

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

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

#### **15.820 Project Selection Criteria.**

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

#### **15.825 Implementation.**

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

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

(3) Municipalities must agree by intergovernmental agreement that applicable urban transition policies and agreements apply to all improvements funded by this program. For example, if new roads are created, these roads shall be owned by the city and become the city's maintenance responsibility.

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

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

#### **15.826 Waiver of Program Regulations.**

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

Exhibit "A" TO LM 15.810(2)

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

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

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

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

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

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

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

#### CRITERIA FOR COMMUNITY DEVELOPMENT PROJECT PRELIMINARY RANKING AND SELECTION OF APPLICATIONS

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

#### POINTS

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

(H)<sup>2</sup> If project is within city, has city agreed to accept jurisdiction of road improvements upon completion of project?

10 (I) Benefit to the community.

10 (J) Benefit to the youth of the community.

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

Exhibit "A" to LM 15.810(2)

*(Revised by Order No. 01-31-5, Effective 1.31.01)*

## PERFORMANCE AGREEMENT STANDARDS

### 15.850 Purpose.

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

### 15.855 Application and Review.

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

(1) Performance bonds.

(2) Irrevocable letter of credit.

(3) Assignments of savings accounts.

(4) Trust agreements when the development meets the following criteria:

(a) Large scale industrial, commercial or residential developments in excess of 100 lots.

(b) Development scheduling is in excess of three years.

(c) Public improvements must be phased so, if not completed, that portion completed would result in logical public facility development.

(d) Construction of streets, structures, drainage and other development improvements shall be provided in phases. Each phase shall conform to the approved construction plans approved for the development. The phases shall be of adequate size to be functional and be approved by the Director.

(5) For purposes of assuring performance of improvements associated with a land division approval or a facility permit, the County Administrator delegates authority for executing the instruments listed above in LM 15.855(1) through (4) above to the Director. *(Revised by Order No. 86-1-29-22, Effective 1.29.86)*

### 15.860 Alternate Performance Agreements.

Any Performance Agreements not specified in LM 15.855 above must contain specified security rights for the benefit of Lane County, equal to or better than that specified in LM 15.855 above. Such agreements shall be submitted to the Lane County Board of

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

Commissioners by the Director via the regular agenda process. *(Revised by Order No. 86-1-29-22, Effective 1.29.86)*

**15.865 Renewal of Performance Agreements.**

(1) Approving Authority. If the monetary value remains unchanged, the renewal process is an administrative action approvable by the Director. Increases in monetary requirements are required to be approved by the County Administrator.

(2) Criteria for Approval of Renewals.

(a) The applicant shall have made application for the renewal within the original time set for completion.

(b) The applicant shall have the burden of proof to demonstrate that he or she has made a good faith and reasonable effort and progress to meet the time period specified, and that the reason for delay in meeting the condition could not have been reasonably avoided.

(c) The applicant shall have the burden of proof to demonstrate either:

(i) That the uncompleted conditions can be met within a period of time not to exceed one year beyond the original time set forth.

(ii) That for reasons over which the applicant does not have control, certain items cannot be met within one year beyond the original expiration date set forth, but can be met within a reasonable time. The reasonable time shall be specified in any renewal granted by the Director or County Administrator. "Reasons over which the applicant does not have control" shall mean circumstances which would reasonably prevent any applicant, as opposed to a particular applicant, from meeting the uncompleted items within two years from the date of approval.

(3) Application Requirements.

(a) An application for renewal shall be completed on the form provided by the Director and shall contain any necessary supporting materials or documents.

(b) The application for an extension shall be accompanied by the required filing fee to help defray the costs of processing the application.

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

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

**TOURIST-ORIENTED DIRECTIONAL SIGNS**

**15.900 Authority.**

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

**15.905 Purpose.**

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

**15.910 Definitions.**

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

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

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

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

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

Owner means a holder of fee title or lessee.

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

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

**15.915 General Provisions.**

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

**15.920 Eligibility.**

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

**15.925 Application Process.**

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

by the Director, that adequate direction to the business or activity by a reasonable number of tourist-oriented directional signs already exists.

(2) Renewal Application. A renewal application:

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

(b) Is subject to reinvestigation by the Department.

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

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

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

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

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

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

(4) Fees.

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

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

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

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

### 15.930 Signing Standards.

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

(1) Location.

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

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

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

(2) Composition. Signs located at intersections shall:

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

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

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

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

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

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

(5) Removal. Signs shall be removed if it is determined by the Director that the applicant no longer meets the requirements of this subchapter.

Single Family Dwelling:	
Major .....	\$ 194.00
Minor .....	\$ 114.00
Commercial Facility. The appropriate fee identified in on-site sewage disposal system construction permits above.	
Authorization Notice	
If field visit is required .....	\$ 331.00
No field visit is required .....	\$ 113.00
Annual Evaluation of Alternative System (where required) .....	
	\$ 268.00
Annual Evaluation of Temporary or Hardship Mobile Home.....	
	\$ 160.00
Pumper Truck Inspection	
First vehicle .....	\$ 91.00
Each additional vehicle during same inspection.....	\$ 51.00
Existing System Evaluation Report.....	\$ 353.00
NOTE. The fee shall not be charged for an evaluation report on any proposed repair, alteration or extension of an existing system.	
Building permit plot plan check when authorization notice is not required .....	
	\$ 43.00

Surcharge. In order to offset a portion of the administrative costs of the statewide on-site sewage disposal program, a surcharge for each activity, as set by Oregon Administrative Rule, shall be levied. Proceeds from surcharges shall be forwarded to the Department of Environmental Quality as negotiated in the memorandum of agreement (contract) between the County and the Department.

*(Revised by Order No. 01-4-4-6; Effective 7.1.01; 03-3-12-3, 4.11.03)*

#### **60.853 Fees.**

Pursuant to ORS 368.326 through .368, the following fee schedule shall be paid at or prior to the time of filing petitions for the vacation of all or any part of any lot, tract, street, alley, road, highway, common or all or any part of any public square or any other public property or public interest in property in any unincorporated area or town:

- (1) \$1500 for a proposed vacation of public lands with a public hearing plus \$35/hour for field investigation and posting;
- (2) \$650 for a proposed vacation of public lands without a hearing per ORS 368.351.

Fees shall be made payable to the Lane County Surveyor for the purposes of offsetting the costs of investigating and acting on such petitions by Lane County, and no part of said fee shall be refunded to the petitioner in the event the petition is withdrawn by the petitioner or denied by the Board. The cost of legal advertising and recording fees shall be borne by petitioner. *(Revised by Order No. 01-4-4-6, Effective 7.1.01)*

#### **60.854 Public Works Department/Land Management Division Surveyors.**

In accordance with ORS Chapters 92, 100 and 209 and LC Chapter 13, the following fees are established:

- (1) For checking a plat or land partition for compliance to ORS 92.100 the subdivider or land partitioner shall pay a fee prior to recording the subdivision or land partition plat as follows:



- (a) \$600 per subdivision plat and \$40 per lot;
- (b) \$700 per post monumented subdivision plat and \$30 per lot;
- (c) \$300 per land partition plat with public road dedication;
- (d) \$200 per land partition plat without public road dedication;
- (e) \$15 for affidavit of correction and entering corrected information to filed subdivision plats.

