysis and/or clear zone considerations.

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

(11) Clear Zone. A minimum 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 guardrail protection.

(12) Pedestrian Facilities. Sidewalks or walkways are permissible and may be required pursuant to adopted Transportation System Plan Bicycle and Pedestrian 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) Bike Lanes. Due to the lower-volume, lower-speed character of Rural Local roads, striped bicycle lanes are not required. Rural Local Roads shall be shared travel-ways for bicycle and vehicular movement.

(14) On-Street Parking. On-street parking is not allowed.

(15) Maximum Grade.

(a) Maximum grade shall be 16%. A maximum grade of 20% is allowable for spans of up to 100 feet on a straight tangent when topographic conditions make lesser grades impractical.

(b) Grades that exceed 16% shall be paved.

(c) Road grades in excess of 8% require the following:

(i) Submit a center line profile prepared for the proposed road by an Oregon-certified civil engineer or Oregon licensed surveyor.

(ii) The roadway shall be designed by an Oregon-certified civil engineer.

(iii) Submit objective evidence demonstrating that road grades in excess of 8% are adequate for fire fighting equipment of the agency providing fire protection to access the use and water supply. *(Revised by Ordinance 1-75, Effective 3.15.74; 10-04, 6.4.04)*

#### **15.706 Public Road, Local Access Road, and Private Access Easement (Private Road) Standards.**

(1) General.

(a) Diagrams 13 and 14 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) Applicability.

(a) Subject to LC 15.706(2)(c), the standards in this section apply to the following roads as defined in LC 15.010(35) when located within Lane County's land use jurisdiction:

(i) Local Access Roads and Public Roads;

(ii) Private Access Easements (Private Roads).

(b) The standards in this section shall 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) If requested by a city pursuant to an intergovernmental agreement, the County may apply a city's standards to the roads listed in LC 15.706(2)(a) when such roads are within a city's urban growth boundary.

(d) Roads listed in LC 15.706(2)(a) serving new development that will generate average daily traffic (ADT) of more than 100 shall meet the requirements specified in LC 15.705 for Rural Local Roads.

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

(f) The standards in this section apply for:

(i) Newly constructed roads;

(ii) Existing roads that are being reconstructed to Local Access Road and Private Access Easement standards.

(g) Public Roads as defined in ORS 368.001(5) that have not been accepted by the Board shall comply with the standards in this section.

(3) Right-of-Way and Easement Width.

(a) The minimum right-of-way and private access easement width shall be as specified in the following table:

Table 10: Minimum Right-of-Way and Private Access Easement Width

	1-3 Parcels	4 or More Parcels
Right-of-Way/ Easement Width	30'	40'

(b) In addition to meeting minimum width requirements specified in LC 15.706(3)(a) above, the right-of-way and easement shall include adequate land for the proposed travel area, rock slopes, utilities, drainage facilities, and any signs.

(c) Notwithstanding LC 15.706(3)(a), a pre-existing easement of at least 20 feet in width and serving a lot or parcel created in its present configuration prior to April 28, 2004, is allowable provided it complies with other requirements of this chapter.

(4) Roadway Width. The minimum width shall be as specified in the following table:

Table 11: Minimum Roadway Width

	1-3 Parcels	4 or More Parcels
Total Travel Width	12'	18'

(5) Vehicle Passage Turnouts.

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

(b) Turnouts shall be spaced a maximum distance of 400 feet apart, or less if visibility is limited.

(c) Turnouts shall provide a minimum roadway width of 20 feet for a distance of 30 feet to adequately allow the passage of two vehicles. The roadway width shall be tapered for a distance of 15 feet before and after the 30 feet length of the turnout.

(d) Diagram 15 in LC 15.710 illustrates turnout specifications.

(6) Surface Type.

(a) The surface type shall be gravel or pavement. Gravel with oil mat is permitted.

(b) Roadway extensions shall match the surface type of the existing road that is being extended.

(7) Surface Structure.

(a) Road surface depths and structure shall be as specified in the following table:

Table 12: 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	2"	2"
Base	8"	10"

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

(b) Minimum surface depth requirements are exclusive of oil mat treatment.

(c) When such roads are paved, if a pavement structure design less than the minimum standards specified in LC 15.706(a) is proposed, it must be substantiated by testing pursuant to the requirements specified in LC 15.707(2) through LC 15.707(4).

(8) Vehicle Travel Lane Width. Travel lanes are not specified on local access, Public Roads, or private access easement roads.

(9) Roadway and Ditch Side-slopes.

(a) 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) 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 15.450 shall be used when it is necessary to review the efficacy of a barrier.

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

(d) 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) Curb and Gutter. Curb and gutter are not required.

(11) Clear Zone. A minimum two-foot wide clear zone is required from the edge of the travel lane.

(12) On-Street Parking. On-street parking is prohibited.

(13) Maximum Grade.

(a) Maximum grade shall be 16%. A maximum grade of 20% is allowable for spans of up to 100 feet on a straight tangent when topographic conditions make lesser grades impractical.

