

Lane Code Chapter 15: Proposed Amendments

Potential Financial Implications Analysis

Upon adoption, the amended Chapter 15 will apply to public and private entities, such as Lane County, property owners, and land developers, for activities affecting Lane County's transportation system. Staff believes the edits are consistent with current policy and are a better reflection of current practices. For example, the section (beginning at LC 15.065) regarding setbacks from roads was amended to clarify how setbacks are measured, but the setback dimension or regulation was not changed; however, clarification about permissible encroachments within the setback resulted in greater allowance for screening vegetation, which benefits private properties. Overall, staff believes the financial implications are relative because there are associated benefits of value, such as increased safety, or costs that would otherwise be borne by the public. The following identifies code amendments that have potential financial implications.

Proposed Amendment:

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

~~_____~~ (k) ~~V~~Visual screening allowed by 15.070(1)(j) above may exceed three and one-half feet in height within the setback area, ~~but not exceed six feet in height~~ provided that ~~it~~ the visual screening:

~~_____~~ (i) ~~Is~~ Located on private property, outside of public right-of-way, ~~within the setback area required by LC 15.070(1)(a) or (b) and not within the setback area required by LC 15.070(1)(c) or LC 15.083-(f); may exceed three and one-half feet, but not exceed six feet, in height and;~~

~~_____~~ (ii) ~~Must further comply~~ Otherwise complies with Visual Clear Zone Requirements of LC 15.095(3) ~~and;~~

~~_____~~ (iii) Does not exceed six feet in height, and

~~_____~~ (iiiiv) Does not create a visual obstruction for the purpose of roadway safety, considering the presence of roadway curves, topography, and vegetation. To determine whether the proposed visual screening will cause a visual obstruction, a certification from an Oregon registered professional engineer must be provided prior to construction of the visual screen according to a Type I procedure pursuant to LC Chapter 14.

Potential Financial Implication:

This amendment would enable visual screening which benefits properties without jeopardizing the safety of the traveling public.

Proposed Amendment:

15.105 Dedication and Improvement Requirements.

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

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~~(a) require d~~ 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~~ must be adequate to serve traffic generated by the new development from the development site to the publicly maintained road providing access.

Potential Financial Implication:

Lane County has always had the authority to require dedication and improvements of development, subject to constitutional requirements. These amendments better reflect that authority which is subject to demonstration of public need, nexus and proportionality. Within these constitutional parameters, the above code language provides better direction to staff and transparency to the public about the extent to which improvements may be required; notably, with the potential to include improvements between the development site and the public road, which would include Local Access Roads. The intent of such a requirement is for a development to mitigate its traffic impacts, rather than burdening the public or existing residents living along the affected roadway; therefore, the financial implications are potentially neutral when considering entities affected by the development.

Proposed Amendment:

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:

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

Potential Financial Implication:

This is a new standard for shared access approaches to be at least 20 feet wide which is a typical width necessary to facilitate safe passage of two-way vehicles. This has been an in-house practice for years, but would become a standardized expectation once codified. There are added costs associated with additional pavement width; however, the benefits include safe and efficient access. Shared driveways have increased demand for two-way traffic which affects the public transportation system. If narrower than 20 feet, vehicle delays within the public roadway may increase as entering vehicles wait for exiting vehicles to clear the approach.

Proposed Amendment:

LC 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:

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

Potential Financial Implication:

This establishes a shallower slope (from 3:1 to 4:1, which represents horizontal and vertical feet of the roadway shoulder) for new or reconstructed approaches on arterial and collector roads which the street

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classifications that carry greater traffic speeds and volumes. The requirement for a flatter slope may increase the overall footprint of the approach, such as a larger culvert, which has associated cost increases. This amendment is proposed to improve safety by creating what is known as a recoverable slope. The majority of fatal and severe-injury collisions on Lane County roads are the result of roadway departures. Steep slopes increase the risk of a severe outcome, whereas shallower slopes decrease the severity of the impact.

Proposed Amendment:

LC 15.205 Facility Permits.

(4) Development Exempt From Facility Permit Requirements. Notwithstanding the provisions of LC 15.205(3), the following new development and uses are specifically exempt from facility permit requirements for access, provided the new development or use does not involve construction of a new driveway or road approach on a County Road, alteration to the existing driveway or road approach on a County Road, or otherwise involve placement of facilities or development within a County Road right-of-way:

- (a) Temporary medical hardship homes;
- (b) Replacement dwellings; and
- (c) The addition of a new cell tower or co-location of telecommunications equipment at to an existing cell tower facility on private property zoned non-residential;
- (d) A new structure on a vacant property where no other land use changes or development occurs and the access does not directly connect to a County Road;
- (e) A new dwelling on a property deemed to be a legal lot prior to 2020, where access does not directly connect to a County Road and the existing connection at the County Road already serves two or more dwellings.

Potential Financial Implication:

These amendments are efficiency measures to reduce costs to applicants and the County when permits are not necessary.