(2) For checking a condominium plat for compliance to ORS 100.115(4) the developer shall pay a fee prior to recording the condominium plat as follows:

- (a) \$375 per condominium plat and \$30 per building.

In addition to the fees listed for plat checking in LM 60.854(1) and (2) an added fee not to exceed the original fee may be charged where plats are checked, corrections noted and the plat is returned for rechecking without noted corrections. The fee shall be based on County costs incurred to again review the plat in the office or field to determine compliance to applicable Oregon Revised Statutes or Lane Code.

Fees in LM 60.854(1) and (2) shall be made payable to the Lane County Surveyor for the purpose of offsetting the cost of checking the subdivision plat, land partition plat or condominium plat and taking field measurements and inspection as required and no part of said fee shall be refunded to the subdivider, partitioner or developer in the event the plat is withdrawn or denied by the governing body. The affidavit of corrections fee shall be paid prior to filing the document with the County Clerk.

(3) For checking land surveys for compliance to ORS 209, for forwarding copies of land surveys to the Board of Engineering Examiners, and providing affidavit of corrections for land surveys the following fees are established.

- (a) \$50 for checking land surveys;
- (b) \$10 for copying and mailing a land survey map and notifying the Board of Engineering Examiners of an apparent noncomplying land survey;
- (c) \$20 affidavit of correction and entering corrected information onto filed land surveys.

Fees shall be made payable to the Lane County Surveyor. The land survey checking fees shall be paid prior to submitting land surveys for filing. The affidavit of correction fee shall be paid prior to filing the document with the County Clerk. Fees shall be made payable to the Lane County Surveyor for the purpose of offsetting the cost of checking land surveys, sending notice to the Board of Examiners, reviewing affidavits of corrections and maintenance of microfilm records. All fees shall be submitted prior to filing or reviewing the land survey or affidavit.

(4) For servicing government corners that are disturbed by any person or public agency in accordance with ORS 209.140 or 209.150, the Lane County Surveyor may recover the cost of crew wages and vehicle usage to reimburse County for lowering and replacement of government corner monuments or corner accessories.

The cost of crew and vehicle usage to lower and service the corner or its accessories shall be paid by the person or public agency causing the corner to be disturbed to Lane County Surveyor within 10 days of receipt of the invoice for work performed.

(5) For road naming or renaming, the application fee shall be \$100. *(Revised by Order No. 01-4-4-6, Effective 7.1.01)*



## **Legislative changes to Lane Manual**



## Chapter 15

### ROADS

#### 15.001 General Purpose.

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

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

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

(3) The provisions in this chapter will be used in combination with the requirements of LC Chapter 15 in order to ensure the General Purpose of this chapter is accomplished in a manner that is fair and equitable to Lane County citizens.

#### 15.002 Definitions.

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

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

(3) As used in this chapter and unless specified otherwise, "the Department" shall mean the Lane County Department of Public Works.

### ROAD NAMING AND RENAMING

#### 15.005 Authority.

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

#### 15.010 Purpose.

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

#### 15.015 Required Review and Action.

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

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

(2) Any new public or County road is established. ~~Road names established in land divisions or for new roads that are established as a part of the Master Road Plan shall be named in accordance with appropriate procedures established for their review.~~

(3) Any private road or **private road easement** that requires a name in order to promote the health, safety, and welfare of the public. **Private driveways serving a single lot, parcel, area or tract of land shall not be named under these provisions.**

*(Revised by Order No. 94-11-22-4, Effective 11.22.94)*

### 15.020 Application.

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

- (a) Name and mailing address of applicants.
- (b) Location of road by description or map.
- (c) Legal status of road, if known.
- (d) Existing road name, if known.
- (e) Proposed road name.
- (f) Reason for request.
- (g) Petition(s) attached, if any.
- (h) **Applicable Fee: per LM 60.854(5) — \$100 per application by**  
~~property owners or persons living along the road.~~

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

- (a) Fifty percent (50%) or more of the property owner(s) or persons living along the road.
- (b) Any public or semipublic agency whose function is affected by road names.
- (c) Lane County:
  - (i) Board
  - (ii) Planning Commission
  - (iii) Land Management Division
  - (iv) Department of Public Works
  - (v) Department of Assessment and Taxation
  - (vi) Sheriff's Department

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

- (a) Name limited to maximum of **20 characters**~~12 letters and one word.~~
- (b) No duplication with other existing road names.
- (c) No similar sounding or confusing names.
- (d) **No names with post-directional language (i.e., "North", "South")**
- (e) **No names with punctuation.**
- (f) **No names that are alpha/numeric (i.e. a combination of letters and numbers).**
- (g) **No names that contain a road type within the road name (such as "Loop Lane").**
- (h) **Roads shall not contain an abbreviated MT (mount/mountain) or ST (saint) without another word following (ex: Shasta MT Rd is not acceptable, MT Shasta Rd. is acceptable).**
- (i) **There must be a valid road type following the road name.**

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

#### 15.025 Processing.

The Department of ~~Public Works~~ shall have the responsibility for processing applications for road naming and renaming. **Applications shall be processed by Board order and with a public hearing if the application is signed by fewer than one hundred percent (100%) of the adjoining property owners, or if any objection is raised by an affected department or agency and is unable to be resolved. Applications may be processed by Board order and without a public hearing if the application is signed by one hundred percent (100%) of the adjoining property owners and if there are no objections raised by an affected Department or agency. The Department and shall perform such function in the following manner:**

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

#### 15.030 Board Action.

- (1) Following receipt of a recommendation and ~~ordinance order~~ for a Road naming or renaming, the Board shall consider such recommendation and proposed ~~ordinance order~~ at a regular Commissioners' meeting.
- (2) Following action by the Board, **the Department will notify the Board shall notify** the original applicant for the road naming or renaming of the Board's action.
- (3) Copies of an approved ~~ordinance order~~ naming or renaming a road shall be sent by the ~~Board~~Department to the following:
  - (a) Department of Public Works.
    - (i) Transportation Planning.
    - ~~(ii) Building Program.~~
    - (iii) Planning Program.
    - ~~(iii)~~ Rural Addressing Program.
  - (b) Department of Assessment and Taxation.
  - (c) Post Office.
  - ~~(d) Department of Health and Human Services/Program.~~
    - ~~(i) Environmental Health Program.~~
    - ~~(ii) Water Quantity/Quality Program.~~

||At right margin indicates changes  
**Bold** indicates material being added  
~~Strikethrough~~ indicates material being deleted  
15.035~~15.850~~ Lane Manual

**LEGISLATIVE  
FORMAT**  
15.110~~15.855~~

- (de) L-COG.
- (ef) Telephone Company.
- (fg) Local Fire Department.
- (gh) Local School District.
- (hi) Local Power Company.
- (ij) Local Water District.
- (jk) Gas Company.
- (kl) City (if appropriate).
- (lm) State (as appropriate).

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- (i) ~~Department of Forestry.~~
- (ii) Police.
- (iii) Highway Department.

