

Lane Manual
CHAPTER 15 CONTENTS

ROADS

- 15.001 General Purpose.
- 15.002 Definitions.

ROAD NAMING AND RENAMING

- 15.005 Authority.
- 15.010 Purpose.
- 15.015 Required Review and Action.
- 15.020 Application.
- 15.025 Processing.
- 15.030 Board Action.
- 15.035 Completion.

PUBLIC ROAD DEDICATIONS AND ACCEPTANCE

- 15.105 Authority.
- 15.110 Definition - Public Road.
- 15.115 Purpose.
- 15.120 Required Review and Action.
- 15.125 Application.
- 15.130 Processing - Land Management Division.
- 15.135 Planning Director Action.
- 15.140 Planning Commission Action.
- 15.145 Surveyor's Office Procedure.
- 15.150 Board Action.
- 15.155 Completion - Recording and Filing.

ACCEPTANCE OF DEDICATED PUBLIC ROADS AS COUNTY ROADS

- 15.200 Authority.
- 15.205 Definition-County Road.
- 15.210 Purpose.
- 15.213 Guidelines for Acceptance.
- 15.215 Application.
- 15.220 Review.
- 15.222 Standards in the Event Minimum Road Design Standards Are Not Met.
- 15.225 Report.
- 15.230 Appeal.
- 15.235 Board Consideration.
- 15.240 Board Action.
- 15.245 Petitioners' Action.
- 15.250 Further Action.

ACCEPTANCE OF PARK ROADS

- 15.260 Acceptance of Park Roads.

ROAD VACATIONS

- 15.300 General Requirements.
- 15.305 Vacation Procedures.

GENERAL ROAD AND ACCESS POLICIES

- 15.405 Purpose.
- 15.410 Criteria.

ROAD DESIGN STANDARDS/RECOGNIZED ENGINEERING GUIDELINES

- 15.450 Minimum Road Design Standards/Recognized Engineering Guidelines.

Lane Manual
CHAPTER 15 CONTENTS

PUBLIC ROAD AND RIGHT-OF-WAY POLICIES

- 15.505 Purpose.
- 15.510 Gates, Fences, Cattleguards.
- 15.515 Drainage.
- 15.525 Illumination.
- 15.530 Bikeways and Sidewalks.
- 15.540 Mailboxes.
- 15.545 Danger Trees.
- 15.550 Merchantable Trees.

COUNTY IMPROVEMENTS/CITIZEN INVOLVEMENT

- 15.575 Improvement of the County Road System.
- 15.580 Citizen Input With Regard to Individual Road Improvement Projects.

COMMUNITY DEVELOPMENT ROAD IMPROVEMENT ASSISTANCE
PROGRAM

- 15.800 Purpose.
- 15.805 Authority.
- 15.808 Definitions.
- 15.810 Eligible Applicants and Application for Funds.
- 15.815 Funding of Projects.
- 15.820 Project Selection Criteria.
- 15.825 Implementation.
- 15.826 Waiver of Program Regulations.

PERFORMANCE AGREEMENT STANDARDS

- 15.850 Purpose.
- 15.855 Application and Review.
- 15.860 Alternate Performance Agreements.
- 15.865 Renewal of Performance Agreements.

TOURIST-ORIENTED DIRECTIONAL SIGNS

- 15.900 Authority.
- 15.905 Purpose.
- 15.910 Definitions.
- 15.915 General Provisions.
- 15.920 Eligibility.
- 15.925 Application Process.
- 15.930 Signing Standards.

Chapter 15

ROADS

15.001 General Purpose.

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

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

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

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

15.002 Definitions.

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

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

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

ROAD NAMING AND RENAMING

15.005 Authority.

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

15.010 Purpose.

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

15.015 Required Review and Action.

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

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

(3) Any private road or private road easement requires a name in order to promote the health, safety, and welfare of the public. Private driveways serving a single lot, parcel, area or tract of land shall not be named under these provisions. *(Revised by Order No. 94-11-22-4, Effective 11.22.94; 04-5-5-8, 6.4.04)*

15.020 Application.

(1) An application to name or rename a road shall be submitted to the Director and shall include, at minimum, the following:

- (a) Name and mailing address of applicants.
- (b) Location of road by description or map.
- (c) Legal status of road, if known.
- (d) Existing road name, if known.
- (e) Proposed road name.
- (f) Reason for request.
- (g) Petition(s) attached, if any.
- (h) Applicable Fee: per LM 60.854(5).

(2) The application may be submitted by any of the following applicants.

(a) Fifty percent (50%) or more of the property owner(s) or persons living along the road.

(b) Any public or semipublic agency whose function is affected by road names.

- (c) Lane County:
 - (i) Board
 - (ii) Planning Commission
 - (iii) Land Management Division
 - (iv) Department of Public Works
 - (v) Department of Assessment and Taxation
 - (vi) Sheriff's Department

(3) The proposed name should comply with the following standards:

(a) Name limited to maximum of 20 characters.

(b) No duplication with other existing road names.

(c) No similar sounding or confusing names.

(d) No names with post-directional language (i.e., "North", "South")

(e) No names with punctuation.

(f) No names that are alpha/numeric (i.e. a combination of letters and numbers).

(g) No names that contain a road type within the road name (such as "Loop Lane").

(h) Roads shall not contain an abbreviated MT (mount/mountain) or ST (saint) without another word following (ex: Shasta MT Rd is not acceptable, MT Shasta Rd. is acceptable).

(i) There must be a valid road type following the road name.

