

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

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

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

(5) Driveway and road approaches on County Roads shall be located where they do not create undue interference or hazard to the free movement of highway and pedestrian traffic. Locations on sharp curves, steep grades, areas of restricted sight distance or at points that interfere with the placement and proper functioning of signs, lighting, guardrail, or other traffic control devices shall not be permitted.

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

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

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

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

(d) For urban arterial roads, new intersections shall include consideration for optimal traffic signal spacing (typically  $\frac{1}{4}$  to  $\frac{1}{2}$  mile) and avoidance of queuing or other operational problems.

(7) Decisions regarding placement, location, relocation, and spacing of traffic control devices, including but not limited to traffic signals, turn lanes, and medians shall be based upon accepted engineering practices as provided for in the Federal Highway Administration (FHWA) *Manual On Uniform Traffic Control Devices* (MUTCD), the *Oregon Standard Drawings* published by ODOT and the American Public Works Association (APWA), and *A Policy on Geometric Design of Highways and Streets* published by the American Association of State Highway and Transportation Officials (AASHTO). The versions of these publications cited in LM 15.450 shall be used.

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

(9) New land divisions shall consolidate access to the greatest extent possible. New access onto arterials and collectors shall be minimized.

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

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

(1) Table 2 below shall be used in determining spacing between existing and proposed approaches onto County Roads classified as collectors or arterials.

(2) Within urban growth boundaries, the spacing standard for County Roads classified as Local Roads shall be 20 feet for use of a property for a single family or manufactured dwelling, duplex, or triplex, and 100 feet for other uses.

(3) Outside urban growth boundaries, the spacing standard for County Roads classified as Local Roads, and for Local Access Roads, Public Roads, and Private Access Easements shall be 100 feet.

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

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

(6) Site plans for new development shall show the location and width of access serving the property at the intersection of the property and road right-of-way, including all driveway and road approaches to be retained, relocated, added or closed on the subject property, and on adjacent properties as necessary to assure conformance with spacing standards. Dimensions shall be shown to scale and labeled on the site plan.

Posted Speed or Travel Speed*	Principal Arterial	Minor Arterial	Major Collector	Minor Collector
≥ 55	700	475	475	325
50	550	475	475	325
40 & 45	500	400	400	325
30 & 35	400	275	275	220
< 25	400	200	200	150

\*If a road does not have a posted speed, County staff shall determine the travel speed. An applicant for access may submit a speed study completed by an Oregon certified engineer or other professional with appropriate expertise, to be considered and approved by the County, if there is disagreement with the County speed determination.

**15.139 Standards for Culverts and Private Approaches on County Roads.**

The following standards apply to private access easement road approaches and driveway approaches within County Road rights-of-way.

(1) The minimum and maximum approach and culvert sizing requirements are as follows:

(a) The minimum approach width at the intersection of the approach with the County Road Right-of-Way as defined in LC 15.010(34)(a) shall be 16 feet for Rural Arterials and Collectors; and

(b) 12 feet for Rural Local Roads.

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

(d) The minimum radius shall be 10 feet.

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

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

(g) Culverts shall be a minimum of 12 inches inside diameter and:

(i) a minimum of 32 feet in length for Arterials and Collectors;

and

(ii) a minimum of 28 feet in length for Local Roads.

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

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

(3) Additional specifications shall be required as necessary to minimize surface flow of water and debris onto the Public Roadway, such as in the case of uphill approaches.

#### **15.140 Variance to Access Requirements.**

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

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

(2) Any Variance to the access requirements of this section shall be necessary to correct or improve an existing situation and is not intended as a means to create new roads or sites to which the orderly provisions of subdivision or partitioning would apply;

(3) The lot or parcel for which a Variance is sought shall be lawfully created;

and

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

## **ROAD AND RIGHT-OF-WAY REGULATIONS**

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

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

**15.205 Facility Permits.**

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

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

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

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

use decision.

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

- (a) Temporary medical hardship homes;
- (b) Replacement dwellings.

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

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

(7) Other Permits. The Director is authorized to issue facility permits for such other activities or installations within public rights-of-way as may be granted the Board by applicable laws, rules and regulations. This includes, but is not limited to the following:

(a) Loading logs along County Roads, installation of stock guards or fencing along or within public rights-of-way and such special activities as bike races, parades, event banners and decorations, or similar activities that require special conditions for use of the Public Roads or rights-of-way.

(b) Donations of amenities for use within a County Road. Whenever a person wishes to donate to the County a public amenity for use within a County Road right-of-way, in addition to the criteria set forth in LC 15.210(2), the amenity shall:

- (i) serve a public purpose or provide a public benefit;
- (ii) be located so as not to be an obstruction to a vehicle running off the road;
- (iii) not be designed or colored so as to distract vehicle operators;
- (iv) if the object is to convey information, that the area used therefore shall be no larger than six inches by twelve inches, and shall otherwise comply with all applicable provisions of the sign code;
- (v) include the agreement of the donor to maintain the amenity for a period of no fewer than 5 years.

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

### **15.210 Permit Procedure.**

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

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

(2) Approval Criteria. Facility permit applications shall be reviewed to ensure the use or activity will maintain the road in a safe condition and to ensure protection of the public investment in the County Road system. Applications for road and driveway approach facility permits shall also be reviewed for consistency with LC 15.135 through 15.139. The Director, in approving any application, may attach special terms and conditions to promote these objectives. Applications for activities or uses that are deemed to jeopardize public safety or cause unnecessary damage to the road system shall be denied.

(3) Fees. Fees as allowed by law or as established by the Board may be collected by the Director, in connection with the issuance of permits.

(4) Performance and Indemnity Requirements.

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

(b) Before a permit shall be issued, applicants for special transportation or other permits may be required to provide proof of adequate public liability or property damage insurance and proof of insurance or bond indemnifying Lane County, its agents and employees, against liability in the event of any injury or damage occurring by reason of the permittee's operations on a road. Applicants for facility permits may be required to show proof of such insurance.

(c) Applicants for permits to load logs along County Roads may be required to post a performance bond in an amount determined by the Director, and may be required to provide proof of adequate public liability and property damage insurance.

(d) Applicants for private access easement crossings may be required to furnish a bond or insurance indemnifying Lane County from any damage to County Roads or structures that may be caused by use of the crossing.

(e) When a facility permit is required as specified in LC 15.205(3), land use and zoning authorization for the development on a construction permit shall not be provided until a facility permit for access associated with the development has been issued. For purposes of this subsection, in addition to a copy of the issued facility permit, documentation of facility permit issuance shall consist of a site plan meeting the

requirements of the Department and approved as to the access location and width by the Engineering Division, Right-of-Way Management Permits Section.

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

(g) The holders of all permits shall conduct any work or privilege granted by permit at their own sole risk and shall indemnify, save harmless and defend Lane County, its agents and employees, from all claims, suits, actions and damages arising out of or resulting from the work or privileges granted by permit and such indemnity shall not be limited by reason of the enumeration of any insurance coverage that may be required.

(5) Safety Requirements. Holders of permits shall exercise diligence and care to ensure safety to the public and protection of the road system. Safety precautions shall include such stipulations reasonably related to safety requirements, as may be made by the Director, in issuing the permit, and such other safety measures as may be required by law. Should it be necessary to interrupt or redirect traffic, procedures designated by the *Manual on Uniform Traffic Control Devices* publication cited in LM 15.450 shall apply. During construction performed in connection with facility permits, roads shall be kept free of debris. Flaggers, barricades and other safety devices shall be employed as necessary to warn traffic of possible hazards. Lighted warning lights shall be maintained where necessary between the hours of sunset and sunrise.

(6) Construction.

(a) Facilities shall be constructed in conformance with:

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

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

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

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

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

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

(7) Inspection. Performance under any permit issued by the Director is subject to inspection and approval by the Director. Required security will not be released until approval has been granted. The Director is granted authority by the Board to act as its agent pursuant to ORS 374.305 through 374.340 with regard to correction of deficient or unauthorized installations.

(8) Maintenance. Holders of facility permits shall be responsible for maintenance of facilities at their own expense. The expense of relocation or alteration of road approaches in connection with a road improvement project shall be borne by the Department, except when such alteration is made in connection with assessable improvements in urban areas. Facilities shall be kept in a good state of repair at all times. The Director is delegated statutory authority of the Board with regard to maintenance requirements, alteration or removal of facilities within the rights-of-way.

(9) Permit Duration, Extensions, and Termination. Unless otherwise specified, construction and improvements required by a facility permit shall be completed within one year from the date the facility permit was issued.

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

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

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

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

(i) the development or use associated with construction and improvements required by the facility permit is substantially changed or expanded. For purposes of this subsection, "substantially changed or expanded" shall mean any of the following:

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

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

(cc) an additional permanent dwelling unit;

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

(ii) the permittee is found to have obtained a permit through misrepresentation of the facts or when, in the judgment of the Director, terms of the permit are being violated or public safety is threatened.

(10) Permittees shall be responsible for the cost of design, installation or construction of additional roadway improvements and traffic control devices, such as turn lanes, warning devices or traffic signals, at any time in the future when the traffic volumes generated by the use for which the access permit is authorized necessitate such installation in the interest of public safety. The need for and type of traffic control devices required shall be determined by the Director based upon the *Manual For Uniform Traffic Control Devices* publication cited in LM 15.450. Responsibility of the permittee shall be limited to cost of design and installation or construction only.

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

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

### **15.215 Road and Bridge Restrictions.**

The Director is delegated authority by the Board to impose temporary weight restrictions on roads or bridges pursuant to ORS 810.030, under emergency conditions. In the event of threat to public safety or extensive damage to Public Roads or bridges, the Director may post those facilities with such restrictions as authorized under ORS 810.030. Such action shall be abated unless confirmed at the next public meeting of the Board with a duly executed Board Order. *(Revised by Ordinance No. 20-82, Effective 9.3.82)*

**15.220 Temporary Road Closures.**

The Director is authorized to temporarily close a road in the interest of public safety or prevention of extensive damage to County roads or bridges. *(Revised by Ordinance No. 20-82, Effective 9.3.82)*

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

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

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

(1) Lengths and Combinations of Vehicles. Certain types and combinations of vehicles may be operated without special length permits upon Lane County roads, except those roads or segments of roads assigned limitations in accordance with ORS 810.030, when the overall length of the vehicles, combination of vehicles or loads do not exceed that as established in Table 3, below. In combinations featuring more than one trailer or semi-trailer, the shortest trailer shall be positioned to the rear of the combination.

Vehicle or Combination of Vehicles	Maximum Length in Feet	
	Trailer	Overall
Truck and trailer combination (neither the truck nor the trailer may exceed 40' in length)	40'	75'
Truck-tractor semi-trailer combination	45'	75'
Truck-tractor, semi-trailer, and trailer (Doubles combination)* *In no instance shall the distance from the front of the semi trailer to the rear of the second semi trailer exceed 68'	40'	75'
Log truck and pole trailer (stinger steered)* *Stinger-steered: the coupling device is located back of the tread of the tires of the last axle of the towing vehicle	N/A	75'

(2) Weight Limits. Load limits shall be regulated according to the requirements of ORS 818.010. *(Revised by Ordinance No. 73-82, Effective 10.29.82)*

**RURAL ADDRESSING/ROAD NAMING**

**15.305 Purpose.**

The purpose of this subchapter is to provide for road naming and a uniform addressing system that will allow for systematic expansion as well as providing the necessary information to public safety agencies to locate structures by site address along the County's road network. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*



**15.310 Authority for Enactment.**

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

**15.312 Road Naming**

The naming or renaming of roads in Lane County shall be accomplished as set forth by order of the Board pursuant to LM 15.005 through 15.035.