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- (iv) ~~Department of Fish & Game.~~

(mn) Lane County Local Government Boundary Commission. *(Revised by Order No. 94-11-22-4, Effective 11.22.94)*

#### 15.035 Completion.

- (1) Original material shall be filed in the Department of ~~Public Works~~.
- (2) Road signs shall be painted and installed without charge by the Department of ~~Public Works~~ (except original signs in divisions and interior private roads).
- (3) County maps and files shall be updated as appropriate. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

### PUBLIC ROAD DEDICATIONS AND ACCEPTANCE

#### 15.105 Authority.

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

#### 15.110 Definition - Public Road.

A road over which the public has a right of use that is a matter of record. For purposes of this Chapter, a public road is a road that has been dedicated for use by the public for road purposes either by good and sufficient deed presented to and accepted by the Board, or by subdivision plat presented to and accepted by the Board. Once placed on record, public roads are held in trust for the public by the County, and shall specifically exclude private roads, private ways, private access easements or agreements, Forest Service roads, Bureau of Land Management roads, any Gateway or Way of Necessity as defined by ORS Chapter 376 and any other road which has nominally or judicially gained a "public character" by prescriptive or adverse use. A public road is not normally maintained by the County, but the County can regulate its use. Common terms for this type of road are "Dedicated Public Road" and "Local Access Road." ~~"Public Road" means any legal state or County road or any other road which has been dedicated to the use of the public for road purposes either by good and sufficient deed accepted by the Board and placed on record or by a subdivision plat presented to and accepted by the Board, but shall specifically exclude private roadway easements or agreements, Forest Service road, BLM road, any gateway or way of necessity as defined by ORS Chapter 376 and any other road which~~



~~has nominally or judicially gained a "public character" by prescriptive or adverse use.~~  
(Revised by Order No. 93-3-31-7, Effective 3.31.93)

#### 15.115 Purpose.

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

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

(a) ~~(1)~~ The proposed roadway dedication/acceptance is for the purpose of:

(i) ~~w~~ Widening a public road, or

(ii) **Establishing or extending an existing but undedicated or unaccepted road as a public road; or**

~~(2) The proposed roadway dedication is for the purpose of:~~

~~(a) Establishing an existing but undedicated road or extension of existing public roads not conforming to the Master Plan,~~

~~(b) Establishing an existing gateway as a public road,~~

~~(c) (iii) Establishing any new public road not conforming to the Master Road Plan of Lane County;<sup>1</sup> or~~

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

#### 15.120 Required Review and Action.

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

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

(2) The Planning Commission shall review all proposed road dedications ~~and/or acceptances~~ which are for the purpose of establishing, widening or extending a public road not conforming to the ~~Master Road Plan~~ **adopted Transportation System Plan and requirements of LC Chapter 15.** In addition, the Planning Commission shall

<sup>1</sup> Road dedications included in a subdivision plat ~~or as a part of the Master Road Plan~~ shall be reviewed, and action shall be taken, in accordance with the provisions of LC Chapter 13 "Subdivision" ~~and Chapter 15 "Master Road Plan" of the Lane Code~~ and the requirements of LC Chapter 15 "Roads."

review those roadway dedications **and/or acceptances** specifically requested for review by the Board or any administrative officer of the County.

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

#### **15.125 Application.**

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

(a) Name of applicant.  
(b) Location of **proposed** dedication/acceptance by description ~~or map~~  
**and Assessor's Map.**

(c) Legal status of existing road, if known.  
(d) Name of road, if known.  
(e) Purpose or reason for dedication.  
(f) Petition(s) attached, if any.  
(g) **Title report or subdivision guarantee.**  
(gh) ~~Fee —none—~~ as provided in LM 60.851(4).  
(i) **If the application is for acceptance of a road that was previously dedicated to but never accepted by the County, the following additional information shall be provided:**

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

(iii) **Copy of recorded subdivision or partition plat/map.**  
(iv) **Copy of any subsequent replat(s).**

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

(b) The Board.  
(c) ~~Department of Public Works.~~  
(d) Land Management Division on matters relating to subdivisions, zoning and other land development applications.  
(e) Building Division on matters relating to LC Chapter 11 pertaining to minimum right-of-way requirements on existing public roads. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

#### **15.130 Processing - Land Management Division.**

The Land Management Division shall have the responsibility for processing applications ~~to for dedicationse and/or acceptances of public roads right-of-way for a road~~ and shall perform such functions in the following manner:

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

(2) **For existing roads:**

- (a) Verify or determine existing legal status ~~for existing roads;~~
- (b) **Verify available information as to actual location of the road.**
- (3) Notify appropriate Departments and agencies.
- (4) Forward application and recommendation or comments to the Planning Director or Planning Commission, as required, for action.
- (5) Notify the applicant of the action by the Planning Director or Planning Commission within five days of such action.
- (6) Transmit a request for deed preparation to the County Surveyor's Office following favorable action by the Planning Director or Planning Commission. The request shall include:
  - (a) Date of Planning Director or Planning Commission action.
  - (b) Initiating body or persons.
  - (c) General description of the ~~proposed~~**desired** dedication **and/or acceptance.**
  - (d) Legal property owner(s), if known.
  - (e) Signed deed order. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

#### **15.135 Planning Director Action.**

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

- (1) The application shall be forwarded for Board action, with a **recommendation to accept the dedication** if the application is determined to be for the purpose of widening ~~thean~~ existing public road and which widening ~~either conforms to the Master Road Plan or if not so included, conforms to the Road Design Standards of LC Chapter 15, other applicable Lane Code provisions, and is compatible with the County Comprehensive Plan~~**minimum 60-foot County standard for public roads.**
- (2) The application shall be forwarded to the Planning Commission for action if the Director determines the proposed dedication is not compatible with the Comprehensive Plan for Lane County or the requirements of any chapter of the Lane Code or the dedication is for the purpose of establishing any new public road. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

#### **15.140 Planning Commission Action.**

- (1) The Planning Commission shall review the application and any reports and recommendations thereon at a public hearing. At the hearing the Commission may:
  - (a) Recommend approval of the application to the Board if it determines that the dedication/**acceptance** conforms to all applicable laws, standards and requirements governing the dedication **and/or acceptance** of roadways;
  - (b) Deny the application; or
  - (c) Postpone action to allow further study.
- (2) Recommendation for denial or rejection shall be final unless appealed to the Board within 10 days from the date of the Planning Commission's action. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

#### **15.145 Surveyor's Office Procedure.**

- (1) Following receipt of a Land Management Division request for deed preparation, the County Surveyor shall prepare an appropriate deed which shall be returned to the applicant for the proper signature(s) from the legal property owner(s).

(2) The applicant returns the signed deed to the Surveyor's Office where a deed order is prepared for presentation at the next regular meeting of the Board.

~~(3) The Surveyor shall notify the Building Division upon the return of a signed deed if the deed is for additional dedication to an existing road and there is a building permit pending upon such dedication. The permit may then be issued prior to the Board action. (Revised by Order No. 93-3-31-7, Effective 3.31.93)~~

#### **15.150 Board Action.**

(1) The Board shall review all applications and any reports and recommendations thereon at a regular Board meeting upon:

(a) The presentation by the County Surveyor of an affirmative Planning Director or Commission recommendation, a signed deed form and a road dedication order; or

(b) The receipt of an appeal of the Planning Commission's action by the applicant or any affected party; or-

(c) The receipt of an appeal of the Planning Commission's failure to act within 30 days after the filing of an application.