(j) "Trail" is acceptable as part of a road name but not as a road type (ex: Deer Trail is not acceptable, Deer Trail Rd is acceptable). *(Revised by Order No. 94-11-22-4, Effective 11.22.94; 04-5-5-8, 6.4.04)*

15.025 Processing.

The Department shall have the responsibility for processing applications for road naming and renaming. Applications shall be processed by Board order and with a public hearing if the application is signed by fewer than one hundred percent (100%) of the adjoining property owners, or if any objection is raised by an affected department or agency and is

unable to be resolved. Applications may be processed by Board order and without a public hearing if the application is signed by one hundred percent (100%) of the adjoining property owners and if there are no objections raised by an affected Department or agency. The Department shall perform such function in the following manner:

- (1) Verify legal status of road.
 - (2) Check proposed road name(s) to avoid duplication or similarity with other existing road names and with those on approved preliminary land divisions.
 - (3) Perform field check when necessary.
 - (4) Assist applicant or other affected person(s) to find alternate names when required.
 - (5) Notify appropriate Departments and agencies.
 - (6) Where appropriate, mail questionnaire to owners of all property abutting the road to determine general consensus concerning proposed road name.
 - (7) If a road naming order is required, prepare recommendation and order on the proposed road name for the Board.
 - (8) Determine appropriate Board meeting date.
 - (9) If there is a public hearing, give notice of the hearing by publication in an appropriate newspaper as required by the Charter and, if appropriate, by proper posting along the road and/or by mailing notices to owners of all property abutting the road.
- (Revised by Order No. 94-11-22-4, Effective 11.22.94; 04-5-5-8, 6.4.04)*

15.030 Board Action.

- (1) Following receipt of a recommendation and order for a Road naming or renaming, the Board shall consider such recommendation and proposed order at a regular Commissioners' meeting.
- (2) Following action by the Board, the Department will notify the original applicant for the road naming or renaming of the Board's action.
- (3) Copies of an approved order naming or renaming a road shall be sent by the Department to the following:
 - (a) Department of Public Works.
 - (i) Transportation Planning.
 - (ii) Planning Program.
 - (iii) Rural Addressing Program.
 - (b) Department of Assessment and Taxation.
 - (c) Post Office.
 - (d) L-COG.
 - (e) Telephone Company.
 - (f) Local Fire Department.
 - (g) Local School District.
 - (h) Local Power Company.
 - (i) Local Water District.
 - (j) Gas Company.
 - (k) City (if appropriate).
 - (l) State (as appropriate).
 - (i) Police.
 - (ii) Highway Department.
 - (m) Lane County Local Government Boundary Commission. *(Revised by Order No. 94-11-22-4, Effective 11.22.94; 04-5-5-8, 6.4.04)*

15.035 Completion.

- (1) Original material shall be filed in the Department.

(2) Road signs shall be painted and installed without charge by the Department (except original signs in divisions and interior private roads).

(3) County maps and files shall be updated as appropriate. *(Revised by Order No. 93-3-31-7, Effective 3.31.93; 04-5-5-8, 6.4.04)*

PUBLIC ROAD DEDICATIONS AND ACCEPTANCE

15.105 Authority.

The following procedures and requirements relating to the processing of dedications and acceptance of right-of-way for public roads in Lane County are hereby adopted pursuant to authority granted Lane County by ORS Chapters 215 and 368, Lane Code Chapter 12, and the Lane County Home Rule Charter. *(Revised by Order No. 93-3-31-7, Effective 3.31.93; 04-5-5-8, 6.4.04)*

15.110 Definition - 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 subdivision plat presented to and accepted by the Board. Once 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, but the County can regulate its use. Common terms for this type of road are “Dedicated Public Road” and “Local Access Road.” *(Revised by Order No. 93-3-31-7, Effective 3.31.93; 04-5-5-8, 6.4.04)*

15.115 Purpose.

The procedures and requirements set forth herein are for the purpose of establishing a uniform policy in Lane County for the processing of applications for dedication and/or acceptance by the County of roads or streets as public rights-of-way. It is intended that this policy will clarify and set the requirements and responsibilities of the individuals, public bodies and departments involved in the review and processing of road dedications and/or County acceptance of such roads as public roads as defined in LM 15.110. It is further intended that this policy shall provide the public with a set of standard guidelines indicating the required steps to be followed in the processing of road dedications and/or acceptance by the County.

(1) **Applicability.** These procedures and requirements shall apply to all public road dedications and/or acceptances when

- (a) The proposed roadway dedication/acceptance is for the purpose of:
 - (i) Widening a public road, or
 - (ii) Establishing or extending an existing but undedicated or unaccepted road as a public road; or
 - (iii) Establishing a new public road¹; or

¹ Road dedications included in a subdivision plat shall be reviewed, and action shall be taken, in accordance with the provisions of LC Chapter 13 "Subdivision" and the requirements of LC Chapter 15 "Roads."

(b) Review of a roadway dedication and/or acceptance is specifically requested by the Board or any administrative officer of the County. *(Revised by Order No. 93-3-31-7, Effective 3.31.93; 04-5-5-8, 6.4.04)*

15.120 Required Review and Action.

The Planning Director, Planning Commission and the Board shall review and take appropriate action on all proposed public road dedications and/or acceptances as follows:

(1) The Planning Director shall review all proposed road dedications and/or acceptances and may take action on those dedications and/or acceptances meeting certain requirements which are for the purpose of widening an existing public road. All other proposed dedications and/or acceptances shall be forwarded to the Planning Commission with a recommendation.

(2) The Planning Commission shall review all proposed road dedications and/or acceptances which are for the purpose of establishing, widening or extending a public road not conforming to the adopted Transportation System Plan and requirements of LC Chapter 15. In addition, the Planning Commission shall review those roadway dedications and/or acceptances specifically requested for review by the Board or any administrative officer of the County.

(3) The Board shall review all proposed road dedications and/or acceptances with an affirmative Planning Director or Planning Commission recommendation or those appealed to the Commissioners as provided herein. Before any road dedication and/or acceptance can obtain the status of a "public road" it shall be accepted and placed on record by the Board. *(Revised by Order No. 93-3-31-7, Effective 3.31.93; 04-5-5-8, 6.4.04)*

15.125 Application.

(1) An application to dedicate right-of-way for a public road and/or for County acceptance of said right-of-way shall be submitted to the Land Management Division and shall include, at minimum, the following:

- (a) Name of applicant.
- (b) Location of proposed dedication/acceptance by description and Assessor's Map.
- (c) Legal status of existing road, if known.
- (d) Name of road, if known.
- (e) Purpose or reason for dedication.
- (f) Petition(s) attached, if any.
- (g) Title report or subdivision guarantee.
- (h) Fee as provided in LM 60.851(4).
- (i) If the application is for acceptance of a road that was previously dedicated to but never accepted by the County, the following additional information shall be provided:

- (i) Copy of subdivision or partition plat/map.
- (ii) Copy of recorded survey(s), if any portion of the road was surveyed.
- (iii) Copy of recorded subdivision or partition plat/map.
- (iv) Copy of any subsequent replat(s).