**15.315 Assignment of Address.**

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

- (1) A new address shall be assigned only for:
  - (a) A new structure on a vacant lot or parcel provided the structure and the lot or parcel are lawfully established; and
  - (b) New, lawfully established structures on a lot or parcel where an address already exists, provided the new structure cannot be served by the same driveway due to topographical or other physical characteristics of the property.
  - (c) Other circumstances if, upon review by the Department, the address assignment will be consistent with other provisions of Lane Code.
- (2) For new addresses assigned to lawfully established structures that are not dwellings or manufactured dwellings, the address shall not be used to establish residency.
- (3) Manufactured dwellings within manufactured dwelling parks and multi-unit structures shall be issued one address number with separate unit numbers.
- (4) Home occupations shall not be assigned an address unless the structure otherwise qualifies for a new address pursuant to LC 15.315(1) above.
- (5) A new temporary medical hardship dwelling shall not be assigned an address unless the structure qualifies for a new address pursuant to LC 15.315(1)(b). An address assigned for a temporary medical hardship dwelling shall no longer be valid when the hardship ceases.
- (6) No address shall be assigned unless a site plan meeting the requirements and guidelines of the Department is submitted and approved, and the site plan includes the accurate location of the driveway, any access easements, the proposed structure(s), and property lines.
- (7) If access to a structure requiring an address is taken in whole or in part via a Private Access Easement as defined in LC 15.010(35) an address shall be assigned only upon compliance with the requirements in LC 15.305 through 15.335 and only upon documentation of a recorded access easement meeting the requirements of this chapter. The location of the private access easement shall be accurately shown on the site plan as specified in LC 15.315(6). *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

**15.320 Correction of Address.**

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

**15.325 Exceptions.**

The County may choose not to assign addresses in certain areas adjacent to any municipality where the municipality has extended its numbering system beyond its incorporated limits. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

**15.330 Responsibility.**

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

**15.335 Fees.**

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

**LEVYING, COLLECTING AND ENFORCING SPECIAL ASSESSMENTS****15.600 Authority.**

The following provisions relating to the application of a special assessment policy for public improvements are hereby adopted pursuant to the authority granted to Lane County by the Lane County Home Rule Charter. Except as expressly modified in this subchapter, the provisions of ORS Chapter 371 are applicable in Lane County. *(Revised by Ordinance No. 11-73, Effective 9.28.73)*

**15.605 Purpose.**

The requirements set forth herein are for the purpose of defining policies, conditions and procedures whereby specially benefited property owners shall be assessed for the costs of road improvements. Remonstrance procedures included in Section 9 of the Lane County Home Rule Charter are not repeated herein, but apply in full. The procedures set forth in this subchapter shall constitute a determination by the Board, absent the express determination inconsistent with these procedures, of the extent to which the cost of road improvements in Lane County is to be defrayed by special assessments on property to be specially benefited. *(Revised by Ordinance No. 11-73, Effective 9.28.73)*

**15.610 Application.**

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

- (1) Connecting roads maintained under the authority of ORS Chapter 373;
- (2) County roads subject to an intergovernmental agreement under the authority of ORS 373.260;
- (3) County roads within the limits of incorporated cities not covered by LC 15.610(1) and (2) above and for which the city involved has not requested surrender in accordance with ORS 373.270. *(Revised by Ordinance No. 11-73, Effective 9.28.73; 7-82, 7.9.82)*

**15.620 Initiation of Improvements.**

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

- (1) Resolution of the Board when it is deemed necessary in order to provide for public safety and to promote the common welfare of the general public;
- (2) Petition signed by owners of not less than 60 percent of the separate ownerships abutting the proposed improvements, representing not less than 60 percent of the frontage of the land abutting the proposed improvements. The signature of an owner of property that has multiple ownership is valued as a fraction of an owner signature for that property in the same proportion as that owner's interest in the property bears to the interest of all other owners of the same property. *(Revised by Ordinance No. 11-73, Effective*

9.28.73; 7-82, 7.9.82; 5-97, 5.16.97)

### **15.625 Procedures.**

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

### **15.630 Priority System.**

All proposed projects shall be consistent with a road improvement priority system as may be adopted by Lane County. Any road proposed for reconstruction by petition, which, in the judgment of the Director is in conflict with said priority system, may proceed according to the provisions of ORS Chapter 371, but with financial assistance only as separately determined by the Board. *(Revised by Ordinance No. 11-73, Effective 9.28.73)*

### **15.636 Assessments.**

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

(1) By Petition.

(a) Local Streets and Roads and Minor Collectors. The direct cost of the complete street improvements up to and including 36 feet in width curbs, gutters and sidewalks within urban growth boundaries; and the direct cost of improvements up to and including 24 feet in width in the rural areas shall be assessed to the abutting property on a cost per front foot basis.

(b) Major Collectors, Minor Arterials and Principal Arterials. The direct cost of constructing the curbs, gutters, driveway and private access easement approaches, and sidewalks within urban growth boundaries, unincorporated rural communities and exception areas adjacent to urban growth boundaries as designated in an acknowledged comprehensive plan shall be assessed to the abutting property on a cost per front foot basis. All other costs within those described areas and all costs in the rural areas shall be paid by Lane County. If the abutting property does not take access from the road when the improvement project is completed, whether by choice of the owner or denial by Lane County, the assessment for curbs, gutters and sidewalks shall be deferred. Abutting property taking access from the road over other abutting property shall not be eligible for assessment deferral under this section. Any deferred assessment shall be a lien against the abutting property which may be removed and access granted in the future, provided that a) Lane County (or the government with jurisdiction over the road) finds that the new access does not pose a traffic congestion or safety problem and b) the owner of the property pays to Lane County the full amount of the original deferred assessment, plus accrued interest. Interest shall be calculated from the date the original assessments on the project became due, at the rate established by the Board for those assessments. Lane County (or the government with jurisdiction over the road) may grant access without requiring payment of the deferred assessment and interest if twenty years has elapsed since the date the original deferred assessment was certified. Any assessment deferred under this section shall be waived and the lien shall be extinguished twenty years from the date of certification. Notwithstanding waiver of the deferred assessment and extinguishment of the lien, Lane County (or the government with jurisdiction over the road) shall control access as provided by law.

(2) By Board Resolution.

(a) Local Streets and Roads. The direct cost of constructing curbs, gutters, driveways, and sidewalks within urban growth boundaries, unincorporated rural

communities and exception areas adjacent to urban growth boundaries as designated in an acknowledged comprehensive plan shall be assessed to the abutting property on a cost per front foot basis. All other costs within those described areas and all costs in the rural areas shall be paid by Lane County.

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

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

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

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

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

(5) Deferrals.

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

(i) The parcel:

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

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

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

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

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

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

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

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

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

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

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

**15.640 Intersections.**

For assessment projects, the cost of street improvements located within street intersections and railroad intersections shall be paid by Lane County or other participating public agencies or railroads and will not be assessed to property owners. *(Revised by Ordinance No. 11-73, Effective 9.28.73)*

**15.645 Foreclosure.**

The Director of the Department of Assessment and Taxation shall have the duties and responsibility of the County Court in ORS 371.650(3) and ORS 371.660 and shall have the general responsibility for record keeping and collection of ORS Chapter 371 assessments made under the authority of ORS Chapter 371 and this subchapter. *(Revised by Ordinance No. 11-73, Effective 9.28.73; 7-82, 7.9.82)*

**ROAD SYSTEM DEVELOPMENT****15.695 Specific Road Improvements.**

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

**15.696 Roadway Performance Standards.**

Lane County uses the volume to capacity ratio (v/c) as the basic peak hour performance standard for evaluation of project need, plan amendments, and land development proposals. Table 4 below contains maximum v/c for County Roads. Achieving or maintaining the v/c standard means the v/c is, or is projected to be, numerically equal to, or less than, the applicable v/c in Table 4 below.

(1) In addition to the v/c standards in Table 4, other analysis methods producing a predicted level of service may be required as specified in the Traffic Impact Analysis Guidelines of the Public Works Engineering Division. The Highway Capacity Manual publication cited in LM 15.450 provides nationally recognized methods and procedures for estimating level of service and capacity for various types of transportation facilities. Where level of service analysis is required, the peak hour performance standard is to achieve or maintain, and not exceed, LOS D. Not exceeding LOS D means "A," "B," "C," or "D." Failure to meet the standard, or "exceedence" of the standard means that the predicted level of service is "E" or "F." Where level of service analysis is required, both the v/c standard and the level of service standard must be achieved or maintained.

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

(3) When analyzing signalized intersections, locations where signal warrants may be met, or intersections with all-way stop control (AWSC), the primary objective is to maintain the performance of the overall intersection. The overall intersection v/c must meet the applicable standard. If level of service analysis is required, the level of service standard must also be met.

(4) At unsignalized intersections and road approaches with two-way stop control (TWSC), the objective is to achieve or maintain the volume to capacity ratios specified in Table 4 for the approaches that are not stopped.

(5) Approaches at which traffic must stop, or otherwise yield the right of way, shall be operated to maintain safe operation of the intersection and all its approaches and shall not exceed a v/c of 0.95 within urban growth boundaries and a v/c of 0.80 outside of urban growth boundaries.

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

(7) At the intersection of a County road and a state highway, state highway standards must be achieved or maintained for the state highway.

Table 4: Maximum Volume to Capacity Ratios (v/c) for Peak Hour Operating Conditions on Lane County Roads

Roadway Category	Location/ Speed Limits				
	Inside Urban Growth Boundary			Outside Urban Growth Boundary	
	Eugene-Springfield Metro Area	Outside Eugene-Springfield Metro area where speed limit <45 mph	Outside Eugene-Springfield Metro area where speed $\geq$ 45 mph	Within Unincorporated Communities	Outside Unincorporated Communities
Freeways and Expressways	0.80	n/a	n/a	n/a	n/a
Other County Roads	0.85	0.85	0.75	0.80	0.70

#### 15.697 Traffic Impact Analysis Requirements.

(1) A traffic impact analysis may be required as part of a complete land use application for any of the following:

(a) any development proposal that if approved, will result in an increase of peak hour traffic flow of 50 or more automobile trips outside an urban growth boundary, or 100 or more automobile trips inside an urban growth boundary. The increase in number of trips shall be calculated based upon the methodology in the Institute of Traffic Engineers' *Trip Generation* manual for the year of publication specified in LM Chapter 15.450 and associated handbook and user's guide; or

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

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

(d) proposed development that will generate or receive traffic by single or combination vehicles with gross weights greater than 26,000 pounds as part of their daily operations. "Daily operations" includes delivery to or from the site of materials or products manufactured, processed, or sold by the business on the site. "Daily operations" does not include routine services provided to the site by others, such as mail delivery, solid waste pickup, or bus service.

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

(a) Previous analysis has determined that the development proposal will not result in congestion, safety, or pavement structure impacts that exceed the standards of the agency that operates the affected transportation facilities; or

(b) In the case of a plan amendment or zone change, the scale and size of the proposal is insignificant, eliminating the need for detailed traffic analysis of the performance of roadway facilities for the 20-year planning horizon. Whether the scale and size of a proposal may be considered insignificant may depend on the existing level of service on affected roadways. Generally, a waiver to Traffic Impact Analysis will be approved when:

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

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

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

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

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

(b) document compliance with:

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

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

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

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

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

(e) be approved as to scope prior to proceeding with the analysis, as specified in the Traffic Impact Analysis Guidelines of the County Engineering Department. The County Engineer may alter the study requirements based upon the anticipated impact of the proposal. For example, a queue length analysis (based upon 95% probability) may be required.

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

(a) for plan amendments and zone changes, that the performance standard specified in LC 15.696(1) for the affected road(s) will not be exceeded as a

result of the plan amendment or zone change, within 20 years from the date the analysis was completed;

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

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

- (a) road dedications and improvements for capacity increases;
- (b) implementation of demand management strategies;
- (c) other mitigation measures.

(6) Proposed dedications, improvements, demand management strategies and other measures proposed pursuant to LC 15.697(5) may include but are not limited to the following:

- (a) Reconfigure roadway and side-street accesses to minimize traffic conflicts at intersections;
- (b) Limit parking near signalized intersections to increase intersection capacity;
- (c) Coordinate and operate traffic signals to improve traffic progression;
- (d) Relocate driveways and improve local road connections to direct traffic away from overburdened intersections and intersections where side-street capacity is limited in order to optimize traffic progression on the state highway;
- (e) Improve turning radii at intersections that are heavily used by trucks to avoid lane blockages;
- (f) Install raised medians to reduce traffic conflicts;
- (g) Improve accesses so that traffic can enter or exit the roadway with minimal disruptions of flow;
- (h) Implement other transportation demand management or transportation system management measures to use existing capacity of the roadway more efficiently.

(7) Proposed dedications, improvements, demand management strategies and other measures pursuant to LC 15.697(5) shall:

- (a) consider the safe operation of affected driveways and public street intersections;
- (b) propose access locations as appropriate, consistent with the access requirements in LC 15.130 through 15.139;
- (c) demonstrate that the proposed measures will be completed in a manner consistent with applicable state and local policies and standards; and
- (d) include a description of how and when the dedications, improvements and other measures will be performed.