Proposed Amendment:

15.210 Permit Procedure.

(8) Maintenance. ~~Holders of facility permits Permit Holders shall be~~ are 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 will be borne by the Department, except when such alteration is made in connection with assessable improvements in urban areas.~~ Facilities shall must be kept in a good state of repair at all times, and free of screening vegetation or overgrowth that creates a hazard or risk of damage during right-of-way maintenance. In lieu of trimming vegetation, facility locations may be marked with a high-visibility flexible permanent marker extending a minimum of one foot above surrounding vegetation. The County is not responsible for damage to facilities that are not maintained or marked as provided in this Section. The Director is delegated the statutory authority of the Board with regard to maintenance requirements, alteration, or removal of facilities within the rights-of-way.

Potential Financial Implication:

This establishes clearer expectations of utility companies regarding their responsibility of maintenance, such as vegetation, around their facilities. This amendment reduces the County's liability associated with maintenance activities.

Proposed Amendment:

15.210 Permit Procedure.

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

(11) Failure to Comply. The Director ~~is authorized~~ has the authority to remove unauthorized facilities, vehicles, and vegetation from public rights-of-way, or to construct or restore rights-of-way due to unauthorized or prohibited activities, at the abutting-responsible property owner's cost.

(a) When an unpermitted facility, installation, or vehicle does not represent ~~ing~~ an immediate hazard, the Director may first attempt to contact the responsible property owner for removal of ~~unauthorized-such~~ facilities or installations. Upon failure of the responsible property owner to comply with removal by a specified date, the Director may cause the unauthorized facility, installation, or vehicle to be removed with the cost billed to the responsible property owner.

(b) In situations where restoration, reconstruction, repair or new construction is required, the Director may recover all costs incurred from the responsible property owner or impose administrative penalties as outlined in LC 5.017 through LC 5.040.

Potential Financial Implication:

These amendments clarify the County's authority to remove and repair hazards within the right-of-way to specifically include vehicles, such as abandoned RVs, and to assign those public costs to the responsible party. This serves as both a means of increasing compliance with a financial consequence for violations and of enabling the County to remove hazards with reduce liability. Notably, costs associated with towing abandoned RVs has been a significant burden for the County.

Proposed Amendment:

15.702 Urban Arterial And Collector Standards.

(9) Bike Lanes.

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

Potential Financial Implication:

The amendment updates the standard for a bike lane width from 5'6" to 6' consistent with the design expectations of the Lane County Transportation System Plan. The additional 6" width may slightly increase construction costs, but is insignificant in the context of a project that would be constructing bike lanes. It is noted that, pursuant to LC 15.702(1), these standards are only applicable to newly constructed or reconstruction of arterial and collector roads.

Proposed Amendment:

LC 15.703 Rural Arterial And Collector Standards.

(6) Roadway and Ditch Side-Slopes.

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

Potential Financial Implication:

The Federal Highway Administration states that roadway shoulder slopes flatter than 4H:1V are generally considered recoverable, in which a motorist may retain or regain control of a vehicle by slowing or stopping. A steeper slope (i.e. 3H:1V) that is not recoverable should therefore be considered for barrier installation, such as a guardrail. This amendment reflects this safety standard, which could increase opportunities for guardrail installation. Guardrail is expensive to install and maintain, but the cost of fatal and severe-injury collisions is a greater liability.

Proposed Amendment:

LC 15.705 Rural Local Road Standards.

(9) Roadway and Ditch Side-slopes.

(c) When slopes steeper than ~~4~~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~~will be used when it is necessary to review the efficacy of a barrier.

Potential Financial Implication:

This has the same implication as described above at LC 15.703.

Proposed Amendment:

15.705 Rural Local Road Standards.

(15) Maximum Grade.

(a) Maximum grade ~~shall be is~~ 15%. ~~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.~~

Potential Financial Implication:

Omitting the ability to construct County roads steeper than 15% reduces Lane County's maintenance liability, while also improving public access and mobility, especially emergency vehicles. This new grade standard may preclude new roads on steeper hillsides or may require more fill and excavation to construct. The financial implication is unknown at this time, as there are very few new Country roads constructed.

Proposed Amendment:

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

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	3 2"	3 2"
Base	8"	10"

Table 12: Roadway Surface Depth and Structure

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

Potential Financial Implication:

Increasing the depth of asphalt an additional inch increases material costs, but also extends the pavement life thereby reducing maintenance costs.

Proposed Amendment:

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

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

Potential Financial Implication:

A Clear Zone is an unobstructed, traversable roadside area that allows a driver to stop safely, or regain control of a vehicle that has left the roadway. The width of the clear zone should be based on risk (also called exposure). Key factors in assessing risk include traffic volumes, speeds, and slopes. The minimum clear zone recommended by the Federal Highway Administration is ten feet. This amendment reflects that safety standards.

The financial implication of this amendment is unknown at this time, but it seems reasonable that structures would be setback from private roads and local access roads. The biggest impact would like be to utility companies, as poles would need to be located beyond 10 feet from the road to protect the safety of the clear zone. The benefit of a clear zone is the increased likelihood that a roadway departure results in a safe recovery rather than a crash, and mitigate the severity of crashes that do occur. Roadway departures is the leading fatal crash in Lane County.

Proposed Amendment:

LC 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.

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

Land Use	Residential	Other
AC	4 2"	4 2"
Base	12"	15"

Potential Financial Implication:

Increasing the depth of asphalt an additional two inches increases material costs, but also extends the pavement life thereby reducing maintenance costs.