- (2) An application may be submitted by any of the following applicants:
- (a) Property owner(s) on matters relating to establishing an existing but undedicated road and/or unaccepted or extensions of road(s) not involving a subdivision.
 - (b) The Board.
 - (c) Department.

(d) Land Management Division on matters relating to subdivisions, zoning and other land development applications.

(e) Building Division on matters relating to LC Chapter 11 pertaining to minimum right-of-way requirements on existing public roads. *(Revised by Order No. 93-3-31-7, Effective 3.31.93; 04-5-5-8, 6.4.04)*

15.130 Processing - Land Management Division.

The Land Management Division shall have the responsibility for processing applications for dedications **and/or acceptances of public roads** and shall perform such functions in the following manner:

(1) Review application for conformity with the Comprehensive Plan for Lane County, Lane Code and all applicable road policies and standards which have been adopted by the County.

(2) For existing roads:

(a) Verify or determine existing legal status;

(b) Verify available information as to actual location of the road.

(3) Notify appropriate Departments and agencies.

(4) Forward application and recommendation or comments to the Planning Director or Planning Commission, as required, for action.

(5) Notify the applicant of the action by the Planning Director or Planning Commission within five days of such action.

(6) Transmit a request for deed preparation to the County Surveyor's Office following favorable action by the Planning Director or Planning Commission. The request shall include:

(a) Date of Planning Director or Planning Commission action.

(b) Initiating body or persons.

(c) General description of the proposed dedication and/or acceptance.

(d) Legal property owner(s), if known.

(e) Signed deed order. *(Revised by Order No. 93-3-31-7, Effective 3.31.93; 04-5-5-8, 6.4.04)*

15.135 Planning Director Action.

The Planning Director shall review all applications for road dedications/acceptances and shall take appropriate action as follows:

(1) The application shall be forwarded for Board action, with a recommendation to accept the dedication if the application is determined to be for the purpose of widening an existing public road and which widening conforms to the Road Design Standards of LC Chapter 15, other applicable Lane Code provisions, and is compatible with the County Comprehensive Plan.

(2) The application shall be forwarded to the Planning Commission for action if the Director determines the proposed dedication is not compatible with the Comprehensive Plan for Lane County or the requirements of any chapter of the Lane Code or the dedication is for the purpose of establishing any new public road. *(Revised by Order No. 93-3-31-7, Effective 3.31.93; 04-5-5-8, 6.4.04)*

15.140 Planning Commission Action.

(1) The Planning Commission shall review the application and any reports and recommendations thereon at a public hearing. At the hearing the Commission may:

(a) Recommend approval of the application to the Board if it determines that the dedication/acceptance conforms to all applicable laws, standards and requirements governing the dedication and/or acceptance of roadways;

- (b) Deny the application; or
 - (c) Postpone action to allow further study.
- (2) Recommendation for denial or rejection shall be final unless appealed to the Board within 10 days from the date of the Planning Commission action. *(Revised by Order No. 93-3-31-7, Effective 3.31.93; 04-5-5-8, 6.4.04)*

15.145 Surveyor's Office Procedure.

- (1) Following receipt of a Land Management Division request for deed preparation, the County Surveyor shall prepare an appropriate deed which shall be returned to the applicant for the proper signature(s) from the legal property owner(s).
- (2) The applicant returns the signed deed to the Surveyor's Office where a deed order is prepared for presentation at the next regular meeting of the Board. *(Revised by Order No. 93-3-31-7, Effective 3.31.93; 04-5-5-8, 6.4.04)*

15.150 Board Action.

- (1) The Board shall review all applications and any reports and recommendations thereon at a regular Board meeting upon:
- (a) The presentation by the County Surveyor of an affirmative Planning Director or Commission recommendation, a signed deed form and a road dedication order; or
 - (b) The receipt of an appeal of the Planning Commission's action by the applicant or any affected party; or
 - (c) The receipt of an appeal of the Planning Commission's failure to act within 30 days after the filing of an application.
- (2) In the case of an appeal the Board shall, within 20 days of such appeal, set a time and place for a public hearing on the appeal and shall notify affected persons of the hearing. If, at the appeal hearing, the Board determines that the proposed application should be approved it shall so indicate and transmit a request to the Surveyor's Office for preparation of a deed and road dedication order.
- (3) Following any affirmative action on the application, the Board shall forward the deed and signed order to the County Clerk's Office for recording.
- (4) The Board shall notify all applicants of its action and in the case of non-acceptance it shall return all appropriate material to the applicant with an explanation for such action. *(Revised by Order No. 93-3-31-7, Effective 3.31.93; 04-5-5-8, 6.4.04)*

15.155 Completion - Recording and Filing.

- (1) The County Clerk's Office shall forward copies of recorded deeds and all other pertinent information to the County Surveyor's Office.
- (2) Following final action, the County Surveyor's Office shall notify or distribute materials to departments and agencies who may be affected by the action, as may be required by applicable state and local regulations. *(Revised by Order No. 93-3-31-7, Effective 3.31.93; 04-5-5-8, 6.4.04)*

ACCEPTANCE OF DEDICATED PUBLIC ROADS AS COUNTY ROADS

15.200 Authority.

The following procedures, policy, criteria, and standards relating to the acceptance of public roads for maintenance and converting to County road status are adopted pursuant to authority granted Lane County by ORS Chapter 368, LC Chapter 15 and the Lane County Home Rule Charter. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

15.205 Definition-County Road.

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

15.210 Purpose.

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

15.213 Guidelines for Acceptance.

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

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

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

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

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

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

15.215 Application.

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

15.220 Review.

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

- (1) acceptance of the road under consideration is consistent with the guidelines in LM 15.213 above;
- (2) the road is consistent with applicable criteria set forth in LM 15.410; and
- (3) the road meets the following standards:
 - (a) The road shall be a public road as defined in LM 15.110.
 - (b) The road shall meet the County Road Design Standards found in LC 15.700 through LC 15.708.
 - (c) The road shall be located within the dedicated public right-of-way as verified and certified/stamped by an Oregon-licensed surveyor.
 - (d) The road shall be of benefit to the general public, shall intersect with an existing County road, City street, or State highway, or be an extension of an existing County road.
- (4) Any and all fences, buildings and other structures within any dedicated and accepted County Road right-of-way shall be removed at the expense of the property owners. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

15.222 Standards in the Event Minimum Road Design Standards Are Not Met.

A public road that does not meet County Road Design Standards specified in LC Chapter 15 may be accepted as a County Road provided it meets the following standards.