(8) Traffic impact analyses shall be developed in coordination with agencies such as the Oregon Department of Transportation or a city when the proposal requiring the analysis affects facilities in their jurisdiction. Dedications, improvements, and other measures proposed pursuant to LC 15.697(4) shall comply with adopted plans and requirements of the agency with jurisdiction for the affected facility.

(9) In addition to the requirements in this subsection, the *Highway Capacity Manual* publication cited in LM 15.450 shall be used as the guiding standard for completion of a traffic impact analysis. The McTrans *Highway Capacity Software* package, or other approved software packages, may be used to complete the analysis. The Oregon Department of Transportation's SIGCAP software, or other ODOT-approved



result of the plan amendment or zone change, within 20 years from the date the analysis was completed;

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

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

- (a) road dedications and improvements for capacity increases;
- (b) implementation of demand management strategies;
- (c) other mitigation measures.

(6) Proposed dedications, improvements, demand management strategies and other measures proposed pursuant to LC 15.697(5) may include but are not limited to the following:

(a) Reconfigure roadway and side-street accesses to minimize traffic conflicts at intersections;

(b) Limit parking near signalized intersections to increase intersection capacity;

(c) Coordinate and operate traffic signals to improve traffic progression;

(d) Relocate driveways and improve local road connections to direct traffic away from overburdened intersections and intersections where side-street capacity is limited in order to optimize traffic progression on the state highway;

(e) Improve turning radii at intersections that are heavily used by trucks to avoid lane blockages;

(f) Install raised medians to reduce traffic conflicts;

(g) Improve accesses so that traffic can enter or exit the roadway with minimal disruptions of flow;

(h) Implement other transportation demand management or transportation system management measures to use existing capacity of the roadway more efficiently.

(7) Proposed dedications, improvements, demand management strategies and other measures pursuant to LC 15.697(5) shall:

(a) consider the safe operation of affected driveways and public street intersections;

(b) propose access locations as appropriate, consistent with the access requirements in LC 15.130 through 15.139;

(c) demonstrate that the proposed measures will be completed in a manner consistent with applicable state and local policies and standards; and

(d) include a description of how and when the dedications, improvements and other measures will be performed.

(8) Traffic impact analyses shall be developed in coordination with agencies such as the Oregon Department of Transportation or a city when the proposal requiring the analysis affects facilities in their jurisdiction. Dedications, improvements, and other measures proposed pursuant to LC 15.697(4) shall comply with adopted plans and requirements of the agency with jurisdiction for the affected facility.

(9) In addition to the requirements in this subsection, the *Highway Capacity Manual* publication cited in LM 15.450 shall be used as the guiding standard for completion of a traffic impact analysis. The McTrans *Highway Capacity Software* package, or other approved software packages, may be used to complete the analysis. The Oregon Department of Transportation's SIGCAP software, or other ODOT-approved

software is acceptable where the study scope includes analysis of both State and County facilities.

(10) Upon approval of the traffic impact analysis and proposed dedications, improvements, and other measures, requirements shall be completed at private expense, unless otherwise approved by the Director. Conditions may be assigned to ensure all requirements are completed.

## **ROAD DESIGN STANDARDS**

### **15.700 Purpose.**

The purpose of this section is to provide standards for the construction and reconstruction of roads which are controlled and maintained by Lane County and all roads in the unincorporated areas of Lane County in order to provide for and promote a convenient, safe and efficient road network and to provide for motor vehicle, bicycle and pedestrian travel, and is adopted under the authority of the Lane County Home Rule Charter and ORS Chapters 368 and 371. *(Revised by Ordinance No. 1-75, Effective 3.15.75)*

### **15.701 General Provisions.**

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

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

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

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

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

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

(3) Decisions about traffic control devices, including traffic signals, pavement markings, signing, and crosswalk marking, will be guided by the Federal Highway Administration's *Manual On Uniform Traffic Control Devices*, using the publication cited in LM 15.450.

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

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

### **15.702 Urban Arterial And Collector Standards.**

(1) Applicability.

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

- (i) Minor Collectors;
- (ii) Major Collectors;
- (iii) Minor Arterial;
- (iv) Principal Arterial.

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

(i) Newly constructed arterial and collector streets.

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

(iii) Widening of existing improved arterial and collector streets that result in adding one or more through lanes, left turn lanes, continuous center turn lanes, right turn lanes, bicycle lanes, or other additional lanes.

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

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

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

(5) Vehicle Travel Lane Width.

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

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

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

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

(8) Sidewalks.

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

(i) Sidewalks are not required on freeways.

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

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

(i) The preferred design option is setback sidewalks. Setback sidewalks shall be a minimum of five feet wide with a minimum six feet wide planting strip. Planting strips provide more physical separation of pedestrians from vehicles and space for street trees, landscaping, ground covers, or turf and provide aesthetic benefits to the streetscape. Street trees within public right-of-way are maintained by Lane County. Shrubs, groundcovers, and turf are maintained by the adjacent property owner.

(ii) Curbside sidewalks shall be a minimum six feet wide (excluding curb width) to allow for:

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

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

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

(9) Bike Lanes.

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

(b) Curb inlets are the preferred design option for storm water facilities. Where installation of curb inlets is not possible due to steep slopes, utility placement, or other conflicts, catch basins with approved bike-friendly grates are acceptable.

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

(10) On-Street Parking.

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

(b) On-street parking may be provided on collector streets only after a parking demand and supply study has been completed and the desirability and feasibility of on-street parking has been verified. A parking study shall consider, among other factors, the nature of adjacent land uses, the degree to which the street is nearing design capacity, and impacts to bicycle use of the street.

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

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

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

(11) Crosswalks.

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

(b) Marked crosswalks should be provided at signalized or all-way stop controlled intersections where logical connections to pedestrian facilities exist and at school crossings on established routes. Unsignalized intersections or other locations should not be marked unless an engineering study indicates a need for marked crosswalks and the Director approves the installation.

(12) Curb & Gutter. Curbs and gutters serve any or all of the following purposes: drainage control, roadway edge delineation, right-of-way reduction, aesthetics, delineation of pedestrian walkways, reduction of maintenance operations, and assistance in orderly roadside development. The type and location of curbs and gutters affect driver behavior and, in turn, the safety and utility of a roadway.

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

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

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

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

(i) Vertical curbs are intended to discourage vehicles from leaving the roadway. Vertical curbs should not be used along high-speed roadways because an out-of-control vehicle may overturn or become airborne as a result of an impact with such a curb. A suitable traffic barrier should be provided where redirection of vehicles is needed.

(ii) Sloping or mountable curbs are used on roads with speeds of 45 miles per hour or greater and are designed so vehicles can cross them readily if necessary. For example, sloping curbs can be used at median edges or to outline channelizing islands in intersection areas.

(iii) Extruded curbs of either cement or bituminous concrete usually have sloping faces because they provide better initial stability, are easier to construct, and are more economical than steep or vertical faces. Extruded curbs shall only be used for drainage control and not as separation for vehicles and pedestrians.

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

(13) **Raised Medians.** Arterial and collector streets may have a raised median area to decrease crash experience, restrict turning movements, limit land access, encourage lower vehicle speeds, provide a refuge area for pedestrians and vehicles, and to increase the efficiency and capacity of the street. Raised medians will be required when a combination of factors indicate that their use will improve the safety and efficiency of the roadway. Factors to consider include, but are not limited to, pedestrian traffic volume, crossing distance, ADT, access management and roadway capacity.

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

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

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

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

(14) **Center Turn Lanes.**

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

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

(c) Arterial and collector streets may have a continuous two-way center turn lane to channelize and remove left turning traffic from through traffic lanes, or to provide additional separation between traffic moving in opposite directions.

(15) **Traffic Signals.** The application and use of traffic signals shall be guided by the principles, methods and warrants outlined in the *Manual on Uniform Traffic Control Devices* publication cited in LM 15.450.

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

Table 5: Maximum Grade

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

Mountainous	12%	8%
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(a) In level terrain, highway sight distance, as governed by both horizontal and vertical restrictions, is generally long or can be made to be so without construction difficulty or major expense. Roads where no 500 foot segment exceeds 5% in grade shall be considered Level.

(b) In rolling terrain, natural slopes consistently rise above and below the road and street grade, and occasional steep slopes offer some restriction to normal horizontal and vertical roadway alignment. Roads where any 500 foot segment exceeds 5% in grade but does not exceed 8% in grade shall be considered Rolling.

(c) In mountainous terrain, longitudinal and transverse changes in the elevation of the ground with respect to the road are abrupt, and benching and side hill excavation are frequently needed to obtain acceptable horizontal and vertical alignment. Roads where any 500 foot segment exceeds 8% in grade shall be considered Mountainous.

(17) Street Lighting. Roadway illumination will be provided by the County only as a part of construction or reconstruction of arterial roads within an adopted urban growth boundary, provided an interagency agreement assigning ownership and maintenance of the lighting to another entity is executed prior to construction. The County may provide illumination in other locations under special circumstances such as at traffic signals or high hazard locations.

(18) Speed Zones. The establishment of speed zones on County roads will be prescribed by the applicable Oregon Revised Statutes that establish speed limits within specific areas. Speed zones established beyond the statutory requirements are under the authority of the Oregon Department of Transportation.

### 15.703 Rural Arterial And Collector Standards.

(1) Applicability.

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

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

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

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

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

(3) Right-of Way Width.

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

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

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

Table 6: Minimum Roadway Width (Feet)

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

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

(6) Roadway and Ditch Side-Slopes.

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

(b) When existing terrain or right-of-way constraints preclude use of 6H:1V rock slopes, steeper slopes may be constructed if approved by the County Engineer or designee.

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

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

(e) Side-slopes should be designed to ensure the stability of the roadway and to provide a reasonable opportunity for recovery of an out-of-control vehicle.

(7) Ditch Depth. Ditch depth shall be a minimum of one foot below the elevation of the roadway subgrade, as measured at the edge of the paved surface. Deeper depths may be required to provide adequate conveyance capacity for a 10-year design storm event.

(8) Clear Zone. The roadside clear zone is the area extending away from the outside edge of the vehicle travel lane. The clear zone standards from AASHTO's *Roadside Design Guide* publication cited in LM 15.450 shall be used.

(a) The roadside clear zone should be cleared of all unyielding objects such as trees, sign supports, utility poles, light poles, and any other fixed objects that might severely damage an out-of-control vehicle.

(b) The roadside clear zone should have slopes designed to provide an adequate recovery area for an out-of-control vehicle. Breakaway road sign supports will generally be used to minimize driver risk in case of impact.

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

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

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

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

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

(10) Center Turn Lanes.

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

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

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

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

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

Table 7: Maximum Grade

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

(a) In level terrain, highway sight distance, as governed by both horizontal and vertical restrictions, is generally long or can be made to be so without construction difficulty or major expense. Roads where no 500 foot segment exceeds 5% in grade shall be considered Level.

(b) In rolling terrain, natural slopes consistently rise above and below the road and street grade, and occasional steep slopes offer some restriction to normal horizontal and vertical roadway alignment. Roads where any 500 foot segment exceeds 5% in grade but does not exceed 8% in grade shall be considered Rolling.

(c) In mountainous terrain, longitudinal and transverse changes in the elevation of the ground with respect to the road are abrupt, and benching and side hill



excavation are frequently needed to obtain acceptable horizontal and vertical alignment. Roads where any 500 foot segment exceeds 8% in grade shall be considered Mountainous.

(12) Pedestrian Facilities. Sidewalks or walkways are permissible and may be required pursuant to adopted Transportation System Plan Bicycle and Pedestrian policies. Walkways may be provided behind the ditch in the road right-of-way, but only at private expense. Any proposed pedestrian facilities are subject to approval by the County Engineer or designee.

(13) Bike Facilities. Where required, paved shoulder widths shall accommodate bicycles. See LC 15.703(4), Roadway Width requirements, to determine required shoulder widths.

**15.704 Urban Local Street Standards.**

(1) Applicability.

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

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

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

(c) If an existing roadbed fails for a street where these standards apply and the existing road dimensions exceed the minimum standards in this section, reconstruction will restore the road to its existing dimensions.