(2) In the case of an appeal the Board shall, within 20 days of such appeal, set a time and place for a public hearing on the appeal and shall notify affected persons of the hearing. If, at the appeal hearing, the Board determines that the proposed application should be approved it shall so indicate and transmit a request to the Surveyor's Office for preparation of a deed and road dedication order.

(3) Following any affirmative action ~~on~~ the application, the Board shall forward the deed and signed order to the ~~Real Estate Division~~ County Clerk's Office for recording.

(4) The Board shall notify all applicants of its action and in the case of non-acceptance it shall return all appropriate material to the applicant with an explanation for such action. (Revised by Order No. 93-3-31-7, Effective 3.31.93)

#### **15.155 Completion - Recording and Filing.**

~~(1) The Real Estate Division County Clerk's Office shall forward copies of recorded deeds and all other pertinent information to the County Surveyor's Office. offer for record at the Office of the Lane County Clerk all signed deeds and road dedications upon receipt of an appropriate order signed by the Board. The Real Estate Division shall have the sole responsibility for recording all real property documents where Lane County is either the grantor, grantee, or other party thereto.~~

~~(2) The Real Estate Division shall forward copies of recorded deeds and all other pertinent information to the County Surveyor's Office.~~

(3) Following final action, ~~t~~The County Surveyor's Office shall notify or distribute materials to the Lane Council of Governments, the Land Management Division and Building Division as may be required following final action by the Real Estate Division departments and agencies who may be affected by the action, as may be required by applicable state and local regulations. (Revised by Order No. 93-3-31-7, Effective 3.31.93)

### **ACCEPTANCE OF DEDICATED PUBLIC ROADS AS COUNTY ROADS**

||At right margin indicates changes  
**Bold** indicates material being added  
~~Strikethrough~~ indicates material being deleted  
15.20515.850 Lane Manual

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#### **15.2050 Authority.**

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

#### **15.205 Definition-County Road.**

As defined in ORS 368. A public road which is part of the County Road system and has been assigned a County Road number pursuant to ORS 368.016. The Department is responsible for maintenance. A description of each County Road is kept in the Master Road Files in the Lane County Surveyor's office. See also Functional Class definitions in LC Chapter 15.

#### **15.210 Purpose.**

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

#### **15.213 Guidelines for Acceptance.**

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

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

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

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

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

(5) Roads providing access to the boundary of national forests or other public lands may be accepted.

### 15.215 Application.

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

### 15.220 Review.

Upon receipt of an application, the Director shall investigate and report his or her findings to the petitioners as to whether or not ~~the road under consideration meets the policy criteria set forth in LM 15.410 and meets the following standards:~~

(1) acceptance of the road under consideration is consistent with the guidelines in LM 15.213 above;

(2) the road is consistent with applicable criteria set forth in LM 15.410;  
and

(3) the road meets the following standards:

~~(1a)~~ The road shall be a public road as defined in LM 15.110.

~~(2b)~~ The road shall have a 60-foot minimum dedicated right-of-way meet the County Road Design Standards found in LC 15.700 through LC 15.708.

(c) The road shall be located within the dedicated public right-of-way as verified and certified/stamped by an Oregon-licensed surveyor.

~~(3d)~~ The road shall be of benefit to the general public, shall intersect with an existing County road, City street, or State highway, or be an extension of an existing County road.

~~(4) If the road is located within the "Urban" area as defined in LC 15.610, the road shall meet the standards set forth in LC Chapter 15 and LM Chapter 15.~~

~~(5) If the road is located outside the "Urban" area, the road shall meet a standard of 24 feet graveled driving surface, eight inches of crushed rock base, and adequate drainage ditches and drainage facilities.~~

(64) Any and all fences, buildings and other structures within any dedicated and accepted County Road right-of-way shall be removed at the expense of the property owners. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

### 15.222 Standards in the Event Minimum Dedicated Right-of-Way is Less Than 60 Feet Road Design Standards Are Not Met.

A dedicated right-of-way less than 60 feet public road that does not meet County Road Design Standards specified in LC Chapter 15 may be accepted as a County Road provided it meets the following standards.

(1) All standards listed in LM 15.220 above, except LM 15.220(32)(b).

(2) The Director of the Department of Public Works certifies that current and future roadway needs do not necessitate a 60-foot right-of-way that the County Road Design Standards be met and no safety hazard will be created if the roadway is accepted with a right-of-way less than 60 feet as a County Road.

(3) The Director of the Planning Division certifies that current and future planning needs do not necessitate a 60-foot right-of-way that the County Road Design Standards be met.

(4) In no event shall a right-of-way be accepted which is less than 4030 feet in width. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

#### **15.225 Report.**

The Director shall report ~~his or her~~ findings in writing to the petitioners as follows:

(1) The road under consideration meets all the standards and policy criteria and will be recommended for acceptance.

(2) The road does not meet all the standards and policy criteria, but the Director deems it advisable to recommend to the Board of County Commissioners that the standards or policy criteria in question be waived or modified.

(3) The road does not meet the standards and a waiver of the standards is not recommended. The report shall state an estimated total improvement cost to meet the standards.

(4) The road does not meet the policy criteria and the petition is denied. The denial shall specify the reasons for the Director's decision. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

#### **15.230 Appeal.**

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

#### **15.235 Board Consideration.**

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

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

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

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

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

#### **15.240 Board Action.**

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

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

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

#### 15.245 Petitioners' Action.

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

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

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

#### 15.250 Further Action.

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

### ACCEPTANCE OF PARK ROADS

#### 15.260 Acceptance of Park Roads.

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

(1) A Park Road is a public road providing access within a County ~~p~~Park as defined in LC ~~5-5006.500~~ 5.5006.500.

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

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

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

(b) A Park Road serving two-way traffic shall have a minimum surface travel width of ~~20~~18 feet.

~~(c) A Park Road shall have a minimum center line radius of 32 feet.~~

(~~c~~) A Park Road shall have a minimum right-of-way width of ~~60~~50 feet, unless the Director recommends acceptance of right-of-way less than ~~60~~50 feet but in no event shall right-of-way less than ~~40~~30 feet be accepted.

(4) **In County Parks on leased lands, Park Roads may be accepted into the County Road system without formal dedication provided the park land lease**



documents are recorded and are a matter of public record, and that the road has been designated as a Public Road or Local Access Road by Board Order. Owners of the leased land shall be provided written notice of the proceedings and must consent to the acceptance of Park Roads into the County Road System.

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

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

## ROAD VACATION PROCEDURES

### 15.300 General Requirements.

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

- (1) Dead-end roads which serve four or fewer permanent residences.
- (2) Roads within National Forest boundaries, within Bureau of Land Management ownership areas, or adjacent to resource land areas under single ownership.
- (3) Roads that are undeveloped rights-of-way, are dirt roads, or are not currently maintained by County forces.
- (4) Roads that have received County maintenance, but are unusually difficult to maintain because of substandard road width, right-of-way width, steep topography, or materials or construction practices, which may result in excessive cost and liability exposure.
- (5) The following items shall be considered by the Board in reviewing these actions on a case-by-case basis:
  - (a) The need for a public right-of-way to provide for the orderly development of adjacent property.
  - (b) The need for public maintenance of the right-of-way.
  - (c) School bus traffic.
  - (d) Bridges and the potential for public safety problems associated with bridges.
  - (e) Railroad crossings and PUC requirements for County participation in applications for railroad crossing improvement or establishment.
  - (f) The potential for landslide and stability problems.