- (1) All standards listed in LM 15.220 above, except LM 15.220(3)(b).
- (2) The Director certifies that current and future roadway needs do not necessitate that the County Road Design Standards be met and no safety hazard will be created if the roadway is accepted as a County Road.
- (3) The Director of the Planning Division certifies that current and future planning needs do not necessitate that the County Road Design Standards be met.
- (4) In no event shall a right-of-way be accepted which is less than 30 feet in width. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

15.225 Report.

The Director shall report findings in writing to the petitioners as follows:

- (1) The road under consideration meets all the standards and policy criteria and will be recommended for acceptance.
- (2) The road does not meet all the standards and policy criteria, but the Director deems it advisable to recommend to the Board of County Commissioners that the standards or policy criteria in question be waived or modified.
- (3) The road does not meet the standards and a waiver of the standards is not recommended. The report shall state an estimated total improvement cost to meet the standards.
- (4) The road does not meet the policy criteria and the petition is denied. The denial shall specify the reasons for the Director's decision. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

15.230 Appeal.

Unless appealed to the Board by filing a written notice of appeal with the Director within 15 days from the date the report and action was mailed, the decision of the Director denying the petition shall become final. The appeal shall state how the Director erred in the decision. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

15.235 Board Consideration.

(1) If the Director's report to the petitioners indicates LM 15.225(1) above, the Director shall prepare the necessary documents for acceptance as a County road by the Board at a regular meeting of the Board.

(2) If the Director's report is LM 15.225(2) above, the Director shall submit the report with findings and recommendations to the Board, who shall consider the matter at a regular meeting. The Director shall notify the petitioners in writing of the Board action.

(3) If the Director's report is LM 15.225(3) above, the Director shall submit the report with findings and recommendations to the Board, which shall consider the matter at a regular meeting.

(4) If the Director's report is LM 15.225(4) above, and the petitioners appeal the Director's denial, the Board shall consider the appeal at a regular meeting.

(5) When any recommendation of the Director is to be considered by the Board, the Director shall notify the petitioners in advance of the time and place of the hearing. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

15.240 Board Action.

The Board will consider petitioners' appeal and/or petitioners' action at a regular meeting, at which time the Board may:

(1) Accept by Order the petition request or appeal contingent upon completion of dedication and improvement requirements specified by the Board action.

(2) Reject the petition request or appeal by Order. Rejection by the Board shall be final. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

15.245 Petitioners' Action.

If the Board action is to accept the petition request contingent upon completion of dedication and improvement requirements under LM 15.240(1) above, the petitioners may take the following action:

(1) Cause the necessary dedications and improvements to be completed in order to meet the standards for acceptance. Improvements shall be inspected and certified at the applicant's expense by an engineer registered in the State of Oregon. The right-of-way and the improved road shall be surveyed and certified by a land surveyor, registered in the State of Oregon.

(2) Request that the dedications and improvements be made in conformance with the procedures as defined in LC 15.600 through 15.645 (Levying, Collecting, and Enforcing Special Assessments). *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

15.250 Further Action.

If the petition request is accepted, the petitioners shall present Lane County with a good and sufficient legal description of the roadway to be accepted and designated as a County road. This legal description will be reviewed by the Lane County Surveyor's Office and placed on the proper document for dedication and then returned to the petitioners. All further proceedings shall be governed by the provisions of ORS Chapter 368. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

ACCEPTANCE OF PARK ROADS**15.260 Acceptance of Park Roads.**

The following procedures and requirements are established for delineating a process for the acceptance of Park Roads into the County Road System.

(1) A Park Road is a public road providing access within a County Park as defined in LC 6.500.

(2) New Park Roads established after January 1, 1991, shall be designed and constructed to comply with applicable County Road Standards as defined in LC Chapter 15 prior to Board action accepting that road into the County Road System.

(3) Notwithstanding LM 15.215 through 15.250 and the County Road Standards contained in LC Chapter 15, Park Roads established and existing as of January 1, 1991, may be accepted into the County Road System provided that road complies with County Road Standards or varies from County Road Standards as follows:

(a) A Park Road posted as serving one-way traffic shall have a minimum surface travel width of 12 feet provided it is posted, designed for and functionally serves one-way traffic.

(b) A Park Road serving two-way traffic shall have a minimum surface travel width of 18 feet.

(c) A Park Road shall have a minimum right-of-way width of 50 feet, unless the Director recommends acceptance of right-of-way less than 50 feet but in no event shall right-of-way less than 30 feet be accepted.

(4) In County Parks on leased lands, Park Roads may be accepted into the County Road system without formal dedication provided the park land lease documents are recorded and are a matter of public record, and that the road has been designated as a Public Road or Local Access Road by Board Order. Owners of the leased land shall be provided written notice of the proceedings and must consent to the acceptance of Park Roads into the County Road System.

(5) The Director shall issue a written report describing compliance with the standards in LM 15.260(3) above for any proposed addition of Park Roads to the County Road System. If the Director recommends a modification or waiver of the standards, the Director shall include findings in the report that determine whether current and future roadway needs necessitate compliance with the standards and whether a safety hazard will be created if the roadway is accepted into the County Road System. The Parks Manager shall indicate concurrence with the Director's report but, in the event either does not concur, then the matter shall proceed no further and shall not be referred to the Board.

(6) If the Director determines standards for acceptance have been met or if the report recommends a modification or waiver of the standards, then the Director shall prepare and submit the necessary documents to the Board for consideration and action.
(Revised by Order No. 91-1-30-15, Effective 1.30.91; 04-5-5-8, 6.4.04)

ROAD VACATIONS

15.300 General Requirements.

Vacation of County Roads pursuant to the process provided in LM 15.305 or conversion of County Roads to Local Access Road or Public Road (non-County maintained) status by withdrawal of County Road status pursuant to ORS Chapter 368 may be considered where little need exists for the road to be part of the County Road System. The following categories of County Roads may be considered by the Board of County Commissioners for vacation or withdrawal of County Road status:

(1) Dead-end roads which serve four or fewer permanent residences.