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

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

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

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

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

Traveled Way	Parking (one side)	Total Pavement Width	ROW – Curbside Sidewalk*	ROW – Setback Sidewalk*
Residential <250 ADT				
16	8	24	45	50
Residential >250 ADT				
20	8	28	50	55
Other				
24	8	32	55	60

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

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

- (5) Pavement Structure. Pavement structure design shall meet the requirements specified in LC 15.707.
- (6) Vehicle Travel Lane Width. Local streets are unstriped, shared roadways with low design speeds and traffic volumes. Therefore, travel lanes are not specified.
- (7) Curb and Gutter. Curb and gutter is required.
  - (a) Water conveyance capacity in curb and gutter design shall be provided by a minimum 18-inch gutter width.
  - (b) The minimum longitudinal gutter slope shall be 0.3%.
  - (c) The minimum curb height shall be six inches.
- (8) Sidewalks. Sidewalks on new urban local streets are required and shall be constructed at the expense of the developer or abutting property owners.
  - (a) Sidewalks are required for reconstructed roads with existing sidewalks. Sidewalks are required for reconstructed roads without existing sidewalks pursuant to Lane County Transportation System Plan Policy 6-b.
  - (b) When provided, curbside sidewalks shall be a minimum six feet wide.
  - (c) Setback sidewalks shall be a minimum five feet wide with a minimum six feet wide planting strip.
- (9) Bike Lanes. Because of their low-volume, low-speed character, urban local streets shall be shared roadways for bicycle and vehicular movement. Striped bike lanes are not required.
- (10) On-Street Parking. On-street parking shall be limited to one side.

**15.705 Rural Local Road Standards.**

- (1) Applicability.
  - (a) The Rural Local Road Standards apply to:
    - (i) County Roads functionally classified as Local Roads outside of urban growth boundaries.
    - (ii) Local Access Roads, Private Access Easements, and Public Roads as defined in LC 15.010(35) when such roads serve new development that will generate average daily traffic (ADT) of more than 100.
  - (b) For the roads listed in LC 15.705(1)(a) above, Rural Local Road Standards apply to:
    - (i) Newly constructed roads;
    - (ii) Existing roads being reconstructed to rural local road standards.
  - (c) If an existing roadbed fails for a road where these standards apply and the existing road dimensions exceed the minimum standards in this section, reconstruction will restore the road to its existing dimensions.
- (2) Diagrams. Diagram 12 in LC 15.710 illustrates Rural Local Road design configurations.
- (3) Right-of-Way Width.
  - (a) The minimum right-of-way width shall be 50 feet.
  - (b) In addition to meeting the requirements of LC 15.705(3)(a), the right-of-way shall include space for the travel way, rock slopes, utilities, and adequate drainage ditches, including accepted safety standards for ditch foreslopes and backslopes.
- (4) Roadway Width. Minimum pavement widths are specified in the following table.

Table 9: Minimum Pavement Width (feet)

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

(a) In level terrain, highway sight distance, as governed by both horizontal and vertical restrictions, is generally long or can be made to be so without construction difficulty or major expense. Roads where no 500 foot segment exceeds 5% in grade shall be considered Level.

(b) In rolling terrain, natural slopes consistently rise above and below the road or street grade, and occasional steep slopes offer some restriction to normal horizontal and vertical roadway alignment. Roads where any 500 foot segment exceeds 5% in grade but does not exceed 8% in grade shall be considered rolling.

(c) In mountainous terrain, longitudinal and transverse changes in the elevation of the ground with respect to the road are abrupt, and benching and side hill excavation are frequently needed to obtain acceptable horizontal and vertical alignment. Roads where any 500 foot segment exceeds 8% in grade shall be considered Mountainous.

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

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

(7) Vehicle Travel Lane Width. Travel lane striping is not required on Rural Local Roads. Rural Local Roads are usually unstriped, shared roadways with low design speeds and traffic volumes. Roadways that are at least 20 feet wide may be striped with a centerline. Roads that are at least 22 feet wide may be striped with a centerline and fog lines.

(8) Shoulders. Road shoulders are not required.

(9) Roadway and Ditch Side-slopes.

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

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

(c) When slopes steeper than 3H:1V must be used, consideration will be given to the use of a roadside barrier. The standards from the *Oregon Highway Design Manual* publication cited in LM 15.450 shall be used when it is necessary to review the efficacy of a barrier.

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

(e) Side-slopes should be designed to ensure the stability of the roadway and to provide a reasonable opportunity for recovery of an out-of-control vehicle.

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

(11) Clear Zone. A minimum 10 feet wide clear zone is required from the edge of the travel lane. The clear zone should be cleared of all unyielding objects such as trees, sign supports, utility poles, light poles, and any other fixed objects that might severely damage an out-of-control vehicle. The County Engineer or designee may waive this requirement where there is guardrail protection.

(12) Pedestrian Facilities. Sidewalks or walkways are permissible and may be required pursuant to adopted Transportation System Plan Bicycle and Pedestrian policies. Walkways may be provided behind the ditch in the road right-of-way, but only at private expense. Any proposed pedestrian facilities are subject to approval by the County Engineer or designee.

(13) Bike Lanes. Due to the lower-volume, lower-speed character of Rural Local roads, striped bicycle lanes are not required. Rural Local Roads shall be shared travel-ways for bicycle and vehicular movement.

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

(15) Maximum Grade.

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

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

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

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

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

(iii) Submit objective evidence demonstrating that road grades in excess of 8% are adequate for fire fighting equipment of the agency providing fire protection to access the use and water supply.

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

(1) General.

(a) Diagrams 13 and 14 in LC 15.710 illustrate Local Access Road and private access easement design configurations.

(b) Pursuant to Oregon Revised Statutes (ORS) 368.031, the County may spend money on Local Access Road improvements only under limited circumstances, and only by order or resolution by the Board.

(2) Applicability.

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

(i) Local Access Roads and Public Roads;

(ii) Private Access Easements (Private Roads).

(b) The standards in this section shall apply to Public Roads and Local Access Roads consistent with the requirements of LC 15.045, and to Private Access Easements consistent with LC 15.055.

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

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

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

(f) The standards in this section apply for:

(i) Newly constructed roads;

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

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

(3) Right-of Way and Easement Width.

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

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

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

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

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

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

Table 11: Minimum Roadway Width

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

(5) Vehicle Passage Turnouts.

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

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

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

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

(6) Surface Type.

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

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

(7) Surface Structure.

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

Table 12: Roadway Surface Depth and Structure

	1-3 Parcels	4 or More Parcels
	Gravel Roads/Oil Mat	
Driving Surface - ¾"-0 Rock (compacted gravel)*	2"	2"
Sub-Surface Depth (compacted gravel)	6"	10"
	Paved Roads	
AC	2"	2"
Base	8"	10"

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

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

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

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

(9) Roadway and Ditch Side-slopes.

(a) Ditch rock slopes and foreslopes no steeper than 3H:1V are required; however, when existing terrain precludes use of 3H:1V side-slopes, steeper slopes may be constructed if approved by the County Engineer or designee.

(b) When slopes steeper than 3H:1V must be used, consideration will be given to the use of a roadside barrier. The standards from the *Oregon Highway Design Manual* publication cited in LM 15.450 shall be used when it is necessary to review the efficacy of a barrier.

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

(d) Side-slopes should be designed to ensure the stability of the roadway and to provide a reasonable opportunity for recovery of an out-of-control vehicle.

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

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

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

(13) Maximum Grade.

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

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

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

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

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

(iii) Submit objective evidence demonstrating that road grades in excess of 8% are adequate for fire fighting equipment of the agency providing fire protection to access the use and water supply.

**15.707 Pavement Structure.**

A single minimum pavement structure design standard cannot be established due to varying factors that affect the structural design of the roadway such as soil type, ADT, truck traffic, and axle configurations. The following requirements are intended to ensure sound engineering practice and road integrity.

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

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

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

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

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

(b) Determine the design life: establish a minimum remaining useful design life of road segment based on current background traffic projected into the future; and establish the remaining useful design life of road segment with proposed development traffic added. If development contains implementation phases, determine remaining design life at each phase.

(c) Recommend additional pavement structure needed, if any, to support proposed new development, and recommend timing for additional pavement to be placed. For example, prior to new development, prior to beginning operations, or estimated year.

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

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

(f) Design coefficients in the AASHTO design calculations.

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

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

(4) Paving material shall be asphalt concrete. The use of alternative paving materials such as Portland cement concrete may be used only if approved through the design deviation approval process pursuant to LC 15.709.

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

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

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

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

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

(8) The developer is responsible for all pavement structure testing requirements.

### **15.708 Turnaround Areas.**

(1) Turnarounds are required on dead-end roads over 200 feet in length. If insufficient right-of-way exists to construct a turnaround to the required specifications, a temporary, non-exclusive easement dedicated to the public will be required on the property to be developed or other property where the turnaround will be located, to provide for improvement and maintenance of the required turnaround area. The easement may be removed when and if the road is extended.

(a) Cul-de-sacs. A cul-de-sac is a “bulb”-shaped design at the closed end of a dead-end road that allows vehicles to turn around without backing up. Diagram 6 in LC 15.710 illustrates the cul-de-sac design standard.

(i) Cul-de-sacs shall have a minimum 36 foot improved surface turning radius with sufficient right-of-way to provide improvements matching those of the intersecting road, except that bicycle facility improvements are not required within the cul-de-sac.

(ii) The radii of the intersecting road and cul-de-sac turnaround shall be a minimum 20 feet.

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

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

(b) Hammerhead Turnarounds. Hammerhead turnarounds consist of a “three-legged” road design generally shaped like a “T” at the closed end of a dead-end road, that allows vehicles to turn around with minimal backing up. Diagram 7 in LC 15.710 illustrates minimum dimensions required for hammerhead turnarounds.

(i) The hammerhead turnaround area extends from an intersecting dead-end road and may include a driveway as one of the three road legs. No gate or fencing is allowed across the driveway within the turnaround area.

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

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

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

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

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

(iv) The road intersecting the hammerhead turnaround shall meet the applicable standards for its functional classification. The hammerhead road surface shall match the surface of the intersecting road and shall have adequate right-of-way to provide improvements matching those of the intersecting road, except that bicycle facility improvements are not required in the hammerhead turnaround.



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

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

(a) Deviations may be sought based upon the following considerations:

(i) Design requirements would result in the need for a Variance to a requirement of other sections of Lane Code if the deviation is not granted;

(ii) Design requirements would result in an inconsistency with other requirements of Lane Code if the deviation is not granted;

(iii) Topography or slope constraints;

(iv) Proximity of existing homes/structures;

(v) Presence of existing significant trees or other vegetation;

(vi) The presence of a significant natural resource constraint including the presence of:

(aa) wetlands designated in the National Wetlands Inventory;

(bb) wildlife habitat for sensitive, threatened, or endangered species listed in a federal, state, or local inventory;

(cc) riparian vegetation within a riparian setback area specified in LC 16.253(2);

(dd) areas within the floodway as designated on federal floodplain maps;

(ee) other significant natural resource areas if designated on an adopted local natural resource inventory.

(vii) Historic resources listed in an adopted state or local inventory or officially designated as a state or federal historic landmark;

(viii) Insufficient right-of-way, and inability to obtain additional right-of-way;

(ix) Adopted Board decisions, including those found in project specific Design Concept and Findings documents;

(x) Other site specific circumstances.

(b) Deviations shall not compromise safety and sound engineering practices.

(c) A request for a deviation shall not be permitted if the standards in question are required as a condition of approval of a land use decision. In that case, the process outlined in LC Chapter 14 for requesting a reconsideration or appeal of the land use decision will be necessary.

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

(a) Preliminary Assessment. The purpose of the preliminary assessment is to determine the validity of the deviation request based upon applicability requirements and considerations specified in LC 15.709(1). A preliminary assessment meeting with Public Works staff may be required to ensure that the applicant understands the design standard deviation request process, and to ensure that County staff understand the nature of the requested design standard deviation.

(b) Application.

(i) After any required preliminary assessment has been completed, an application for a design standard deviation may be submitted for review with the applicable fee. Supporting materials must demonstrate consistency with requirements in LC 15.709(2)(c) below.

(ii) Public Works Engineering Division staff will review the application for completeness. If additional information is needed from the applicant, the County shall request the information in writing within 14 days of application and fee submittal.

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

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

(aa) Traffic and Crash Experience Analysis – The level of information and analysis must be sufficient to document that the proposed design deviation will not significantly affect safety.