(b) Grades that exceed 16% shall be paved.

(c) Road grades in excess of 8% require the following:

(i) Submit a center line profile prepared for the proposed road by an Oregon-certified civil engineer or Oregon licensed surveyor.

(ii) The roadway shall be designed by an Oregon-certified civil engineer.

(iii) Submit objective evidence demonstrating that road grades in excess of 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*)

**15.707 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) The requirements in LC 15.707(2) through (4) apply to the following roads:

(a) Arterials and Collectors as described in LC 15.020;

(b) Local Roads, when the existing ADT on such roads is 400 or more, or projected ADT on such roads is 400 or more when new development is proposed;

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

(a) The analysis shall be completed by an Oregon-certified engineer with expertise in pavement analysis.

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

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

(f) Design coefficients in the AASHTO design calculations.

(g) Proposed asphalt concrete (AC) depth and crushed base aggregate thickness. Minimum AC depth shall be no less than 4 inches.

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

(4) Paving material shall 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 15.709.

(5) The minimum pavement standards in LC 15.707(6) apply to Local Roads when existing ADT is less than 400, or projected ADT is less than 400 when new development subject to land use approval pursuant to LC Chapter 14 is proposed.

(6) The roads specified in LC 15.707(5) shall be developed according to the requirements in the table below.

Table 13: Minimum Pavement Structure for  
Roads Specified in LC 15.707(5)

Land Use	Residential	Other
AC	2"	2"
Base	12"	15"

(7) For roads listed in LC 15.707(5), if a pavement structure design less than the minimum standard of Table 13 is proposed, it must be substantiated by testing and approved pursuant to LC 15.707(2) through (4) above.

(8) The developer is responsible for all pavement structure testing requirements. *(Revised by Ordinance 10-04, Effective 6.4.04)*

### **15.708 Turnaround Areas.**

(1) Turnarounds are required on dead-end roads over 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) 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) Cul-de-sacs shall have a minimum 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) The radii of the intersecting road and cul-de-sac turnaround shall be a minimum 20 feet.

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

(iv) The road intersecting the cul-de-sac shall meet the applicable road design standards for its functional classification.

(b) Hammerhead Turnarounds. Hammerhead turnarounds consist of a “three-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) 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) Hammerhead turnarounds shall be designed to allow large emergency equipment to negotiate a maximum three-point turning on dead-end roads.

(iii) One of the following combinations of road width and radius dimensions shall be used:

(aa) The “T” at the terminus of the hammerhead shall be a minimum 100 feet in length. Each of the three legs shall be a minimum 20 feet in width, and the radii of the intersecting road and hammerhead shall be 30 feet; or

(bb) The “T” at the terminus of the hammerhead shall be a minimum 115 feet in length. Each of the three legs shall be a minimum 12 feet in width, and the radii of the intersecting road and hammerhead shall be 50 feet; or

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

(iv) The road intersecting the hammerhead turnaround shall meet the applicable standards for its functional classification. The hammerhead road surface shall match the surface of the intersecting road and shall 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)*

### **15.709 Deviations From Design Standards and Facility Permit Requirements.**

(1) Applicability. Deviations may be sought from the minimum Road Design Standard requirements specified in LC 15.700 through LC 15.708, and from the Facility Permit requirements in LC 15.205 through LC 15.210 pursuant to this section.

- (a) Deviations may be sought based upon the following considerations:
- (i) 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) Design requirements would result in an inconsistency with other requirements of Lane Code if the deviation is not granted;
  - (iii) Topography or slope constraints;
  - (iv) Proximity of existing homes/structures;
  - (v) Presence of existing significant trees or other vegetation;
  - (vi) The presence of a significant natural resource constraint including the presence of:
    - (aa) wetlands designated in the National Wetlands Inventory;
    - (bb) wildlife habitat for sensitive, threatened, or endangered species listed in a federal, state, or local inventory;
    - (cc) riparian vegetation within a riparian setback area specified in LC 16.253(2);
    - (dd) areas within the floodway as designated on federal floodplain maps;
    - (ee) other significant natural resource areas if designated on an adopted local natural resource inventory.
  - (vii) Historic resources listed in an adopted state or local inventory or officially designated as a state or federal historic landmark;
  - (viii) Insufficient right-of-way, and inability to obtain additional right-of-way;
  - (ix) Adopted Board decisions, including those found in project specific Design Concept and Findings documents;
  - (x) Other site specific circumstances.
- (b) Deviations shall not compromise safety and sound engineering practices.
- (c) A request for a deviation shall 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 reconsideration or appeal of the land use decision will be necessary.

(2) Procedure for Reviewing a Deviation Request. The following process shall be followed when a deviation to the facility permit or design standards is sought.

(a) 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 15.709(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) Application.

- (i) 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 15.709(2)(c) below.

- (ii) Public Works Engineering Division staff will review the application for completeness. If additional information is needed from the applicant, the

County shall request the information in writing within 14 days of application and fee submittal.

(iii) Additional materials may be requested of the applicant, including written information to address issues of concern that may be related to the request.