(2) Roads within National Forest boundaries, within Bureau of Land Management ownership areas, or adjacent to resource land areas under single ownership.

(3) Roads that are undeveloped rights-of-way, are dirt roads, or are not currently maintained by County forces.

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

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

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

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

(c) School bus traffic.

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

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

(f) The potential for landslide and stability problems.

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

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

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

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

15.305 Vacation Procedures.

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

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

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

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

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

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

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

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

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

GENERAL ROAD AND ACCESS POLICIES

15.405 Purpose.

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

15.410 Criteria.

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

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

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

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

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

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

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

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

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

ROAD DESIGN STANDARDS/RECOGNIZED ENGINEERING GUIDELINES

15.450 Minimum Road Design Standards/Recognized Engineering Guidelines.

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

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

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

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

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

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

- (i) Oregon Standard Specifications for Construction (ODOT & APWA, 2008);
- (ii) Oregon Standard Drawings (ODOT & APWA, 2008);
- (iii) *ODOT Highway Design Manual* (2003);

- (iv) *ODOT Hydraulics Manual* (2011);
 - (v) *ODOT Erosion Control Manual* (2005);
 - (vi) *Oregon Bicycle and Pedestrian Plan* (ODOT, 1995);
 - (vii) *1999 Oregon Highway Plan* (ODOT).
- (d) The *Highway Capacity Manual 2010* published by the Transportation Research Board.
- (e) The *Trip Generation*, 8th Edition manual published by the Institute of Traffic Engineers. (*Revised by Order No. 04-5-5-8, Effective 6.4.04; 12-04-4-6, 4.4.12*)

PUBLIC ROAD AND RIGHT-OF-WAY POLICIES

15.505 Purpose.

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

15.510 Gates, Fences, Cattleguards.

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

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

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

15.515 Drainage.

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

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

15.525 Illumination.

Roadway illumination will be provided by the County only as a part of construction or reconstruction of arterial roads within an adopted Urban Growth Boundary, provided an interagency agreement assigning ownership and maintenance of the lighting to another entity is executed prior to construction. The County may provide illumination in other

locations under special circumstances such as at traffic signals or high hazard locations. *(Revised by Order No. 89-3-1-18, Effective 3.1.89)*

15.530 Bikeways and Sidewalks.

Bikeways shall be constructed in a manner consistent with adopted goals and policies of the County Transportation System Plan, the respective Transportation System Plans of incorporated cities within the County, the Road Design Standards of LC Chapter 15, and in the absence of County or City standards, the publications specified in LM 15.450(2). Standards may be modified to meet the needs of a particular area at the discretion of the Director. The Department shall coordinate with cities and interested community groups in integration of adopted plans for alternative transportation modes. The Department shall expend at least the minimum funds required by statute to provide for a planned system of bicycle/pedestrian-ways within the unincorporated areas of Lane County. The Department shall, whenever feasible, incorporate into the road improvement projects additional features necessary to provide for travel of bicyclists and pedestrians. *(Revised by Order No. 89-3-1-18, Effective 3.1.89; 04-5-5-8, 6.4.04)*

15.540 Mailboxes.

Mailboxes placed within public rights-of-way shall be set back from the traveled surface of the road by sufficient distance to ensure that no part of the mailbox extends over the traveled surface at any time. Materials supporting the mailbox shall be of a type that will not constitute a hazard to the traveling public. The provisions of LC Chapter 15, "Roads," with regard to facilities within public rights-of-way, are applicable to mailboxes and mailbox supports. Mailbox supports provided by Lane County on road improvement projects will be constructed according to current safety design standards. *(Revised by Order No. 00-9-6-11, Effective 9.6.00; 04-5-5-8, 6.4.04)*

15.545 Danger Trees.

The Department shall remove any trees, snags or stumps from public rights-of-way which may endanger the traveling public. Should trees or other objects threatening to fall on public rights-of-way be located on private property, the Director shall notify the property owner of the danger and request that the hazard be removed. The Department will remove the hazard for the property owner if a permit of entry is granted to do so. *(Revised by Order No. 00-9-6-11, Effective 9.6.00; 04-5-5-8, 6.4.04)*

15.550 Merchantable Trees.

All merchantable trees to be removed from rights-of-way shall be made available to the underlying fee owner(s) for removal and disposal. In the event the underlying fee owner(s) fail to remove and dispose of such merchantable trees within 30 days from the date of notification, the Department shall remove the trees and retain any revenue that it may generate. *(Revised by Order No. 00-9-6-11, Effective 9.6.00; 04-5-5-8, 6.4.04)*

COUNTY IMPROVEMENTS/CITIZEN INVOLVEMENT

15.575 Improvement of the County Road System.

Major improvements to the County road system shall be scheduled through a Five-Year Capital Improvement Program to be reviewed and adopted biennially by the Board. Two primary purposes are identified for an established Public Works Capital Improvement Program.

(1) To allocate limited financial resources to projects which will provide the greatest return in moving people and goods safely and efficiently throughout the County, and

(2) To provide for the most efficient scheduling and allocation of staff and other resources.

A draft plan shall be submitted to the Board by the Director through the Roads Advisory Committee. Public hearings may be conducted by the Roads Advisory Committee and the Board in adoption of the Capital Improvement Program. *(Revised by Order No. 83-1-4-9, Effective 1.4.83; 04-5-5-8, 6.4.04; 14-04-29-08, 4.29.14)*

15.580 Citizen Input With Regard to Individual Road Improvement Projects.

With the exception of overlay and bridge reconstruction projects, design concepts for individual capital improvement projects shall be approved by the Board. Prior to Board action, the Roads Advisory Committee shall consider staff recommendations on the design concept and adopt a recommendation for the Board's consideration.

(1) Department staff shall present a report to the Roads Advisory Committee on individual projects listed in the Capital Improvement Program, including proposed alignment, typical section and right-of-way width requirements. As specified below in this section, the Roads Advisory Committee may approve the recommended design concept through the adoption of findings or set a hearing. As part of this process and prior to the hearing, the Board may direct staff to form a stakeholder group to assist the Roads Advisory Committee in making its recommendation.

In deciding whether or not a stakeholder group should be formed or a Roads Advisory Committee hearing should be conducted considerations include but are not limited to potential impacts on adjacent properties, whether significant alteration of the road or surrounding terrain is involved, such as in major realignment or widening, and whether appreciable impact to surrounding landscape or historical structures might be experienced.