(bb) Impacts on regulated natural resources – Documentation must be of sufficient detail to determine potential impacts on regulated water and wildlife resources such as wetlands, aquifers, fish bearing water bodies, and species listed as threatened or endangered on federal or state inventories, if the deviation is approved. Any required permits from federal, state and local agencies shall be obtained prior to initiation of construction if the deviation is granted.

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

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

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

(c) Requirements for Granting a Deviation.

(i) The safety and function of the road system shall not be compromised by the proposed deviation, based upon accepted engineering practices;

(ii) The deviation will not result in an inconsistency with other standards found in Lane Code; and

(iii) The deviation will not result in the need for a Variance to any other applicable Lane Code requirement; or

(iv) The deviation is for a project initiated by the County and the Board recommends the deviation.

(d) Review and Decision.

(i) As necessary, a deviation review committee shall convene to review the design standard deviation request. As appropriate the committee will consist of representatives from agencies within and outside the County with jurisdiction in the area of the request. The committee will make a recommendation to the County Engineer or designee whether to accept, deny, or modify the request. The recommendation shall be based upon requirements of LC 15.709(2)(c) above.

(ii) The County Engineer or designee will review the deviation request and make a decision in writing and mail the decision to the applicant within 30 days from the date the application is deemed complete. If there is a committee review of the deviation request, the County Engineer or designee will make a decision in consideration of the committee's recommendation.

(iii) The County may assign conditions and require mitigation to ensure the continued safe and efficient operation of the road system if the request for a deviation is granted.

(e) Reconsiderations and Appeals.

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

(ii) Appeals shall be submitted with written arguments and supporting materials explaining how the County erred in its conclusions that the requirements of LC 15.709(2)(c) have not been met, or erred in assigning conditions to ensure safe and efficient operation of the road.

(iii) Upon receipt of the appeal, the County Engineer or designee may decide to reconsider the decision. Reconsideration shall be reviewed and acted upon within 14 days of receipt of the request. If the County Engineer or designee decides not to reconsider the decision, the appeal shall be reviewed and acted upon by the Director within 30 days of receipt of the request.

(iv) Further appeals shall be directed to the Board. Appeals to the Board shall be heard at a regularly scheduled Board meeting no later than 60 days after the appeal is filed. The appeal shall be filed with the applicable fee and presented to the Board by Department staff in a written report of relevant facts according to the County Administrative Procedures Manual, Process For Submitting Agenda Items For Consideration At Board Of County Commissioners' Meetings, and the appellant shall have an opportunity to present information at the Board meeting. Appeals shall be accompanied by the applicable fee.

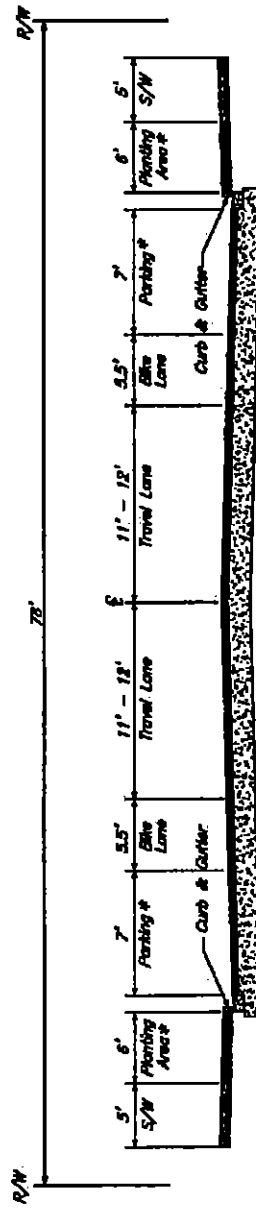
(3) Applications shall be properly submitted and approved by the County prior to incorporation of design features into final project plans and/or related documents. Any required conditions of approval and mitigation shall be incorporated into final project plans and related documents.

**15.710 Road Design Standard Diagrams.**

The Road Design Standard Diagrams found in this section illustrate the requirements of LC 15.700 through LC 15.708. The text in LC 15.700 through 15.708 shall supersede the diagrams if an inconsistency exists or if an interpretation is needed.

Diagram 1

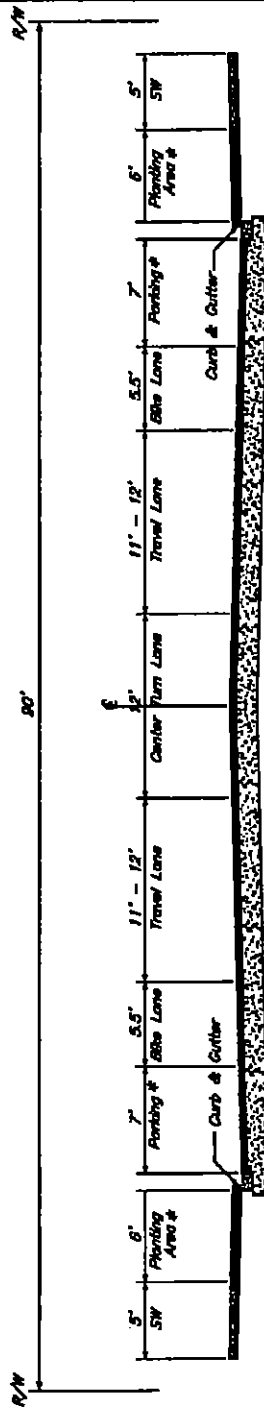
Functional Class:  
 URBAN COLLECTOR and ARTERIAL  
 (Two - Lane)



\* Optional, not a required design element.

Diagram 2

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



\* Optional, not a required design element.

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

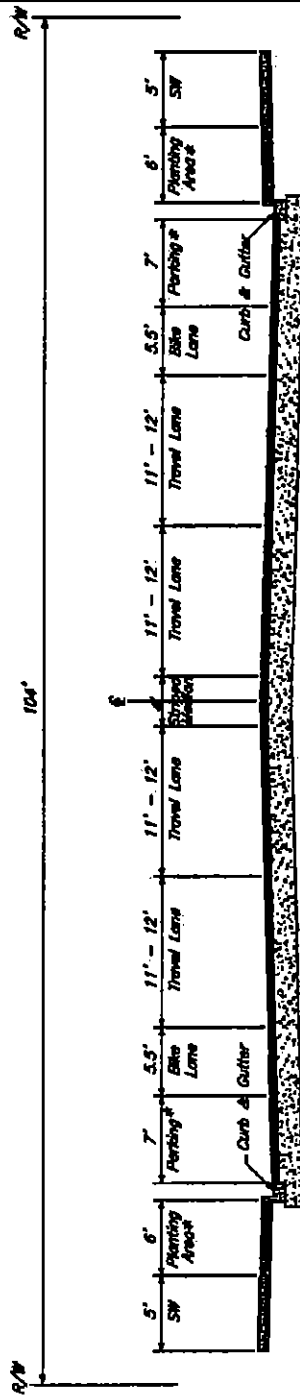
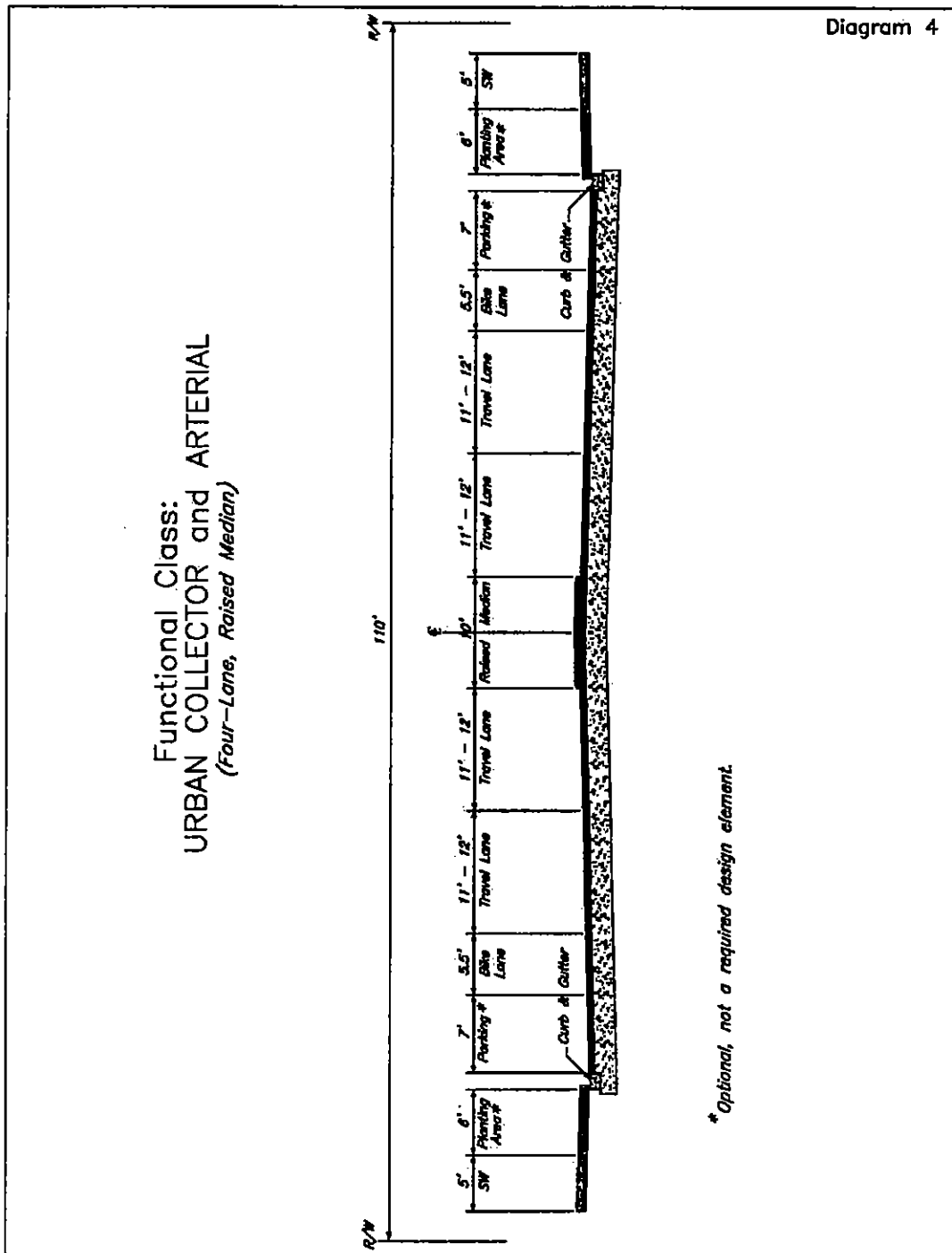


Diagram 3

\* Optional, not a required design element.



*\* Optional, not a required design element.*

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

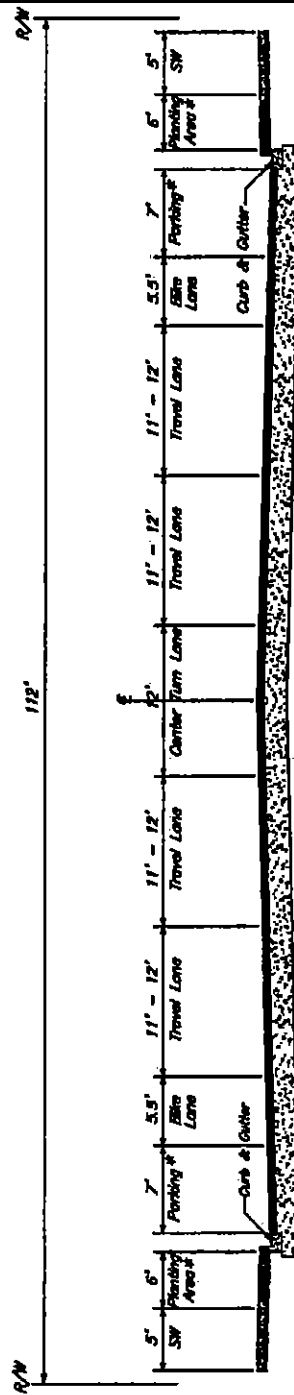


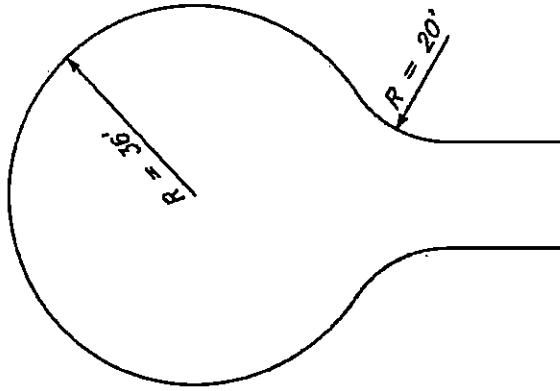
Diagram 5

\* Optional, not a required design element.