(iv) Supplemental documentation may be required depending on site-specific circumstances as determined by the County Engineer or designee, as follows:

(aa) 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) 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 shall be obtained prior to initiation of construction if the deviation is granted.

(cc) Costs - The analysis must be of sufficient detail to compare project costs with and without the proposed design standard deviation(s).

(dd) Proposed Mitigation – Propose potential mitigation measures, how they would be implemented, and the time line for implementation, to offset potential safety reductions of the proposed design deviation.

(v) If additional information is requested from the applicant, it shall be submitted within 30 days from the date the request for additional information was mailed.

(c) Requirements for Granting a Deviation.

(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.

(d) Review and Decision.

(i) As necessary, a deviation review committee shall convene to review the design standard deviation request. As appropriate the committee will 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 shall be based upon requirements of LC 15.709(2)(c) above.

(ii) The County Engineer or designee will review the deviation request and make a decision in writing and mail the decision to the applicant within 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) 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) Reconsiderations and Appeals.

(i) The applicant may appeal the initial County Engineer decision to the Director. Appeals shall be in writing and submitted with the applicable fee. Appeals shall be submitted within 30 days of the date the decision was mailed to the applicant.

(ii) Appeals shall 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 shall 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 shall be reviewed and acted upon by the Director within 30 days of receipt of the request.

(iv) Further appeals shall be directed to the Board. Appeals to the Board shall be heard at a regularly scheduled Board meeting no later than 60 days after the appeal is filed. The appeal shall 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, Process For Submitting Agenda Items For Consideration At Board Of County Commissioners' Meetings, and the appellant shall have an opportunity to present information at the Board meeting. Appeals shall be accompanied by the applicable fee.

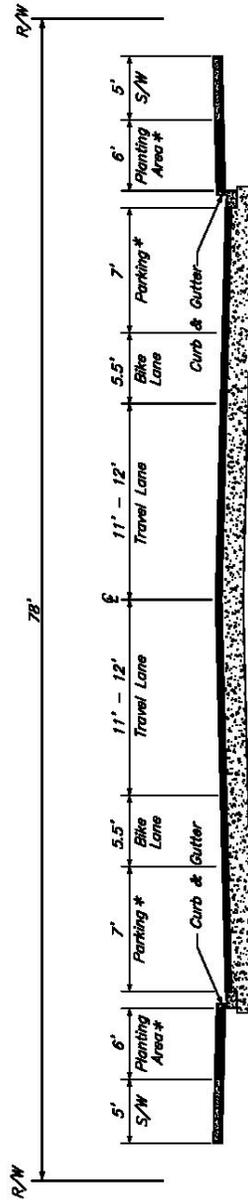
(3) Applications shall be properly submitted and approved by the County prior to incorporation of design features into final project plans and/or related documents. Any required conditions of approval and mitigation shall be incorporated into final project plans and related documents. *(Revised by Ordinance 10-04, Effective 6.4.04)*

#### **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 shall supersede 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)*

Diagram 1

Functional Class:  
 URBAN COLLECTOR and ARTERIAL  
 (Two - Lane)



\* Optional, not a required design element.

Functional Class:  
 URBAN COLLECTOR and ARTERIAL  
 (Three - Lane)

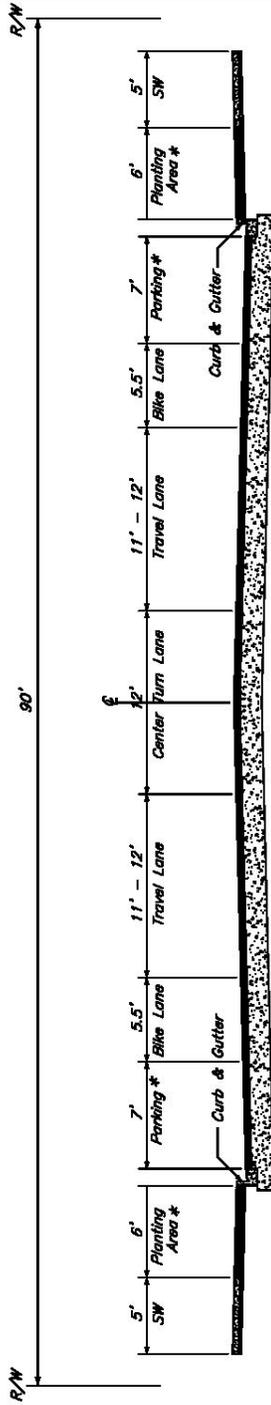


Diagram 2

\* Optional, not a required design element.