- (g) **Resource hauling (timber, agriculture, sand and gravel) that would unfairly burden other property owners.**
- (h) **Use by law enforcement or fire protection personnel.**
- (i) **Potential use as detour routes in the case of construction or disaster.**
- (j) **Potential for elimination of right of access that is a matter of public record.**

#### **15.305 Vacation Procedures.**

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

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

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

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

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

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

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

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

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

### **GENERAL ROAD AND ACCESS POLICIES**

#### **15.405 Purpose.**

The County Road System is intended to provide a network of roads that provides access to lots, parcels, or developments and connects to the State Highway System, city road systems, to BLM and Forest Service road systems, and to major resource

and recreational areas within Lane County. The County Road System provides a circulation network that supports and promotes the economy of Lane County. Lane County strives to promote the health, safety, and welfare of its citizens by providing a safe road surface, pavement markings, signing, drainage, and roadside environment in order to promote safe and efficient travel for the public and to limit the possible liability exposure of Lane County. ~~The statements set forth herein are for the purpose of establishing the minimum criteria to be used in Lane County for the evaluation of the appropriateness of proposed roads that are intended to provide access to lots or parcels. This criteria shall form the basis for determining what requirements may be necessary to insure that there will be adequate provisions available now and in the future to provide for the transportation and utilities needs of lots, parcels, or developments. This evaluation may include review of the relationship of the proposed road to the overall County Road System.~~

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

#### 15.410 Criteria.

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

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

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

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

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

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

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

- (a) Drainageways.
- (b) Electrical Power Lines.
- (c) Telephone Lines.
- (d) Water Lines.
- (e) Fire Control Outlets.
- (f) Sewer Lines.
- (g) Natural Gas Lines.

(6) **The access management, road design standards, and other requirements of LC Chapter 15 shall be used in making decisions about the road system in Lane County.**

~~(6) There is a need to carefully examine acceptance of new mileage into the County Road System. These policies are intended to protect the public investment already made in this road system and to make optimum use of available road revenues for the maintenance and improvement of this system. The following guidelines shall be used by the Board when considering acceptance of dedicated public roads into the County Road System pursuant to LM 15.205 through 15.250:~~

~~(a) Roads functionally classified as local roads may be accepted into the County Road System if they provide a needed extension or improvement in the overall road network, provide access to significant commercial or industrial development, or to governmental or other public facilities.~~

~~(b) Roads functionally classified as local roads within subdivisions or partitions, primarily providing access to lots, shall be established as private road easements or local access roads with appropriate property owner associations or districts providing for maintenance of these roads.~~

~~(c) Roads functionally classified as collector roads within subdivisions or partitions, or extensions of existing County roads within subdivisions, shall be accepted.~~

~~(d) Roads providing access to the boundary of National Forests, or other public lands, may be accepted.~~

~~(7) Vacation of County roads pursuant to the process provided in LM 15.305 or conversion of County roads to "local access road" (non County maintained) status by withdrawal of County road status pursuant to ORS Chapter 368 may be considered where little need exists for the road to be part of the County Road System. The following categories of County roads may be considered by the Board of County Commissioners for vacation or withdrawal of County road status:~~

~~(a) Dead end roads which serve four, or fewer, permanent residences.~~

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

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

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

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

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

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- ~~(ii) The need for public maintenance of the right of way.~~
- ~~(iii) School bus traffic.~~
- ~~(iv) Bridges and the potential for public safety problems associated with bridges.~~
- ~~(v) Railroad crossings and PUC requirements for County participation in applications for railroad crossing improvement or establishment.~~
- ~~(vi) The potential for landslide and stability problems.~~
- ~~(vii) Resource hauling (timber, agriculture, sand and gravel) that would unfairly burden other property owners.~~
- ~~(viii) Use by law enforcement or fire protection personnel.~~
- ~~(ix) Potential use as detour routes in the case of construction or disaster.~~
- ~~(x) Potential for elimination of right of access that is a matter of public record.~~

(87) ~~Private drives (panhandle lots) can be used effectively in special situations if carefully regulated and~~ Panhandle lots may be created if they do not hinder future development of the surrounding area. If more than two panhandled lots are used together, they should be established through a formal subdivision or partitioning procedure.

~~(9) Any private road works best if it serves a predetermined, limited amount of development.~~

~~(10) It is important that privately maintained roads which in any way could be mistaken for publicly maintained roads be clearly posted as not subject to County maintenance.~~

(118) The access needs of industrial and commercial land uses and activities are different than those for residential uses in some aspects and may require special consideration.

(129) Paved roads are, all other things being equal, more safe to travel than gravel roads, have a lower maintenance cost, and have a lower nuisance value (dust, noise, etc.).

(130) Road requirements should not, if at all possible, hamper or prevent the development of new concepts and innovations for the development of land or hamper the continuation or extension of a complete transportation network. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

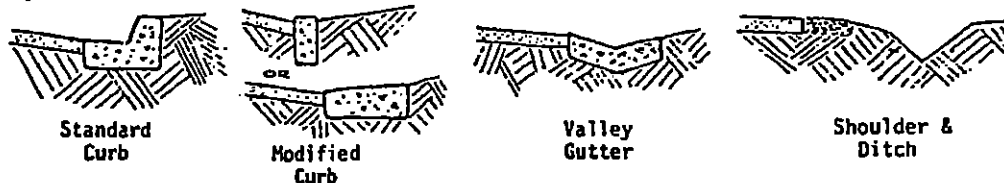
**~~MINIMUM GENERAL ROAD DESIGN STANDARDS/RECOGNIZED  
 ENGINEERING GUIDELINES FOR URBAN RESIDENTIAL DIVISIONS~~**

**15.450 Minimum General Road Design Standards/Recognized Engineering Guidelines for Urban Residential Divisions.**

ROAD				CLASSIFICATION				Minimum General Requirements
Public Road				Private Road				
Collector	Local	Local Frontage	Cul-de Sae	Local	Local Frontage	Cul-de Sae	Panhandle Access Strips	
<del>60'</del> 70'	<del>50'</del> 60'	30'	50' 45' Rad.	30' or 50'	30'	30' 45' Rad.	20'	Right of Way Width