(2) Stakeholder Group. If the Board directs staff to form a stakeholder group the following general guidelines will be used:

(a) Stakeholder Group Formation. Potential stakeholder group members will be contacted by mail and given an adequate time to respond as to whether they wish to participate. The following parties shall be contacted for this purpose:

(i) Local neighborhood association, if applicable.

(ii) State and local agencies having jurisdiction for the project area, including but not limited to the fire protection district, school district, and transit district.

(iii) Property owners adjacent to the project.

(iv) Other private entities that may be appropriate.

(b) Stakeholder Group Composition.

(i) The list of parties who were contacted and who responded with a request to be included in the stakeholder group pursuant to LM 15.580(2)(a) above shall be reviewed in a regular meeting by the Board, and a stakeholder group will be appointed by Board Order. The Commissioner with jurisdiction in the project area and at least one Roads Advisory Committee member may serve as ex officio members of the stakeholder group.

(ii) The group will generally include a maximum of 12 people exclusive of ex-officio Board and Committee members unless the Board determines that a larger group is necessary to ensure adequate representation of interested parties.

(c) **Stakeholder Group Responsibilities.** The stakeholder group will meet at least once per month, for no more than 6 months, to review the project design. Engineering Division staff will facilitate stakeholder meetings.

(d) At the conclusion of the stakeholder group meetings, staff shall provide a written and oral report to the Roads Advisory Committee describing the group outcomes, including a recommended project design concept and justification for the recommendation. The design concept recommendation shall demonstrate consideration for stakeholder comments and other factors normally considered in project design, including Lane Code and Lane Manual requirements, other engineering practices and standards, safety, budget, timing, efficiencies of scale, and maintenance.

(e) After consideration of the results of the stakeholder group and the staff recommendation, the Roads Advisory Committee may set a hearing pursuant to the requirements of LM 15.580(3), or may adopt findings and a recommendation to forward to the Board. While stakeholder group comments, concerns, and outcomes shall be considered, the Roads Advisory Committee shall have final authority as to the design concept recommendation forwarded to the Board.

(3) Roads Advisory Committee Hearing Procedures.

(a) Pursuant to LM 15.580(1) above the Roads Advisory Committee may elect to set a public hearing(s) before adopting a Board recommendation on a preferred project design alternative. The hearing may be conducted before the Roads Advisory Committee, or before staff, as delegated by the Roads Advisory Committee.

(b) If a petition is filed pursuant to LM 15.580(5) below, a hearing shall be set and conducted by the Roads Advisory Committee pursuant to LM 15.580(3)(c).

(c) Notice of the hearing shall be mailed to adjacent property owners of record at least 10 days in advance. Hearing(s) shall deal with design concept of the proposed project only. Time for testimony may be limited to permit all interested parties to be heard.

(4) Notice to Adjacent Property Owners. Whether or not a stakeholder group is formed or a hearing is conducted, adjacent property owners shall be notified within 10 days of the adopted findings and recommendation by the Roads Advisory Committee.

(5) Petitions. If the Roads Advisory Committee has adopted findings without a public hearing pursuant to LM 15.580(1), a hearing shall be conducted by the Committee on petition of one-third of the adjacent property owners of record for reconsideration of the decision. A petition in this case must be presented to the Department within 30 days of the date the Roads Advisory Committee findings are mailed to adjacent property owners. In the event a valid petition is not received within 30 days, the findings of the Roads Advisory Committee shall be forwarded to the Board.

(6) Roads Advisory Committee Action.

(a) Following any public hearing and any necessary follow-up contact or correspondence with property owners, the Roads Advisory Committee shall adopt findings and a recommendation to forward to the Board and adjacent property owners of record.

(b) Staff shall present the Roads Advisory Committee findings and recommendation to the Board at a regularly scheduled Board meeting. A full record of previous proceedings, all written public comments and if applicable, the stakeholder process and recommendations shall be included in the information presented to the Board.

(7) Board Hearing Procedures.

(a) In the event Department staff disagree with the Roads Advisory Committee findings and recommendation, staff may request a hearing by the Board.

Adjacent property owners of record shall be notified of the hearing at least 10 days in advance.

(b) In the event that property owners disagree with the findings of the Roads Advisory Committee when a public hearing has been held, an appeal may be made to the Board for further consideration on petition of at least 50 percent of the adjacent landowners of record along the proposed road improvement project, provided that such appeal is filed within 30 days of the date of the Roads Advisory Committee findings.

(c) The Board shall set the matter for hearing and cause notice to be provided to interested parties at least 10 days in advance. The hearing shall include a report by the Department and the findings and recommendation of the Roads Advisory Committee.

(8) Board Action. After consideration of the Roads Advisory Committee recommendation, and after completion of any hearing process, the Board will issue findings and a decision on the project design by Board Order.

(9) Assessments. In the event that the project includes assessments, statutory procedures of ORS 371.605 through 660 shall apply in addition to the procedures listed above. The appeal procedures outlined in LM 15.580(7)(b) above shall not apply to assessments. *(Revised by Order No. 83-1-4-9, Effective 1.4.83; 04-5-5-8, 6.4.04)*

COMMUNITY DEVELOPMENT ROAD IMPROVEMENT ASSISTANCE PROGRAM

15.800 Purpose.

The purpose of the Community Development Road Improvement Assistance Program is to promote development of public road infrastructure projects that provide a benefit to the community. The Program will use Road Funds designated by the Board of County Commissioners in combination with other funding sources, to administer and finance eligible public road projects connected with expansion or new construction of community development projects. *(Revised by Order No. 00-5-16-5, Effective 5.16.00)*

15.805 Authority.

ORS Chapter 373 and the Lane County Home Rule Charter authorize the expenditure of County funds for the improvement, construction or repair of streets within incorporated cities. ORS 190.010 and the Lane County Home Rule Charter further provide that units of local government may enter into agreements for the performance of any and all functions and activities that a party to the agreements, its officers or agents, have authority to perform. ORS 457.190 grants authority for urban renewal agencies to acquire funds from counties. *(Revised by Order No. 00-5-16-5, Effective 5.16.00)*

15.808 Definitions.

Municipality or Municipalities. Cities, urban renewal districts organized under ORS Chapter 457, housing authorities organized under ORS Chapter 456, school districts organized under ORS Chapter 330, public utility districts organized under ORS Chapter 261 and port districts organized under ORS Chapter 777. *(Revised by Order No. 00-5-16-5, Effective 5.16.00)*

15.810 Eligible Applicants and Application for Funds.

(1) Eligible applicants for funding under this section of Lane Manual include Lane County municipalities and other entities. The County Board of Commissioners, upon request of other entities such as unincorporated communities, Chambers of Commerce or private utility districts, may sponsor projects involving Road Fund eligible

expenditures that comply with state law but may not be within the jurisdiction of a municipality.