Diagram 6

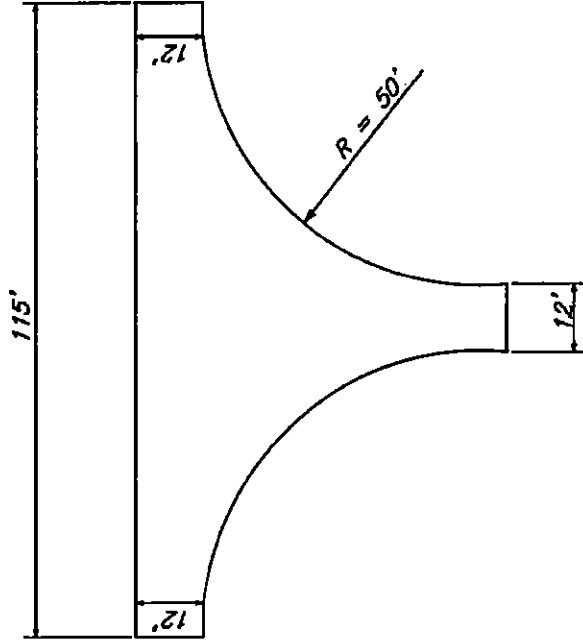
CUL-DE-SAC



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

HAMMERHEAD TURNAROUNDS  
MINIMUM TRAVEL SURFACE DIMENSIONS FOR HAMMERHEAD TURNAROUNDS

OPTION 2



OPTION 1

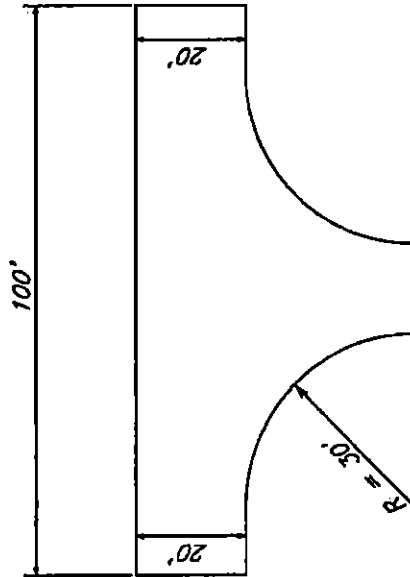
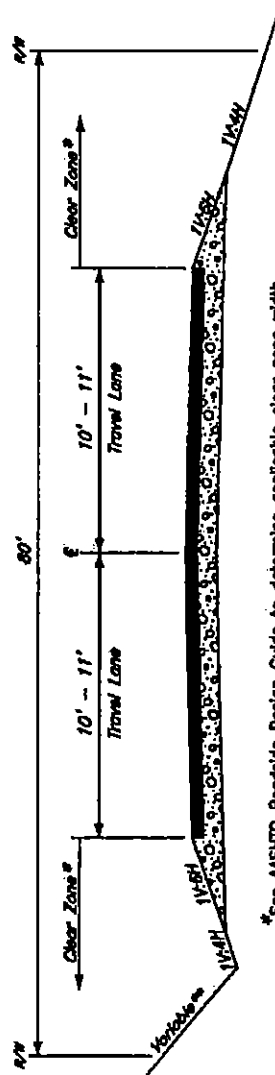


Diagram 7

Diagram 8

Functional Class:  
RURAL COLLECTOR and ARTERIAL  
(No Shoulders)



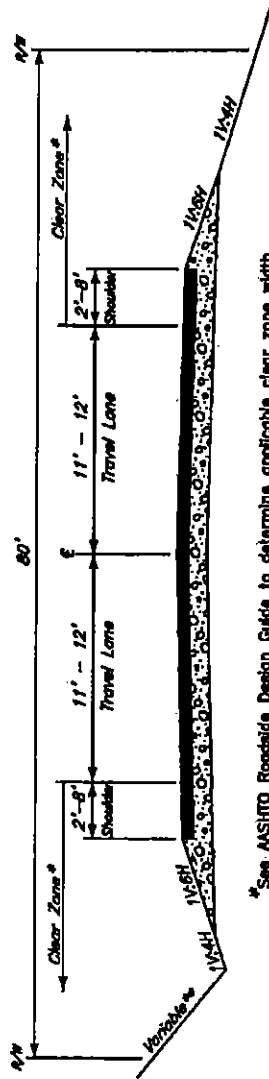
\* See AASHTO Roadside Design Guide to determine applicable clear zone width.

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

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

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

Functional Class:  
RURAL COLLECTOR and ARTERIAL  
(With Shoulders)



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

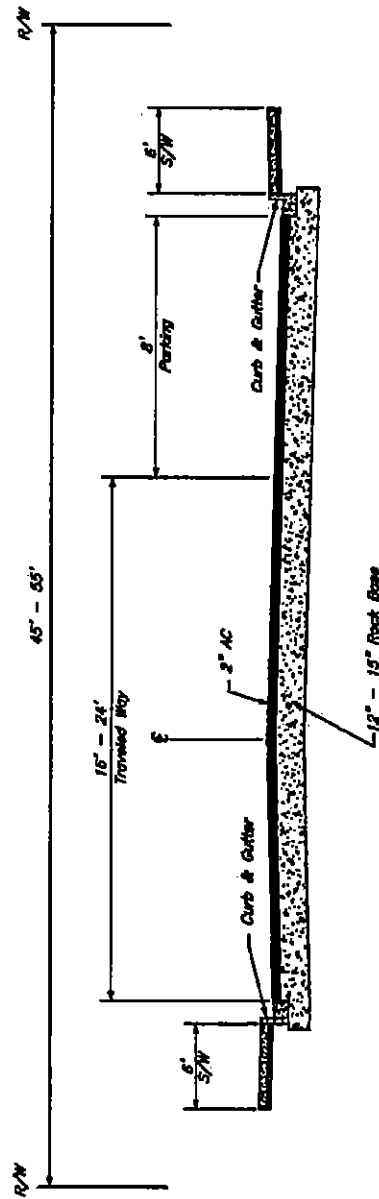
Diagram 9

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

Terrain	<250 ADT		250-400		400-1500		1500-10,000		>10,000 ADT	
	Lane Width (2)	Shoulder (2)	Lane Width (2)	Shoulder (2)	Lane Width (2)	Shoulder (2)	Lane Width (2)	Shoulder (2)	Lane Width (2)	Shoulder (2)
Level	11	2	11	4	11	6	12	8	12	8
Rolling	11	0	11	2	11	4	11	6	12	6
Mountainous	10	0	11	0	11	2	11	4	12	4

Diagram 10

Functional Class:  
URBAN LOCAL  
(Curbside Sidewalk)

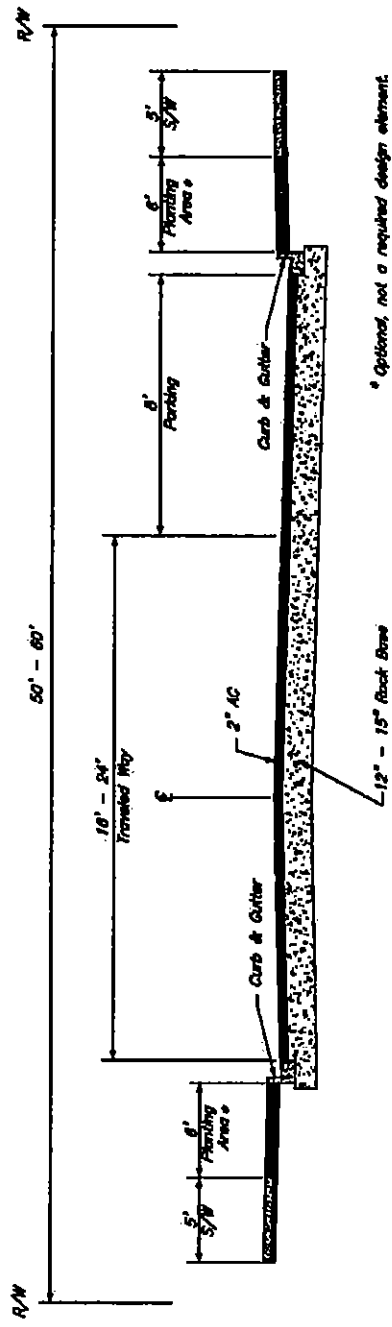


Minimum widths and ROW for traveled way, parking on one side, and total pavement in feet for specified design volume (vehicles/day) and land use.

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

Diagram 11

Functional Class:  
URBAN LOCAL  
(Setback Sidewalk)



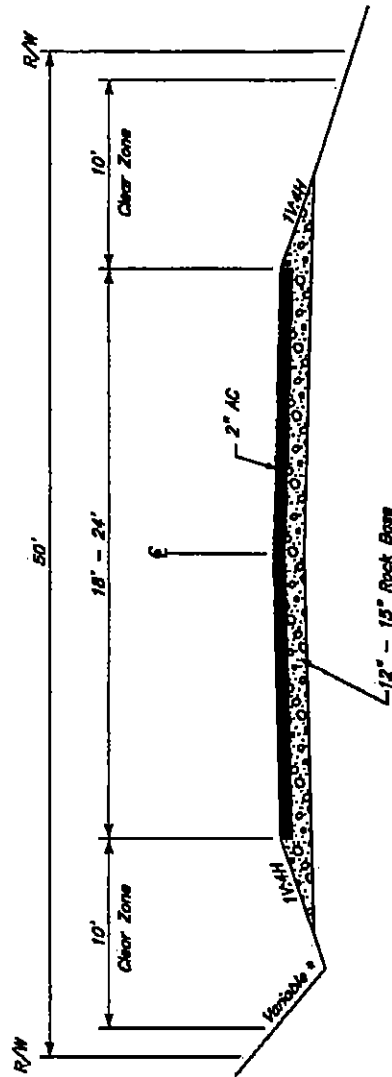
\* Optional, not a required design element.

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

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

Diagram 12

Functional Class:  
RURAL LOCAL

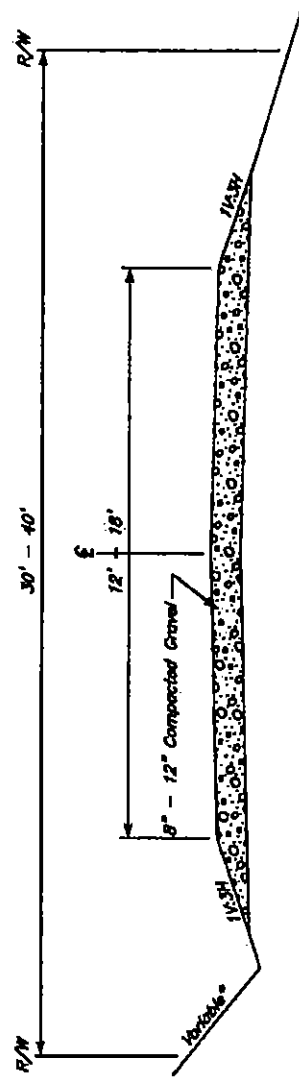


\*Slope rate to be determined by geotechnical analysis and/or clear zone considerations.