ROAD				CLASSIFICATION				Minimum General Requirements
Public Road				Private Road				
Collector	Local	Local Frontage	Cul-de Sae	Local	Local Frontage	Cul-de Sae	Panhandle Access Strips	
<del>36'</del> <del>48'</del>	32'	22'	28' <del>36'</del> Rad.	22 <sup>(1)</sup>	22 <sup>(1)</sup>	16' <del>36'</del> Rad.	16'	Road Way Width
Standard Curb	Standard Curb	Standard Curb	Standard Curb	Valley Gutter or Mod. Curb	Valley Gutter or Mod. Curb	Valley Gutter or Mod. Curb	Not Required	Curbs, Gutters, or Shoulders
AC	AC	AC	AC	AC	AC	AC	AC	Surfacing
12%	12%	16%	16%	16%	20%	20%	25%	Maximum % Grade
200'	100'	100'	100'	100'	100'	100'	50'	Center Line Radius
Standard County Sign <sup>(2)</sup>	Standard County Sign <sup>(2)</sup>	Standard County Sign <sup>(2)</sup>	Standard County Sign <sup>(2)</sup>	Private Sign <sup>(3)</sup>	Private Sign <sup>(3)</sup>	Private Sign <sup>(3)</sup>	Not Required	Road Name Signs
Required Building Permit	Required Building Permit	Required Building Permit	Required Building Permit	Not Required <sup>(4)</sup>	Not Required <sup>(4)</sup>	Not Required <sup>(4)</sup>	Not Required <sup>(4)</sup>	Sidewalks

1. ~~Separate parking areas may be required by Department of Transportation~~
2. ~~Road name signs installed by County initial cost assessed to developer.~~
3. ~~At intersection of private roads with public roads, road name signs installed by County initial cost assessed to developer.~~
4. ~~Separate pedestrian ways may be required by Department of Transportation.~~



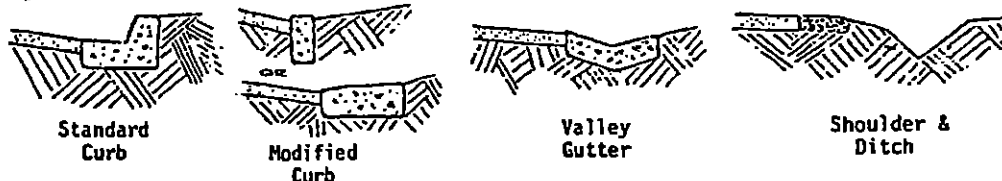
*(Revised by Order No. 75-3-26-1, Effective 3.26.75)*

**MINIMUM GENERAL ROAD STANDARDS FOR RURAL RESIDENTIAL DIVISIONS**

**15.460 Minimum General Road Standards for Rural Residential Divisions.**

ROAD				CLASSIFICATION				Minimum General Requirements
Public Road				Private Road				
Collector	Local	Local Frontage	Cul-de Sac	Local	Local Frontage	Cul-de Sac	Panhandle Access Strips	
60'	50'	30'	50' 45' Rad.	30' or 50'	30'	30' 45' Rad.	20'	Right-of-Way Width
30' 36'	24'	16'	24'	24'	16'	24'	16'	Road Way Width
Shoulder & Ditch	Shoulder & Ditch	Shoulder & Ditch	Shoulder & Ditch	Shoulder & Ditch	Shoulder & Ditch	Shoulder	Not Required	Curbs, Gutters, or Shoulders
AC	AC	AC	AC	Gravel	Gravel	Gravel	Not Required	Surfacing
12%	16%	16%	16%	16%	16%	16%	16%	Maximum % Grade
200'	100'	100'	50'	100'	50'	50'	50'	Center Line Radius
Standard County Sign <sup>(2)</sup>	Standard County Sign <sup>(2)</sup>	Standard County Sign <sup>(2)</sup>	Standard County Sign <sup>(2)</sup>	Private Sign <sup>(3)</sup>	Private Sign <sup>(3)</sup>	Private Sign <sup>(3)</sup>	Not Required	Road Name Signs
Not Required <sup>(4)</sup>	Not Required <sup>(4)</sup>	Not Required <sup>(4)</sup>	Not Required <sup>(4)</sup>	Not Required <sup>(4)</sup>	Not Required <sup>(4)</sup>	Not Required <sup>(4)</sup>	Not Required <sup>(4)</sup>	Sidewalks

1. Separate parking areas may be required by Department of Transportation
2. Road name signs installed by County initial cost assessed to developer.
3. At intersection of private roads with public roads, road name signs installed by County initial cost assessed to developer.
4. Separate pedestrian ways may be required by Department of Transportation.



(Revised by Order No. 75-3-26-1, Effective 3.26.75)

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

(2) In the absence of a county-adopted standard for a particular design element, the following publications shall be the basis for road design, construction, signing and marking decisions. While these documents are listed in the

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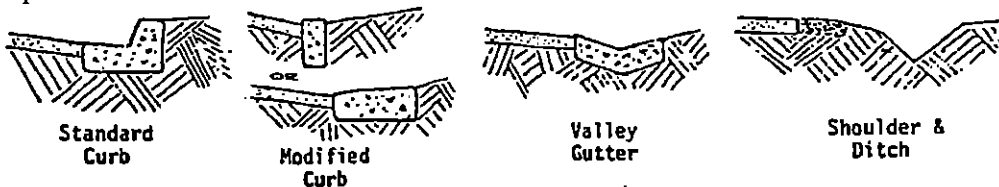
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**MINIMUM GENERAL ROAD STANDARDS FOR MAJOR & MINOR  
 DEVELOPMENT CENTERS, AND RURAL SERVICE CENTERS—  
 RESIDENTIAL DIVISIONS**

**15.455 Road Standards for Major and Minor Development Centers, and Rural  
 Service Centers—Residential Divisions.**

ROAD				CLASSIFICATION				Minimum General Requirements
Public Road				Private Road				
Collector	Local	Local Frontage	Cul-de Sac	Local	Local Frontage	Cul-de Sac	Panhandle Access Strips	
<del>60'</del> <del>70'</del>	<del>50'</del> <del>60'</del>	<del>30'</del>	50' <del>45'</del> Rad.	30' or 50'	30'	30' <del>45'</del> Rad.	20'	Right-of- Way Width
<del>48'</del> <del>32'</del>	<del>24'</del> <del>32'</del>	<del>22'</del>	24' 28' <del>36'</del> Rad.	22 <sup>(4)</sup>	22 <sup>(4)</sup>	16' <del>36'</del> Rad.	16'	Road Way Width
Variable	Valley Gutter	Valley Gutter	Valley Gutter	Valley Gutter or Mod. Curb	Valley Gutter or Mod. Curb	Valley Gutter or Mod. Curb	Not Required	Curbs, Gutters, or Shoulders
AC	AC	AC	AC	AC	AC	AC	Gravel	Surfacing
12%	16%	16%	16%	16%	20%	20%	25%	Maximum % Grade
200'	100'	100'	75'	100'	75'	50'	50'	Center Line Radius
Standard County Sign <sup>(2)</sup>	Standard County Sign <sup>(2)</sup>	Standard County Sign <sup>(2)</sup>	Standard County Sign <sup>(2)</sup>	Private Sign <sup>(3)</sup>	Private Sign <sup>(3)</sup>	Private Sign <sup>(3)</sup>	Not Required	Road Name Signs
Not Required <sup>(4)</sup>	Not Required <sup>(4)</sup>	Not Required <sup>(4)</sup>	Not Required <sup>(4)</sup>	Not Required <sup>(4)</sup>	Not Required <sup>(4)</sup>	Not Required <sup>(4)</sup>	Not Required <sup>(4)</sup>	Sidewalks

1. Separate parking areas may be required by Department of Transportation
2. Road name signs installed by County initial cost assessed to developer.
3. At intersection of private roads with public roads, road name signs installed by County initial cost assessed to developer.
4. Separate pedestrian ways may be required by Department of Transportation.