(2) Municipalities or other entities that desire funds under this program may make application or suggest a project through a letter directed to the Director. The letter should follow application guidelines and selection criteria, attached as Exhibit A to this subsection (LM 15.810(2)), and incorporated by reference as though fully set forth herein, and describe in detail the request for funds and the community development benefits that will be gained by the project. *(Revised by Order No. 00-5-16-5, Effective 5.16.00; 04-5-5-8, 6.4.04)*

15.815 Funding of Projects.

(1) Funding for this program will be provided through the Community Development Road Improvement Assistance Program as established by the Board and funded by appropriate budget action.

(2) Funding of all projects shall be subject to the availability of Lane County funds. Participation by Lane County may not always be in the full amount requested and may be adjusted by the Board at its desire.

(3) Project costs eligible for Lane County funding under this program will be for the exclusive purposes allowed by Oregon law for Road Funds as defined in the Oregon Constitution Article IX, Section 3a. Examples include but are not limited to preliminary and construction administration and engineering and construction costs including clearing, base work, paving and road drainage.

(a) If the project involves an upgrade of existing County roads, Lane County may participate in funding to the extent that the improvement conforms to the applicable Transportation System Plan and existing assessment policies.

(b) If the project involves new public road improvements, Lane County may participate in the funding to the extent the improvements conform to applicable comprehensive plans and existing assessment policies.

(4) It is expected, but not required, that 50 percent of the Road Fund eligible project cost will be provided by the municipality and/or the developer. *(Revised by Order No. 00-5-16-5, Effective 5.16.00; 04-5-5-8, 6.4.04)*

15.820 Project Selection Criteria.

Project proposals will be rated, and if necessary because of limited availability of funding, ranked according to specific criteria for Community Development Road Improvement Assistance Program project ranking and selection, shown in Exhibit A to LM 15.810(2) attached and incorporated by reference as though fully set forth herein. All projects proposed by municipalities must be planned within the incorporated city limits or designated urban growth boundaries of cities within Lane County, or within school district, port district or urban renewal district boundaries. *(Revised by Order No. 00-5-16-5, Effective 5.16.00)*

15.825 Implementation.

(1) Rules and procedures for implementing the Community Development Road Improvement Assistance Program shall be promulgated and administered at the direction of the County Administrator.

(2) The County Roads Advisory Committee (RAC) Community Development Subcommittee will review all applications received and the RAC will recommend awards to the Board of County Commissioners for approval.

(3) Municipalities must agree by intergovernmental agreement that applicable urban transition policies and agreements apply to all improvements funded by this

program. For example, if new roads are created, these roads shall be owned by the city and become the city's maintenance responsibility.

(4) If requested by the County, municipalities shall provide justification of the scale of improvements to be constructed with County road funds. The County may require justification be made through the use of an outside consultant.

(5) If the Board of County Commissioners, acting as sponsor for a non-municipality sponsored project in an unincorporated area, approves funding for a project, then the Board shall direct staff to proceed with project implementation. *(Revised by Order No. 00-5-16-5, Effective 5.16.00)*

15.826 Waiver of Program Regulations.

Any regulation within this program may be waived by the Board of Commissioners if the Board believes the waiver is consistent with a public purpose and with Oregon law.

Exhibit "A" TO LM 15.810(2)

COMMUNITY DEVELOPMENT
ROAD IMPROVEMENT ASSISTANCE PROGRAM
APPLICATION GUIDELINES AND SELECTION CRITERIA GOAL:

The Community Development Road Improvement Assistance Program described in LM 15.800 through 15.826 is established to provide funding for eligible public infrastructure projects that provide a benefit to the community by assisting municipalities and others with eligible public road related improvements.

Community Development Projects--where the applicant will be constructing or improving a public road infrastructure project that will benefit the community.

The application form and procedures for applications may be obtained from the Department.

(1) The number of projects under development will be affected by the availability of funding and staff resources to process applications. Each project shall describe the following factors: general description, assessment of need for project, specific Community Development funding request, municipal participation in project, property owner participation, as applicable. The criteria for Community Development project ranking and selection are listed below.

(2) The Lane County Roads Advisory Committee (RAC) Community Development Sub-Committee will review all applications and process each through the implementation procedures of LM 15.825 and then the full RAC will make a project recommendation to the Board of County Commissioners. Lane County may provide technical assistance to smaller rural communities and private parties to assist in completing project packages that meet Community Development goals.

(3) Upon approval of the Board of County Commissioners, Lane County will then execute an intergovernmental agreement with the sponsoring municipality to complete construction of specified improvements and transfer of funds. The agreement will spell out the terms and conditions under which certain funds will be distributed to the municipality for Community Development eligible activities for the subject project. Lane County government may act as the sponsoring agency for projects located in unincorporated areas of Lane County.

CRITERIA FOR COMMUNITY DEVELOPMENT PROJECT PRELIMINARY
RANKING AND SELECTION OF APPLICATIONS

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

POINTS

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

A rating of 0 (zero) points in any one of the applicable criteria [(A) to (J)] may disqualify an application from further consideration. The County Board of Commissioners, per LM 15.826, may waive Community Development criteria.

Exhibit "A" to LM 15.810(2)

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

PERFORMANCE AGREEMENT STANDARDS

15.850 Purpose.

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

15.855 Application and Review.

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

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

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

15.860 Alternate Performance Agreements.

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

15.865 Renewal of Performance Agreements.

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

(c) The application shall be accompanied with an updated cost estimate compiled by a registered engineer with at least 10% added for administration cost.