Functional Class:  
 URBAN COLLECTOR and ARTERIAL  
 (Four-Lane, Striped Median)

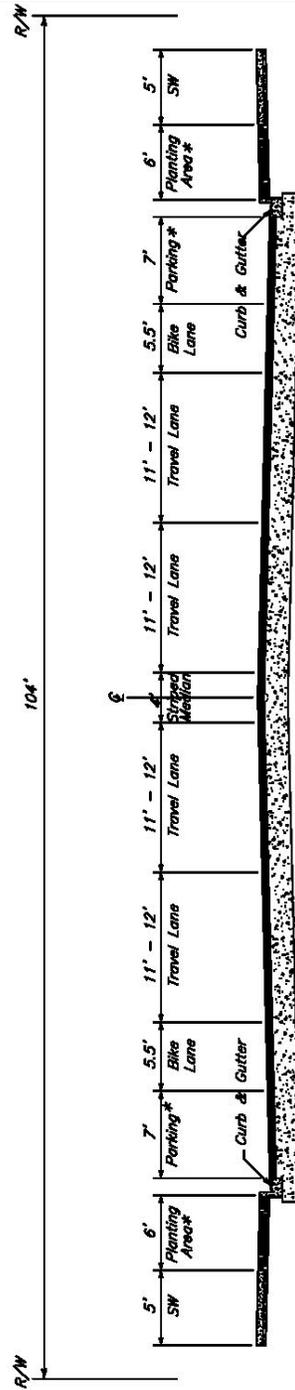


Diagram 3

\* Optional, not a required design element.

Functional Class:  
 URBAN COLLECTOR and ARTERIAL  
 (Four-Lane, Raised Median)

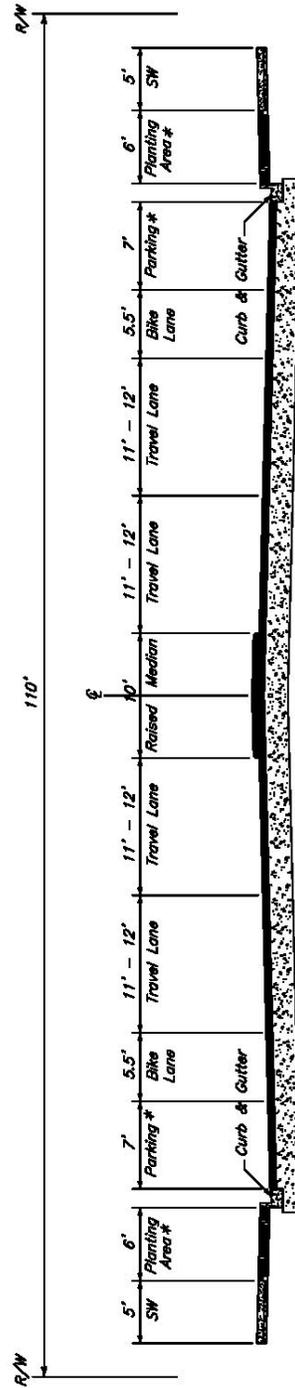


Diagram 4

\* Optional, not a required design element.

Functional Class:  
 URBAN COLLECTOR and ARTERIAL  
 (Five - Lane)

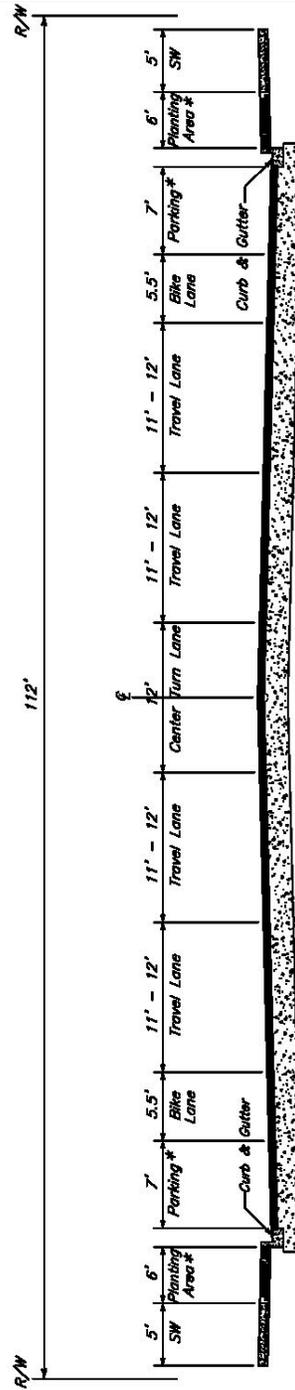
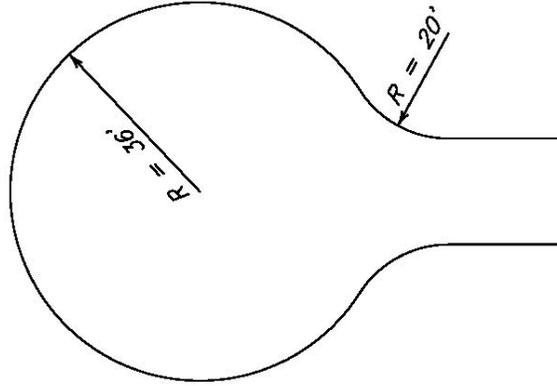


Diagram 5

\* Optional, not a required design element.