(Revised by Order No. 75-3-26-1, Effective 3.26.75)



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Transportation System Plan and in LC Chapter 15, Lane Manual includes the publication date of each document below, so the publication dates may be updated by Board Order as newer versions are published:

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

(i) A Policy on Geometric Design of Highways and Streets (2001);

(ii) Roadside Design Guide (2002)

(iii) Geometric Design of Very Low Volume Local Roads (ADT < 400) (2001); and

(iv) Guide for Design of Pavement Structures (1993).

(b) The *Manual On Uniform Traffic Control Devices* (MUTCD), (2000) published by the Federal Highway Administration;

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

(i) Oregon Standard Specifications for Construction (ODOT & APWA, 2002);

(ii) Oregon Standard Drawings (ODOT & APWA, 2002);

(iii) *ODOT Highway Design Manual* (2002);

(iv) *ODOT Hydraulics Manual* (1990);

(v) *ODOT Hydraulics Manual, Volume 2 (Erosion and Sediment Control)* (1999);

(vi) *Oregon Bicycle and Pedestrian Plan* (ODOT, 1995);

(vii) *1999 Oregon Highway Plan* (ODOT).

(d) The *Highway Capacity Manual 2000* published by the Transportation Research Board.

(e) The *Trip Generation*, 7<sup>th</sup> Edition manual published by the Institute of Traffic Engineers.

## PUBLIC ROAD AND RIGHT-OF-WAY POLICIES

### 15.505 Purpose.

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

### 15.510 Gates, Fences, Cattleguards.

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

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

(3) Fences will be constructed along road improvement projects initiated by Lane County at public expense when additional right-of-way has been acquired, the

adjacent landowner has an existing fence and the new right-of-way line lies beyond the existing fence. Such fencing shall be scheduled and constructed to a standard as determined by the Director, ~~Department of Public Works~~. Upon completion, the fence as constructed becomes the property of the adjacent landowner, except on roads ~~designated as throughways~~ functionally classified as arterials. *(Revised by Order No. 87-6-10-3, Effective 6.10.87)*

#### **15.515 Drainage.**

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

(2) Water shall not be diverted from a natural channel or **otherwise from private property** down a roadside ditch unless it appears beneficial to a new road construction project, in which case the ~~Department of Public Works~~ shall first enter into an agreement with affected property owners regarding the proposed diversion.

~~(3) Roadside ditches shall not be used as channels for water diverted from private property, except through facility permit issued to the landowner on application to the Director, Department of Public Works. (Revised by Order No. 87-6-10-3, Effective 6.10.87)~~

#### **15.525 Illumination.**

Roadway illumination will be provided by the County only as a part of construction or reconstruction of arterial roads within an adopted Urban Growth Boundary, provided an interagency agreement assigning ownership and maintenance of the lighting to another entity is executed prior to construction. The County may provide illumination in other locations under special circumstances such as at traffic signals or high hazard locations. *(Revised by Order No. 89-3-1-18, Effective 3.1.89)*

#### **15.530 Bikeways and Sidewalks.**

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

#### **15.535 Sidewalks.**

~~The following is the policy of Lane County regarding sidewalks within the unincorporated areas of the County.~~

~~———— (1) Sidewalks or paved pathways accompanying public streets and roads are necessary wherever significant conflicts with motor vehicle traffic jeopardize the health, safety and welfare of pedestrians and bicyclists.~~

~~———— (2) Within the current "urban area boundary" of the Eugene-Springfield metropolitan area, as defined by the US Department of Transportation, priority attention shall be given to the construction of sidewalks or paved pathways along roads determined by the Department of Public Works to be those having a highly significant need.~~

~~———— (3) Roads which do not have curbs and gutters and which are not scheduled to be rebuilt, but which do have a significant need for sidewalks, shall be provided with temporary asphalt walkways at general expense.~~

~~———— (4) Along curbed and guttered streets which are determined by Lane County to have a highly significant need for pedestrian facilities, concrete sidewalks shall be constructed and assessed to abutting property owners in accordance with ORS Chapter 371.~~

~~———— (5) Sidewalks shall be required along the entire public road frontage of any lot or parcel which is the subject of a request for a building permit for a new dwelling or business building when the lot or parcel is adjacent to a road with existing curbs and gutters within the Eugene-Springfield urban area boundary. Completion of sidewalk construction shall be required before an occupancy permit for the dwelling or business is granted.~~

~~———— (6) When rebuilding roads within urban areas as defined in LC 15.010, the County shall install sidewalks and assess the cost to abutting property owners. (Revised by Order No. 00-9-6-11, Effective 9.6.00)~~

#### **15.540 Mailboxes.**

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

#### **15.545 Danger Trees.**

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

**15.550 Merchantable Trees.**

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

~~**15.560 Donated Public Amenities.**~~

~~Whenever a person should wish to donate to the County a public amenity for use within the county's right of way, a facilities use permit will be required, pursuant to LC Chapter 15. In addition to the criteria there set forth, any such donated amenity shall be required to:~~

- ~~\_\_\_\_\_ (1) serve a public purpose or provide a public benefit;~~
- ~~\_\_\_\_\_ (2) be located so as not to be an obstruction to a vehicle running off the road, e.g., behind a guardrail, ditch line, etc.;~~
- ~~\_\_\_\_\_ (3) not be designed or colored so as to distract vehicle operators;~~
- ~~\_\_\_\_\_ (4) 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;~~
- ~~\_\_\_\_\_ (5) include the agreement of the donor to maintain the amenity for a period of no fewer than 5 years. *(Revised by Order No. 00-9-6-11, Effective 9.6.00)*~~

**COUNTY IMPROVEMENTS/CITIZEN INVOLVEMENT**

**15.575 Improvement of the County Road System.**

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

- (1) To allocate limited financial resources to projects which will provide the greatest return in moving people and goods safely and efficiently throughout the County, and
- (2) To provide for the most efficient scheduling and allocation of staff manpower and other resources.

A draft plan shall be submitted to the Board by the Director of the Department of Public Works through the Roads Advisory Committee. Public hearings may be conducted by the Roads Advisory Committee and the Board in adoption of the Capital Improvement Program. *(Revised by Order No. 83-1-4-9, Effective 1.4.83)*

**15.580 Citizen Input With Regard to Individual Road Improvement Projects.**

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

- (1) ~~With the exception of overlay and bridge reconstruction projects, Public Works Department staff shall present a report to the Roads Advisory Committee on individual projects listed in the Capital Improvement Program, including proposed alignment, typical section and right-of-way width requirements. As specified below in~~

this section, ~~t~~The Roads Advisory Committee may approve the recommended design concept through the adoption of findings or set a hearing. As part of this process and prior to the hearing, the Board may direct staff to form a stakeholder group to assist the Roads Advisory Committee in making its recommendation.