(4) Notification of Decision on Application. The Director, after review of the application for a renewal, shall give written notice of his or her decision and the reasons supporting the decision to the applicant. In denying an extension the Director shall automatically exercise the established Performance Agreement. *(Revised by Order No. 93-3-31-7, Effective 3.31.93; 04-5-5-8, 6.4.04)*

TOURIST-ORIENTED DIRECTIONAL SIGNS

15.900 Authority.

The following procedures and requirements relating to the placing of tourist-oriented directional signs within the right-of-way for public roads in Lane County is authorized by ORS 374.305, 374.310 and LC 15.205. *(Revised by Order No. 85-6-19-5, Effective 6.19.85)*

15.905 Purpose.

The following procedures and requirements are established for the purpose of delineating a uniform policy in Lane County for installation and maintenance for tourist-oriented directional signs erected within public road rights-of-way to provide directional information to tourist-oriented businesses, historical features, or cultural features offering services or activities to the tourist. *(Revised by Order No. 85-6-19-5, Effective 6.19.85)*

15.910 Definitions.

As used in this subchapter, the following definitions shall apply unless by context it is redefined.

Applicant means a person or entity submitting an application for a permit for a tourist-oriented directional sign.

Cultural Feature means a museum approved by the Director upon consulting with the Oregon Historical Society and Oregon Museum Association. Also referred to as "activity."

Directional Information means necessary information to direct the motoring public to the business, service, activity, historical feature or cultural feature placed on a tourist-oriented directional sign.

Historical Feature means a district or property currently listed in the National Register of Historic Places or designated as nationally significant by the United States Department of the Interior. Also referred to as "activity."

Owner means a holder of fee title or lessee.

Tourist-Oriented Business means any legal cultural historical, recreational, educational or entertaining activity or a unique or unusual commercial or nonprofit activity, whose major source of income or visitors is derived from motorists not residing in the immediate area of the activity.

Tourist-Oriented Directional Sign means a sign panel with the name of a tourist business, service, activity, historical feature or cultural feature, together with directional information erected in advance of or at intersections on the County road system. Also referred to as "sign." *(Revised by Order No. 85-6-19-5, Effective 6.19.85; 04-5-5-8, 6.4.04)*

15.915 General Provisions.

Tourist-oriented directional signs are primarily for, but not limited to, installation at rural intersections where tourist-oriented businesses or activities are located. These signs may be installed within urban areas outside corporate limits, if at the determination of the Director the situation warrants such action. *(Revised by Order No. 85-6-19-5, Effective 6.19.85)*

15.920 Eligibility.

An applicant requesting a tourist-oriented sign on a County road must obtain from the Oregon Department of Transportation a permit designating the business or activity as a tourist-oriented activity or business. The business or activity may then make application to the Department for placement of a tourist-oriented sign. The tourist-oriented business or activity must be located at least one mile, but not more than 15 miles, from the intersection where the sign will be placed. If, at any time, the state permit is revoked or notification is given to either the state or the County that the sign is no longer required, the sign will be removed from the County right-of-way. *(Revised by Order No. 85-6-19-5, Effective 6.19.85; 04-5-5-8, 6.4.04)*

15.925 Application Process.

(1) Original Application. An application on a form specified by the Department shall be accompanied by documentation that a business or activity is recognized by the Oregon Department of Transportation as a tourist-oriented business or activity. A one-year rental fee for each requested sign must accompany the application. The rental fee covers the cost of sign construction, placement and maintenance by the County. The applicant's priority shall be based upon the date of submittal of the application. Approval of a new application entitles the applicant to rental for a period of one year from the date of placement of the sign. Multiple applications for the same tourist-oriented directional signals may be denied if it is determined, after investigation by the Director, that adequate direction to the business or activity by a reasonable number of tourist-oriented directional signs already exists.

(2) Renewal Application. A renewal application:

(a) Must be submitted each year prior to the anniversary date of the original application.

(b) Is subject to reinvestigation by the Department.

(c) Must show verification that the activity or business still holds a permit issued by the Oregon Department of Transportation regarding status as a tourist-oriented business or activity.

(d) Must be accompanied by the rental fee for each sign for one year.

Failure to submit a renewal application within 30 days after the anniversary date of the original application will result in removal of the tourist-oriented signs and the business or activity will be charged for this removal.

(3) Waiver. The Director may waive the requirement that the tourist-oriented business or activity be located at least one mile from the intersection if, upon investigation, it is determined that the business or activity is not easily located from the intersection. Additionally, the Director may waive the requirement that the business be located not more than 15 miles from the intersection where the sign is placed if:

(a) Applicant can show that the business or activity is easily located from the intersection, and/or

(b) No additional signs would be required to direct traffic to the business or activity.

(4) Fees.

(a) A fee shall be paid upon submission of a new or renewal application.

(b) Annual fee for each sign shall be \$75.

(c) The fee shall be waived if the historical or cultural feature is publicly owned and operated or has been awarded 501(c)(3) designation by the United States Internal Revenue Service.

(d) An additional fee of \$25 will be charged for temporary removal and reinstallation of signs due to seasonal nature of business or activity or for failure to submit a renewal application. *(Revised by Order No. 85-6-19-5, Effective 6.19.85; 04-5-5-8, 6.4.04)*

15.930 Signing Standards.

All tourist-oriented directional signs must conform to the following standards.

(1) Location.

(a) Signs must be located at intersections of County roads with state highways or other County roads.

(b) Advance signs may be located between the previous intersection and must be at least 500 feet from the signed intersection.

(c) Location is subject to a determination by the Director, or the Director's designee, that the sign shall not interfere with other traffic control devices and present a hazard to the traveling public.

(2) Composition. Signs located at intersections shall:

(a) Be 18 inches in height and 72 inches in width.

(b) Contain not more than two lines of legend limited to the name of the business or activity and shall not contain any promotional material as determined by the Director.

(c) Use a maximum of 6-inch letter height for signs located on arterials and major collectors.

(d) Use a maximum of 5-inch letter height for signs located on all other roads.

(3) Installation. All signs shall be installed by the County in conjunction with its normal work schedule.

(4) Maintenance. The County will do maintenance during its normal sign maintenance program.

(5) Removal. Signs shall be removed if it is determined by the Director that the applicant no longer meets the requirements of this subchapter. *(Revised by Order No. 85-6-19-5, Effective 6.19.85; 04-5-5-8, 6.4.04)*