Diagram 6

CUL-DE-SAC



*See applicable road design standards to determine minimum standards of intersecting roadway.*

HAMMERHEAD TURNAROUNDS  
MINIMUM TRAVEL SURFACE DIMENSIONS FOR HAMMERHEAD TURNAROUNDS

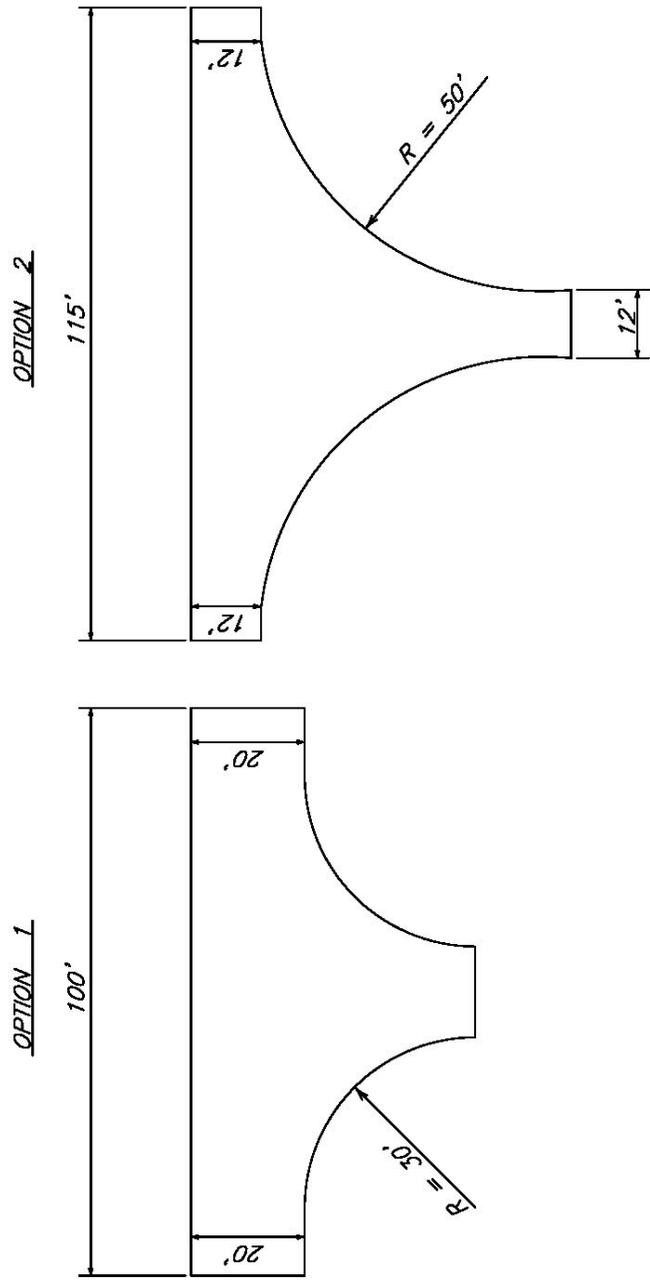
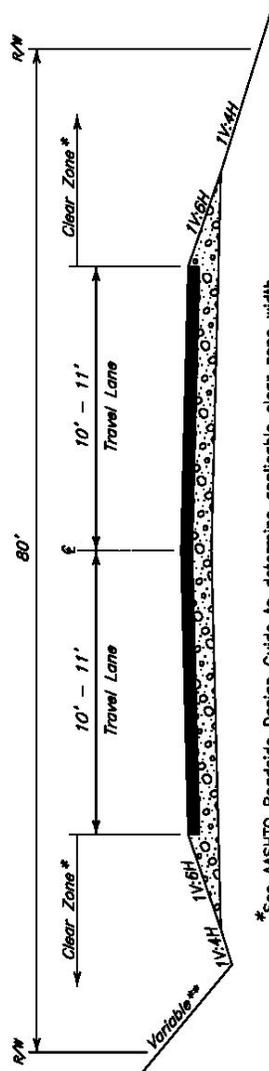


Diagram 7

Functional Class:  
RURAL COLLECTOR and ARTERIAL  
(No Shoulders)



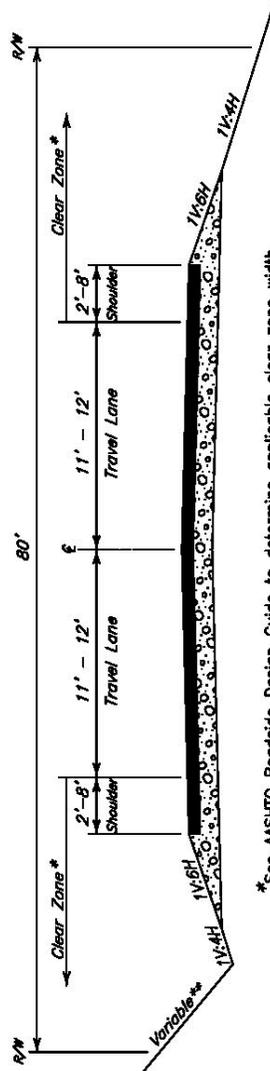
\*See AASHTO Roadside Design Guide to determine applicable clear zone width.  
\*\* Slope rate to be determined by geotechnical analysis and/or clear zone considerations.