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

TERRAIN	<100 ADT	100-250	251-400	>400 ADT
Level	16	20	24	24
Rolling	18	20	22	24
Mountainous	18	18	20	22

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



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

Minimum Right-of-Way and Roadway Width for number of parcels served.\*\*

	Right-of-Way	Roadway Width***	Surface Type
1-3 Parcels	30'	12'	Gravel, Oil Mkt or Paved. Extended roads should match surfaces of existing road.
≥ 4 Parcels	40'	18'	

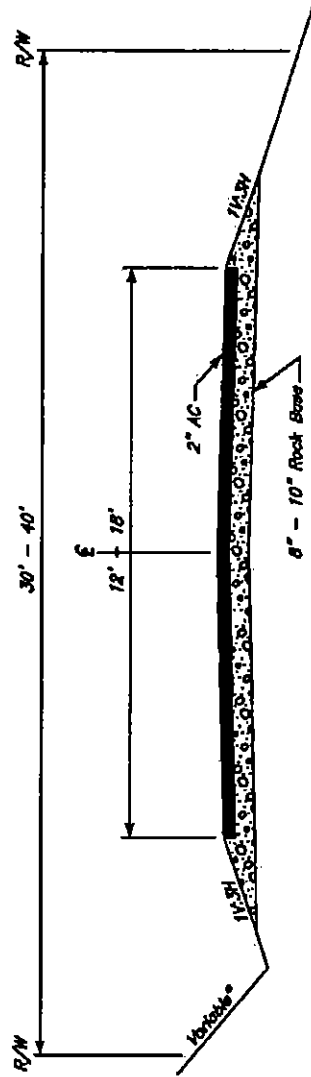
\*\*Roads with more than 100 ADT shall comply with Rural Local Road minimum standards.

\*\*\*Vehicle passage turnouts are required for all roads with a travel surface of less than 18' in width for roads in excess of 200' in length. Turnouts shall be spaced a maximum distance of 400' apart, or less if visibility is limited. See Diagram 15 for turnout specifications.

Diagram 13



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



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

Minimum Right-of-Way and Roadway Width for number of parcels served.\*\*

Right-of-Way	Roadway Width***	Surface Type
1-3 Parcels	30'	Gravel, Oil Mat or Paved. Extended roads should match surface of existing road.
≥ 4 Parcels	40'	18'

\*\*Roads with more than 100 ADT shall comply with Rural Local Road minimum standards.

\*\*\*Vehicle passage turnouts are required for all roads with a travel surface of less than 18' in width for roads in excess of 200' in length. Turnouts shall be spaced a maximum distance of 400' apart, or less if visibility is limited. See Diagram 15 for turnout specifications.

Diagram 14

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

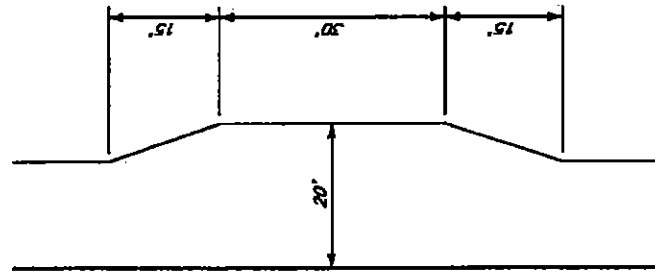


Diagram 15

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

## SIDEWALKS

### 15.715 Sidewalk Maintenance and Liability.

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

### 15.720 Prohibited Activities and Uses.

(1) Any activity or use which might obstruct or otherwise impede the normal passage of pedestrians and bicycles on sidewalks shall be prohibited. Such activities or uses shall include, but not be limited to, the following:

(a) The parking of a motor vehicle on or over any portion of a sidewalk.  
 (b) The dumping, depositing or placing of refuse, leaves or snow upon a sidewalk.

(c) The sale or display of merchandise on or near a sidewalk in such a way that the merchandise or prospective buyers of it might impede or obstruct the passage of pedestrians.

(d) The growth of trees, bushes or other plants in such a way that any part of the plant growing on or over a sidewalk might impede or obstruct the passage of pedestrians or bicycles.

(2) The use of motorized vehicles, horse-drawn vehicles or horses on any sidewalk is prohibited, except where sidewalks must be crossed in order to gain access to a driveway, road, street, alley or parking area. Nonmotorized vehicles such as bicycles may be used on sidewalks for normal passage. The users of such vehicles shall not operate them in such a manner as to impede, hazard or prevent the normal passage of pedestrians.

(3) Notwithstanding LC 15.720(2), motorized wheelchairs are permitted on sidewalks. *(Revised by Ordinance No. 1-75, Effective 3.15.75)*

### 15.730 Sidewalk Design and Construction Specifications.

Sidewalks shall be designed and constructed in conformance with the Road Design Standards in this chapter and the specifications of the County Public Works Engineering Division. *(Revised by Ordinance No. 1-75, Effective 3.15.75)*

## STATUTORY WAYS OF NECESSITY

### 15.800 Jurisdiction.

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

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

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

## GENERAL VARIANCE PROVISIONS

### 15.900 General Variance Provisions.

(1) Purpose. The purpose of a Variance is to provide relief from the provisions of Chapter 15 when a strict application of the requirements would impose unusual practical difficulties or unnecessary physical hardship on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape or dimensions of a site or the location of lawfully existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity, or from population densities, street location or traffic conditions in the immediate vicinity.

(2) Criteria. Variances, as provided in this chapter, to access, building line setback and dedication and improvement requirements may be granted only if, on the

basis of the application, investigation and evidence submitted, the following expressly written findings are made:

(a) That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be inconsistent with the objectives of this chapter, or

(b) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same vicinity, or

(c) That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties in the same vicinity, and

(d) That the granting of the modification will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity.

(e) In addition to the criteria specified in this section, a Variance to access requirements specified in LC 15.130 through LC 15.139 shall comply with the additional requirements specified in LC 15.140.

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

(a) A Variance granted by authority of this chapter eliminates the necessity of obtaining approval of a substantially identical or less extensive Variance or modification to other chapters of Lane Code, and would constitute a Variance of that chapter.

(b) A Variance shall not be required to the frontage or setback requirements of this chapter for any subdivision or partitioning receiving final approval in accordance with the provisions of LC Chapter 13 (Land Divisions) when the requirements to be modified are specifically incorporated within the finally approved subdivision or partitioning.

(4) Conditions. Reasonable conditions may be imposed in connection with a Variance as deemed necessary to protect the best interests of the surrounding property or neighborhood and otherwise secure the purpose and requirements of this section. Guarantees and evidence may be required that such conditions will be and are being complied with.

(5) Application and Review. Application for a Variance shall be made as provided by LC 14.050 and shall be reviewed and processed as a Planning Director Special Use Permit pursuant to the requirements of LC 14.100. *(Revised by Ordinance No. 6-75, 3.26.75; 10-76, 1.1.77; 5-80, 6.27.80; 5-81, 4.8.81; 6-82, 4.16.82)*

## ENFORCEMENT

### 15.950 Enforcement Requirements.

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

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

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

(4) Stop Work Orders. Whenever any work is being done contrary to provisions of this chapter or an approved discretionary permit issued pursuant to the requirements of any of the sections of this chapter, or the Director has probable cause to

believe that any other provision of the Lane Code is not being complied with in connection with the project of which the work being performed is a part, the Director may order the work stopped by notice in writing, posted on the project, or served on any person engaged in the doing or causing of such work to be done. Upon posting or service of notice, all persons engaged in doing or causing the work to be done shall immediately stop such work until authorized by the Director to proceed.

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

(6) Enforcement Official. It shall be the duty of the Director to enforce the provisions of this chapter. The enactment of this chapter shall not invalidate any prior existing, or future prosecutions for violations, or failures to comply, that may have been committed under previous applicable County ordinances then in effect.

(7) Legal Proceedings by District Attorney. In addition to the enforcement provisions of this chapter, upon request of the Director, the District Attorney or County Counsel may institute any additional proceedings, including but not limited to, seeking injunctive relief to enforce the provisions of this chapter.

(8) Remedies Cumulative. It is the intent of this chapter that the remedies provided be cumulative and not mutually exclusive. *(Revised by Ordinance No. 1-93, Effective 4.16.93; 1-00, 4.12.00)*

#### **15.955 Failure to Comply.**

Failure to comply with any of the requirements of this chapter may be subject to an administrative civil penalty as provided by LC 5.017. Failure to comply with a Condition of an approved Special Use application or other discretionary permit issued pursuant to the requirements of any of the sections of this chapter is also subject to an administrative civil penalty. Continued failure to comply with this chapter after 10 days from mailing of the notice of failure to comply by registered or certified mail to the last known address of the alleged responsible person or after personal service, and continued failure to comply after an order has been entered, constitute a separate failure to comply for each day the occurrence continues. The Director shall have the authority to issue a notice of failure to comply. *(Revised by Ordinance No. 1-93, Effective 4.16.93; 1-00, 4.12.00)*

**Wetlands.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

**Width.** The horizontal distance between the side boundary lines measured in the mean direction of the front and rear boundary lines.

**Winery.** A facility which produces wine and which (1) produces less than 50,000 gallons per year; and owns an onsite vineyard of at least 15 acres or a contiguous vineyard of at least 15 acres, or owns or has a long-term contract for all grapes used from a contiguous vineyard of at least 15 acres, or obtains grapes from any combination of these three sources; or (2) produces more than 50,000 gallons but less than 100,000 gallons per year; and owns an onsite vineyard of at least 40 acres or a contiguous vineyard of at least 40 acres, or owns or has a long-term contract for all grapes used from a contiguous vineyard of at least 40 acres, or obtains grapes from any combination of these three sources.

A winery as defined here shall allow only for the sale of wines produced in conjunction with the winery, and items directly related to wine, the sales of which are incidental to retail sale of wine onsite and which may include those served by a limited service restaurant as defined in ORS 624.010.

**Yard.** An open space on the same lot with a building unoccupied and obstructed from the ground upward, except as otherwise provided herein.

**Yard, Front.** A yard between the front line of the building (exclusive of steps) and the front property line.

**Yard, Rear.** An open, unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot.

**Yard, Side.** An open, unoccupied space on the same lot with a building, between the sidewall line of the building and the side line of the lot. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 12-90, 10.11.90; 3-91, 5.17.91; 10-92, 11.12.92; 12-97, 11.20.97; 5-02, 8.28.02)*

### **16.095 Compliance With LC Chapter 15, Roads.**

Development subject to the provisions of this chapter shall comply with LC Chapter 15, Roads.

## **DEVELOPMENTAL APPROVAL PROCEDURES RURAL COMPREHENSIVE PLAN**

### **16.100 Development. Approval Procedures Relationship of Lane Code Chapter 14 into Lane Code Chapter 16.**

Lane Code Chapter 14 is the procedure for submittal, acceptance, investigation and review of applications for development of lands under the jurisdiction of the Lane County Rural Comprehensive Plan with these additions:

(1) **Definitions.** Abbreviations, terms, phrases, words and their derivatives shall be construed as specified in LC 16.090 above instead of as specified in LC 14.015.

(2) **Ex Parte Contacts.** A communication between County staff and the Planning Commission or Board shall not be considered an ex parte contact for the purposes of LC 14.200(5)(a). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-90, 10.11.90; 11-91A, 8.30.91; 5-02, 8.28.02)*

**NONIMPACTED FOREST LANDS ZONE (F-1, RCP)  
RURAL COMPREHENSIVE PLAN**

**16.210 Nonimpacted Forest Lands Zone (F-1, RCP).**

(1) Purpose. The purpose of the Nonimpacted Forest Lands District (F-1, RCP) is:

(a) To implement the forest land policies of the Lane County Rural Comprehensive Plan, and the forest land policies of the Eugene/Springfield Metro Area General Plan.

(b) To conserve forest land for uses consistent with Statewide Planning Goal 4.

(2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code.

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of any forest tree species, application of chemicals, and disposal of slash.

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operations.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. "Auxiliary" means a use or alteration of the land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(d) Farm use.

(e) Private hunting and fishing operations without any lodging accommodations.

(f) Towers and fire stations for forest fire protection.

(g) Water intake facilities, canals and distribution lines for farm irrigation and ponds.

(h) Caretaker residences for public parks and fish hatcheries.

(i) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

(j) Maintenance, repair or replacement of existing dwellings.

(k) Widening of roads within existing rights-of-way and the following:

(i) Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;

(iii) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed; or

(iv) Minor betterment of existing public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vi) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vii) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(viii) Changes in the frequency of transit, rail and airport services.

(3) Uses Subject to Director Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved pursuant to LC 14.100. The uses in LC 16.210(3)(a)-(u) may be allowed provided requirements in LC 16.210(5) below are met. The uses in LC 16.210(3)(v)-(bb) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

(a) Permanent logging equipment repair and storage.

(b) Log scaling and weigh stations.

(c) Parks.

(d) Campgrounds for areas devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and not including intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A camping site may be occupied by a tent, travel trailer or recreational vehicle.

(e) Television, microwave, and radio communication facilities and transmission towers.

(f) Fire stations for rural fire protection.

(g) Utility facilities for the purpose of generating five (5) megawatts or less of power.