Diagram 8

Minimum widths for lanes, paved shoulders, and total pavement in feet for terrain and specified design volume (vehicles/day).

Terrain	<250 ADT		250-400		400-1500		1500-10,000		>10,000 ADT						
	Lane Width (2)	Shoulder (2)													
Level	11	2	25	11	4	30	11	6	34	12	6	36	12	8	40
Rolling	11	0	22	11	2	26	11	4	30	11	6	34	12	6	36
Mountainous	10	0	20	11	0	22	11	2	26	11	4	30	12	4	32

Functional Class:  
RURAL COLLECTOR and ARTERIAL  
(With Shoulders)



\*See AASHTO Roadside Design Guide to determine applicable clear zone width.

\*\*Slope rate to be determined by geotechnical analysis and/or clear zone considerations.

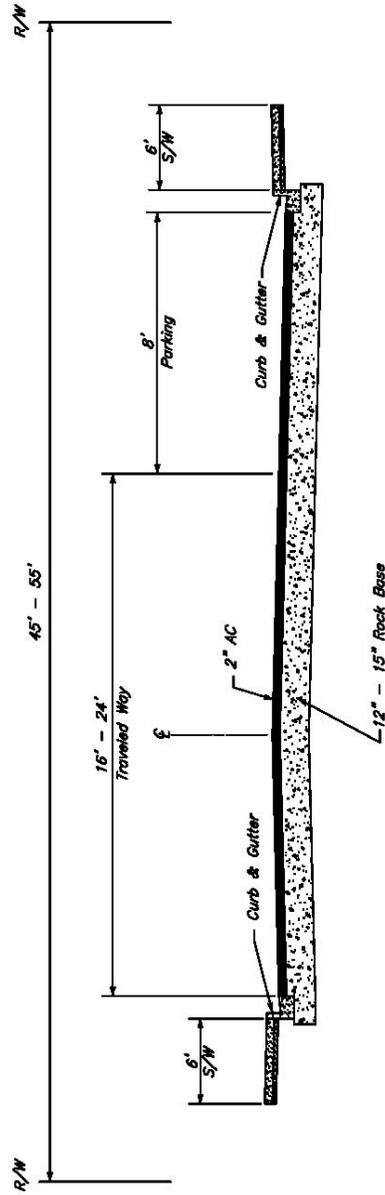
Diagram 9

Minimum widths for lanes, paved shoulders, and total pavement in feet for terrain and specified design volumes (vehicles/day).

Terrain	<250 ADT		250-400		400-1500		1500-10,000		>10,000 ADT					
	Lane Width (2)	Shoulder (2)												
Level	11	2	11	4	30	11	6	34	12	6	36	12	8	40
Rolling	11	0	11	2	26	11	4	30	11	6	34	12	6	36
Mountainous	10	0	11	0	22	11	2	26	11	4	30	12	4	32

Diagram 10

Functional Class:  
URBAN LOCAL  
(Curb Side Sidewalk)

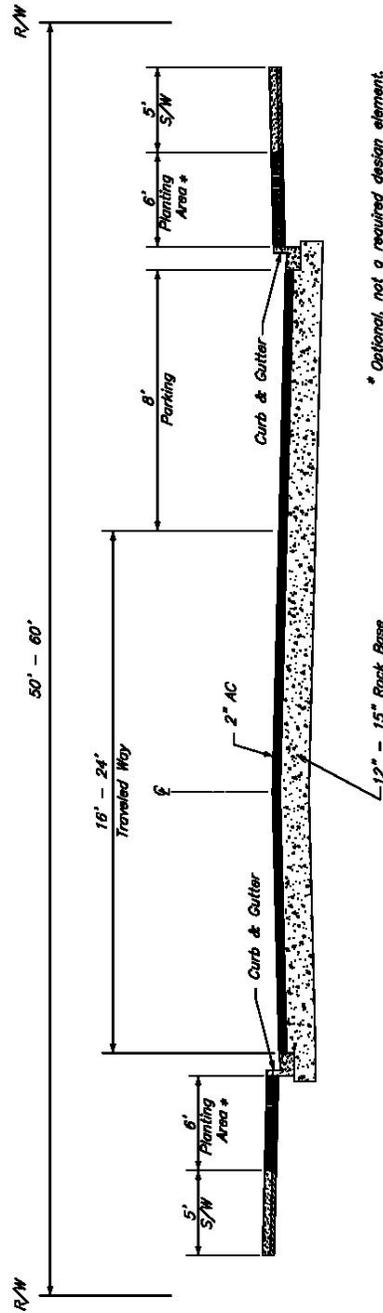


Minimum widths and ROW for traveled way, parking on one side, and total pavement in feet for specified design volume (vehicles/day) and land use.

Street Type	Traveled Way	Parking (one side)	Total Pavement Width	ROW-Curb Side Sidewalk	ROW-Satback Sidewalk
Residential <250 ADT	16	8	24	45	50
Residential >250 ADT	20	8	28	50	55
Commercial/Industrial	24	8	32	55	60

Diagram 11

Functional Class:  
URBAN LOCAL  
(Setback Sidewalk)



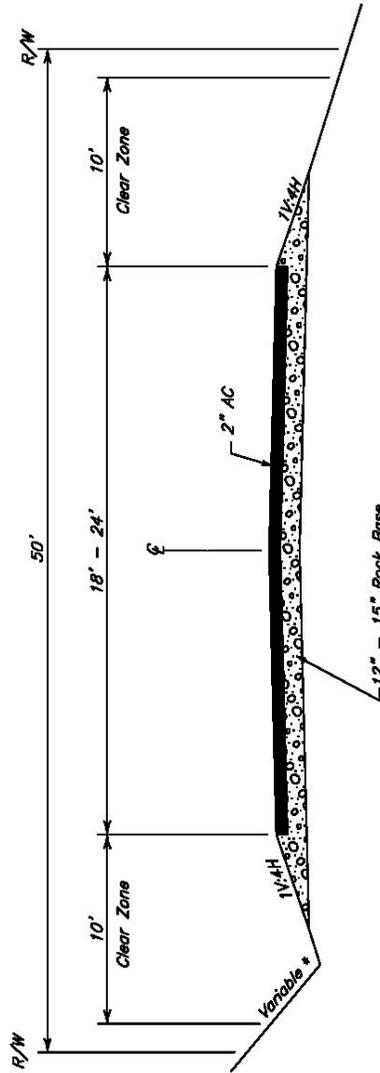
\* Optional, not a required design element.

Minimum widths and ROW for traveled way, parking on one side, and total pavement in feet for specified design volume (vehicles/day) and land use.

Street Type	Traveled Way	Parking (one side)	Total Pavement Width	ROW-Curbside Sidewalk	ROW-Setback Sidewalk
Residential <250 ADT	16	8	24	45	50
Residential >250 ADT	20	8	28	50	55
Commercial/Industrial	24	8	32	55	60

Diagram 12

Functional Class:  
RURAL LOCAL

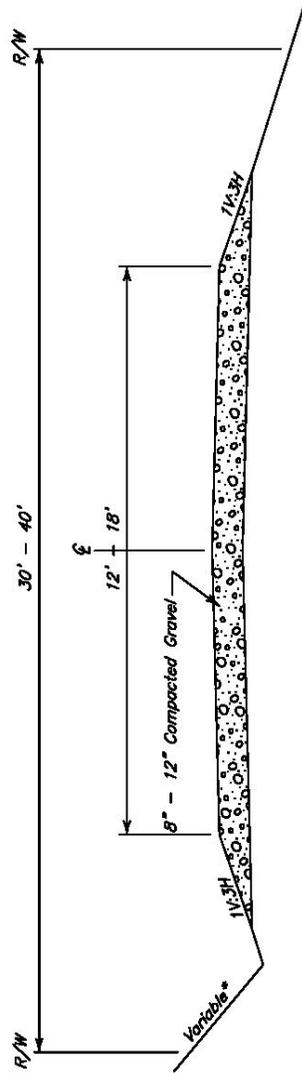


\*Slope rate to be determined by geotechnical analysis and/or clear zone considerations.

Minimum Widths for Rural Local Roads in Feet Adjusted for ADT and Terrain.

TERRAIN	<100 ADT	100-250	251-400	>400 ADT
Level	18	20	24	24
Rolling	18	20	22	24
Mountainous	18	18	20	22

LOCAL ACCESS ROAD  
AND  
PRIVATE ROAD/EASEMENT  
(Gravel Road)



\*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.\*\*

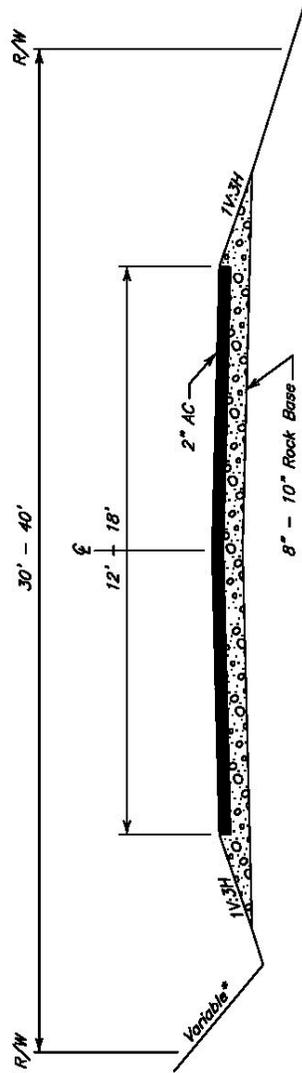
Right-of-Way	Roadway Width***	Surface Type
1-3 Parcels	30'	Gravel, Oil Mat or Paved.
≥ 4 Parcels	40'	Extended roads should match surface of existing road.