(h) Aids to navigation and aviation.

(i) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.

(j) Reservoirs and water impoundment.

(k) Cemeteries.

(l) New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width.

(m) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.

(n) Home occupations, subject to the following conditions and annual review:

(i) Will be operated by a resident of the property on which the business is located.

(ii) Will employ no more than five full or part-time persons.



(iii) Will be operated in an existing dwelling or mobile home, or other existing buildings normally associated with uses permitted under LC 16.210(2) above.

(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.210(2) above.

(vi) Will comply with sanitation and building code requirements.

(vii) Will not be used as a justification for a zone change.

(viii) Will comply with any additional conditions of approval.

(ix) Approved applications for home occupations shall be valid until December 31 of the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided below. Prior to December 31 of each year, the property owner or applicant who received initial approval, or a renewal pursuant to this section, shall provide the Director with written request for renewal of the Home Occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a one-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(o) One temporary mobile home in conjunction with an existing dwelling or mobile home provided the following requirements are met:

(i) A resident of the existing dwelling or mobile home and a resident of the temporary mobile home are relatives. "Relative" means grandparent, parent, child, brother, or sister.

(ii) A relative of one of the residences suffers a hardship and needs care from the relative in the other residence.

(iii) Satisfactory evidence of the relative's hardship is furnished which shall include:

(aa) A written statement, on a form provided by the Department, from the relative's physician, therapist or other professional counselor, disclosing the existence and general nature of the hardship.

(bb) A written statement, on the form provided by the Department, disclosing person with the hardship qualifies as a relative of the person who will provide care.

(iv) The temporary mobile home will be located on the same lot or parcel as the existing dwelling or mobile home.

(v) The temporary mobile home will be connected to the same on-site sewage disposal system serving the existing dwelling or mobile home. If the temporary mobile home will use a public sanitary sewer system, use of an on-site sewage disposal system will not be required.

(vi) The temporary mobile home will comply with sanitation and building code requirements.

(vii) Approval of temporary mobile home permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.

(p) Expansion of lawfully existing airports.

(q) Transportation facilities and uses described as follows:

(i) Construction of additional passage and travel lanes requiring the acquisition of additional right-of-way but not resulting in the creation of new parcels.

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new parcels.

(iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new parcels.

(iv) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.210(2) or LC 16.210(3), subject to LC 16.210(5)(d).

(x) Replacement of an intersection with an interchange, subject to LC 16.210(5)(d).

(xi) Continuous median turn lanes, subject to LC 16.210(5)(d).

(xii) Subject to LC 16.210(5)(d), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Subject to LC 16.210(5)(d), transportation facilities, services and improvements other than those listed in LC 16.210 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(r) Private accommodations for fishing occupied on a temporary basis may be allowed subject to compliance with LC 16.210(6)(a) or (b) below, LC 16.210(6)(c)-(f) below, and the following requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.

(ii) Only minor incidental and accessory retail sales are permitted.

(iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission.

(iv) Accommodations are located within 1/4 mile of fish bearing Class I waters.

(s) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

(t) Permanent facility for the primary processing of forest products.

(u) Disposal site for solid waste approved by Lane County for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

(v) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(w) Additional local distribution lines within existing rights-of-way (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups.

(x) Temporary portable facility for the primary processing of forest products.

(y) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

(z) Uninhabitable structures accessory to fish and wildlife enhancement.

(aa) Temporary forest labor camps.

(4) Uses Subject to Hearings Official Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved by the Hearings Official pursuant to LC 14.300, and provided the requirements in LC 16.210(5) below are met:

(a) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under LC 16.210(2)(i) above (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.

(b) Firearms training facility.

(c) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.210(6)(a) or (b), LC 16.210(6)(c)-(f), and the following requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code, and

(ii) Only minor incidental and accessory retail sales are permitted.

(iii) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

(5) Criteria for Uses Subject to Approval by the Director or Hearings Official. Uses authorized by LC 16.210(3)(a)-(u) and (4) above may be allowed provided the following requirements are met:

(a) The proposed use will not force a significant change in or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

(b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

(c) For uses authorized above in LC 16.210(3)(c), (d), (j), (n), (o) and (r), a written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

(d) Transportation facilities and uses listed in LC 16.210(3)(q)(ix) through (xiii) shall comply with the following:

(i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

(e) For uses authorized above in LC 16.210(4), the proposed uses will not significantly conflict with the livability and appropriate uses on adjacent and nearby lands.

(6) Siting Standards for Structures and Other Uses. The following siting standards shall apply to all structures and other uses as specified above in LC 16.210(3) and (4). These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards in LC 16.210(6)(a)-(b) below shall be weighed together with the requirements in LC 16.210(6)(c) and (e) below to identify the building site.

(a) Setbacks. Residences and structures shall be sited as follows:

(i) Near residences on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope; and

(ii) With minimal intrusion into forest areas undeveloped by nonforest uses; and

(iii) Where possible, when considering LC 16.210(6)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) The riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met; and

(v) Not closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(bb) 10 feet from all other property lines.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) Fire Safety Measures. Residences, structures and roads shall comply with the following fire safety measures:

(i) Fuel Breaks. Fuel breaks around residences shall be maintained as follows:

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet)

branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

<b>Size of the Primary Safety Zone by Percent Slope</b>		
<b>% Slope</b>	<b>Feet of Primary Safety Zone</b>	<b>Feet of Additional Safety Zone Down Slope</b>
0	30	0
10	30	50
20	30	75
25	30	100
40	30	150

Building shall be restricted to slopes of less than 40 percent.

(bb) **Secondary Fuel Break.** The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(ii) **Fire Suppression Water Supplies.** An adequate fire suppression system shall be provided. Unless otherwise authorized by the local fire official, the minimum acceptable system shall include the following:

(aa) A water supply such as a pond, stream, tank, well, sump or any combination thereof, together with a delivery system capable of sustaining a volume of 20 gallons per minute for not less than 20 minutes. If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(bb) Sufficient water outlets, together with serviceable hose not less than three-quarter inch inside diameter and a nozzle to reach the dwelling and nearby improvements.

(cc) The water supply, pump, hose and nozzle shall be maintained as a connected, operating unit ready for immediate use during period of fire danger.

(iii) **Chimneys and Roofs.** Residences or structures with any chimneys shall have a spark arrestor on the chimneys, and residences shall have a fire retardant roof.

(d) **Domestic Water Supplies.** Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(e) Fire Safety Design Standards for Roads and Driveways. Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. An applicant shall provide evidence and a clear explanation which demonstrates why the route of access for fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.210(6)(e). Evidence of compliance with the standards specified in LC 16.210(6)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein "driveway" means a way of access used for one use and accessory uses.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing at least six inches in depth of gravel or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, survey radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

(ii) Cul-de-sacs. Any dead-end road over 200 feet in length and not maintained by Lane County shall be considered a cul-de-sac and shall meet these standards for cul-de-sacs. Cul-de-sacs shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet. Dead-end roads shall have cul-de-sacs spaced at intervals of not less than 500 feet. Cul-de-sacs on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches. No cul-de-sacs shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. An applicant must submit objective evidence demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

(v) Identification. Roads shall be named and addressed in compliance with LC 15.305-15.335.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot passage space (turn out) at a maximum spacing of 400 feet, or wherever visibility is limited these distances shall be reduced to allow for safe visual conduct.

(vii) Modifications and Alternatives. The standards in LC 16.210(6)(e)(i)-(vi) above may be modified by the Approval Authority provided the

applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination. Examples of some possible alternatives to the standards in the above LC 16.210(6)(e)(i)-(vi) are provided below in LC 16.210(6)(vii).

Vehicle passage turnouts constructed at appropriate intervals and constructed to at least eight feet in width with six inches of gravel may be acceptable alternatives to the road and driveway width standards mentioned above in LC 16.210(6)(e)(i). Hammerhead turn-a-rounds may be an acceptable alternative to the standards for cul-de-sacs mentioned above in LC 16.210(6)(e)(ii). Railway flat bed cars of sufficient strength to maintain a minimum gross weight of 50,000 lbs. may be an acceptable alternative for short bridges or private roads and driveways. Road or driveway paving having a crushed base equivalent to six inches of base gravel may be an acceptable alternative for allowing grades in excess of those required above in LC 16.210(6)(e)(iv).

(7) Other Development Standards.

(a) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Comprehensive Plan must comply with the provisions of LC 16.253(2).

(b) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(8) Area. The minimum area requirement for the division of land shall be as follows:

(a) 80 acres.

(b) The minimum land division standard in LC 16.210(8)(a) above may be waived to allow a division of forest land involving a dwelling lawfully existing prior to the date of adoption of this rule provided:

(i) The new parcel containing the dwelling is no larger than five acres; and

(ii) The remaining forest parcel, not containing the dwelling, contains 80 acres; or

(iii) The remaining forest parcel, not containing the dwelling, is consolidated with another parcel which together meet the minimum land division standards of LC 16.210(8)(a) above.

(c) The minimum land division standard in LC 16.210(8)(a) above may be waived to allow uses identified above in: LC 16.210(2)(i); LC 16.210(3)(a) through (k), (t) and (u); and LC 16.210(4)(a) and (b); provided that such uses have been approved in compliance with LC 16.210(5) above.

(d) Notice of a decision for an application pursuant to LC 16.210(8) above shall occur in compliance with LC 16.100(3).

(9) Telecommunication Towers. Notwithstanding the requirements in LC 16.210(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands

and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 18-87, 12.25.87; 14-89, 2.2.90; 12-90, 10.11.90; 11-91A, 8.30.91; 17-91, 1.17.92; 10-92, 11.12.92; 4-02, 4.10.02)*

**IMPACTED FOREST LANDS ZONE (F-2, RCP)  
RURAL COMPREHENSIVE PLAN**

**16.211 Impacted Forest Lands Zone (F-2, RCP).**

(1) Purpose. The purposes of the Impacted Forest Lands Zone (F-2, RCP) are:

(a) To implement the forest land policies of the Lane County Rural Comprehensive Plan and the forest land policies of the Eugene/Springfield Metro Area General Plan; and

(b) To conserve forest land for uses consistent with Statewide Planning Goal #4, OAR 660-006 and ORS 215.700 through .755.

(2) Permitted Uses. The uses and activities in LC 16.211(2)(a) through (i) below are allowed without the need for notice and the opportunity for appeal, subject to compliance with the general provisions and exceptions prescribed by this chapter of Lane Code. A determination by the Director for whether or not a use fits within the classification of uses listed in LC 16.211(2) below may constitute a "permit" as defined by ORS 215.402(4), "...discretionary approval of a proposed development of land..." For such a determination, an owner of land where the use would occur may apply in writing to the Director to provide mailed notice of the determination to nearby owners pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500. The burden of proof in the application shall be upon the owner of land to demonstrate that the proposed use fits within the classification. The Director shall provide a disclosure statement regarding this option for notice and the opportunity for appeal to owners of land applying for land use compatibility statements or permits with Lane County for the uses listed in LC 16.211(2) below.

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(d) Farm use (see the definition of "Farm Use" in LC 16.090).

(e) Private hunting and fishing operations without any lodging accommodations.

(f) Towers and fire stations for forest fire protection.

(g) Water intake facilities, canals and distribution lines for farm irrigation and ponds.



(h) Caretaker residences for public parks and fish hatcheries subject to compliance with the siting criteria in LC 16.211(8) below. Land use approval of a permit described in LC 16.211(2)(h) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(5)(d)(ii) and (iii), an application for a two-year extension of the timelines for the permit approval described in LC 16.211(2)(h) above may be made and approved pursuant to LC 14.700(2).

(i) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

(j) Disposal site for solid waste that has been ordered established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.

(k) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.211(3)(f-f) below.

(l) A wildlife habitat conservation and management plan pursuant to ORS 215.804.

(m) Widening of roads within existing rights-of-way and the following:

(i) Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;

(iii) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed; or

(iv) Minor betterment of existing public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vi) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vii) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(viii) Changes in the frequency of transit, rail and airport services.

(3) Special Uses - Director Review. The uses in LC 16.211(3)(a) through (f-f) below are allowed subject to compliance with the general provisions and exceptions in LC Chapter 16 and with the specific requirements in LC 16.211(3) below. Each use in 16.211(3)(a) through (f-f) below shall require submittal of an application pursuant to LC