\*\*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 15 for turnout specifications.

Diagram 13

LOCAL ACCESS ROAD  
AND  
PRIVATE ROAD/EASEMENT  
(Paved Road)



\*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.\*\*

Right-of-Way	Roadway Width***	Surface Type
1-3 Parcels	30'	Gravel, Oil Mat or Paved.
≥ 4 Parcels	40'	Extended roads should match surface of existing road.

\*\*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 15 for turnout specifications.

Diagram 14

VEHICLE PASSAGE TURNOUTS FOR  
LOCAL ACCESS ROADS  
AND  
PRIVATE ROADS/EASEMENTS

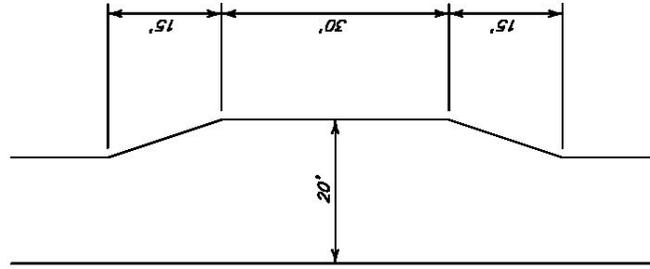


Diagram 15

Vehicle passage turnouts are required for roads with a travel surface less than 16 feet in width and for roads in excess of 200 feet in length. Turnouts shall be spaced a maximum distance of 400 feet apart, or less if visibility is limited.

## SIDEWALKS

### **15.715 Sidewalk Maintenance and Liability.**

The maintenance responsibility and liability of sidewalks shall be as defined in ORS 368.910 or any other applicable statute. *(Revised by Ordinance No. 1-75, Effective 3.15.75)*

### **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 shall be prohibited. Such activities or uses shall include, but not be 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 shall 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)*

### **15.730 Sidewalk Design and Construction Specifications.**

Sidewalks shall 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)*

## STATUTORY WAYS OF NECESSITY

### **15.800 Jurisdiction.**

(1) The Board divests its jurisdiction to hear Statutory Ways of Necessity and transfers that function to the Circuit Court.

(2) In addition to the filing fee prescribed by the Circuit Court, the deposit provided by ORS 376.165 shall be \$1,000.

(3) The Director and the County Surveyor, or their designees, shall assist the Circuit Court and perform the duties prescribed in ORS 376.150 to 376.200. *(Revised by Ordinance No. 24-82, 12.10.82; 10-04, 6.4.04)*

## GENERAL VARIANCE PROVISIONS

### **15.900 General Variance Provisions.**

(1) 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.

(2) Criteria. Variances, as provided in this chapter, to access, building line 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) 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) 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) 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) 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) In addition to the criteria specified in this section, a Variance to access requirements specified in LC 15.130 through LC 15.139 shall comply with the additional requirements specified in LC 15.140.

(3) Effect on Substantially Identical Variances to Other County Regulations.

(a) 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) A Variance shall not be 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) 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) Application and Review. Application for a Variance shall be made as provided by LC 14.050 and shall be reviewed and processed as a Planning Director Special Use Permit pursuant to the requirements of LC 14.100. *(Revised by Ordinance No. 6-75, 3.26.75; 10-76, 1.1.77; 5-80, 6.27.80; 5-81, 4.8.81; 6-82, 4.16.82; 10-04, 6.4.04)*

## ENFORCEMENT

### 15.950 Enforcement Requirements.

(1) Title, Purpose, and Applicability. The provisions of this section shall be known as the Enforcement Requirements. The purposes of these requirements is to ensure compliance with the requirements of this chapter.

(2) Official Action. All officials, Departments, and employees of Lane County vested with authority to issue permits, certificates, or licenses, shall adhere to and require conformance with the requirements of this chapter.

(3) Inspection and Right of Entry. Whenever they shall have cause to suspect any failure to comply with any provision of this chapter, or when necessary to investigation of an application for or revocation of any discretionary or administrative approval under any of the procedures prescribed in this chapter, officials responsible for enforcement or administration of this chapter, or their duly authorized representatives, may enter on any site or into any structure for the purpose of investigation, provided they shall do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant unless under authority of a lawful warrant.

(4) 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 shall immediately stop such work until authorized by the Director to proceed.

(5) Abatement. Any use which is established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to the requirements of this chapter shall be and is hereby declared to be unlawful and a public nuisance, and may be abated as such.

(6) Enforcement Official. It shall be the duty of the Director to enforce the provisions of this chapter. The enactment of this chapter shall 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) 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) Remedies Cumulative. It is the intent of this chapter that the remedies provided be cumulative and not mutually exclusive. *(Revised by Ordinance No. 1-93, Effective 4.16.93; 1-00, 4.12.00; 10-04, 6.4.04)*

### **15.955 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 5.017. 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 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 shall have the authority to issue a notice of failure to comply. *(Revised by Ordinance No. 1-93, Effective 4.16.93; 1-00, 4.12.00; 10-04, 6.4.04)*