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

~~(2) Adjacent property owners of record along the proposed project shall be notified of the Roads Advisory Committee findings. If the Roads Advisory Committee has adopted findings without conducting a public hearing and adjacent property owners disagree with the findings, a hearing shall be conducted by the Roads Advisory Committee on petition of one third of the adjacent property owners of record for reconsideration of the decision. A petition in this case must be presented to the Public Works Department within 30 days of the date of findings by the Roads Advisory Committee. In the event a valid petition is not received in 30 days, the findings of the Roads Advisory Committee shall be forwarded to the Board. Positive findings shall serve as Public Works staff authorization to proceed to contract.~~

~~(3) Public hearing(s) on individual projects may be scheduled by the Roads Advisory Committee or by staff as delegated by the Roads Advisory Committee. Notice of hearing shall be mailed to adjacent property owners of record at least 10 days in advance. Hearing(s) shall deal with design concept of the proposed project only. Time for testimony may be limited to permit all interested parties to be heard.~~

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

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

**(i) Local neighborhood association, if applicable.**  
**(ii) State and local agencies having jurisdiction for the project area, including but not limited to the fire protection district, school district, and transit district.**

**(iii) Property owners adjacent to the project.**

**(iv) Other private entities that may be appropriate.**

**(b) Stakeholder Group Composition.**

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

**(ii) The group will generally include a maximum of 12 people exclusive of ex-officio Board and Committee members unless the Board determines**

that a larger group is necessary to ensure adequate representation of interested parties.

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

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

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

(3) **Roads Advisory Committee Hearing Procedures.**

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

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

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

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

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

(6) **Roads Advisory Committee Action.**

(4a) Following any public hearing and any necessary follow-up contact or correspondence with property owners as determined necessary by the Roads Advisory Committee or Public Works staff, the Roads Advisory Committee shall adopt formulate

~~findings and send copies of findings and a recommendation to forward to the Board and the adjacent property owners of record. Positive findings by the Roads Advisory Committee shall serve as authorization to Public Works staff to proceed to award of contract.~~

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

(7) Board Hearing Procedures.

(5a) In the event ~~Public Works Department~~ staff disagree with the Roads Advisory Committee findings and recommendation, ~~Public Works~~ staff may request a hearing by the Board. Adjacent property owners of record shall be notified of the hearing at least 10 days in advance.

(6b) In the event that property owners disagree with the findings of the Roads Advisory Committee when a public hearing has been held, an appeal may be made to the Board for further consideration on petition of at least 50 percent of the adjacent landowners of record along the proposed road improvement project, provided that such appeal is filed within 30 days of the date of the Roads Advisory Committee findings.

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

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

(79) Assessments. In the event that the project includes assessments, statutory procedures of ORS 371.605 through 660 shall apply in addition to the procedures listed above. The appeal procedures outlined in LM 15.580(67)(b) above shall not apply to assessments. *(Revised by Order No. 83-1-4-9, Effective 1.4.83)*

### ~~ARTERIAL HIGHWAY FINANCING PROGRAM~~

~~15.705 Authority.~~

~~The following conditions relating to the application of an arterial highway financing program for improvements to streets within cities of Lane County are hereby adopted pursuant to authority granted to Lane County by ORS Chapter 373 and by the Lane County Home Rule Charter. It is intended that this subchapter supplement ORS Chapter 373 and all provisions inconsistent with that chapter are void. *(Revised by Order No. 74-12-18-3, Effective 12.18.74)*~~

~~15.710 Purpose.~~

~~The conditions as set forth herein are for the purpose of defining policies, guidelines requirements and procedures wherein certain streets in various cities may be eligible for partial funding for improvements. It is intended that this policy will clarify and set conditions and guidelines for use by public bodies and the general public. *(Revised by Order No. 74-12-18-3, Effective 12.18.74)*~~

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#### **15.715 Definitions.**

~~Arterial.~~ A route that meets the qualifications as defined in ORS Chapter 373 or as defined in LC 15.010.

~~Cities.~~ Any incorporated city within Lane County that has a route meeting the definition of an arterial.

~~Improvements.~~ The action taken to change or alter the physical characteristics of existing or proposed facilities or to construct a new facility but not including general maintenance or minor betterment. *(Revised by Order No. 74-12-18-3, Effective 12.18.74)*

#### **15.730 Application.**

The provisions set forth herein shall apply to those streets as described in Attachment "A" and made a part hereof. The cities of Eugene and Springfield shall participate on a 50/50 matching basis, except in those instances where the cities' assessment policy provides more than 50 percent. All other incorporated municipalities in Lane County shall participate on a basis of providing curbs, gutters, sidewalks or any other improvement lying outside the area between face of curbs to a facility under their jurisdiction. *(Revised by Order No. 74-12-18-3, Effective 12.18.74)*

#### **15.735 Eligible Costs.**

Project costs eligible for funding shall be: construction, engineering, grading, clearing and grubbing, drainage (roadway design only), basing, paving traffic control devices, curb and gutter, sidewalks and other project related items. Not included as eligible costs are right of way acquisition, maintenance, minor betterment, signing and striping and preliminary engineering. *(Revised by Order No. 74-12-18-3, Effective 12.18.74)*

#### **15.740 Technical Committee.**

A technical committee is hereby established consisting of the Directors of Public Works for Eugene, Springfield and Lane County. Any other city may be represented by an ex-officio member and meeting notifications will be sent to each city. The duties of the committee are to inventory each arterial route and establish an improvement priority schedule utilizing inventory and other pertinent data. The committee shall submit to the Board for their approval a five-year improvement program along with cost estimates. *(Revised by Order No. 73-8-8-1, Effective 8.8.73)*

#### **15.745 Agreements.**

Prior to award of any improvement contracts depending upon County funds, each city shall enter into an agreement with Lane County for each project. The agreement shall define the terms and conditions of the project. The form of agreement shall be initially prepared by the Director of the Department of Public Works as each project becomes available through the priority system, as established, for that particular fiscal year. *(Revised by Order No. 73-8-8-1, Effective 8.8.73)*

#### **15.750 Certification.**

Prior to making funds available to a city for a project, the city shall certify to Lane County that the project has been designed, plans and specifications prepared and all necessary rights of way obtained. *(Revised by Order No. 73-8-8-1, Effective 8.8.73)*



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**15.755 Priority System.**

~~The Director of the Public Works Department shall submit to the Board by January 1st of each year a five year priority list for improvements to the arterial system. The technical committee shall review annually the priority list before submission to the Board. (Revised by Order No. 73-8-8-1, Effective 8-8-73)~~

Attachment "A" to Chapter 15 of Lane Manual

**ARTERIAL HIGHWAY FINANCING PROGRAM  
 (ATTACHMENT "A")**

Arterial Routes Maintained by Cities

<u>CITIES</u>	<u>MILES</u>	<u>POPULATION 1972</u>
COBURG	None	740
COTTAGE GROVE	3.26	6,380
CRESWELL	0.55	1,340
DUNES CITY	None	1,065
EUGENE	47.16	84,750
FLORENCE	1.73	2,470
JUNCTION CITY	1.01	2,525
LOWELL	None	600
OAKRIDGE	1.30	3,525
SPRINGFIELD	9.95	29,400
VENETA	None	1,560
Total Eligible Miles	64.96	
CITIES' POPULATION.....		134,355
UNINCORPORATED AREAS' POPULATION.....		92,845
TOTAL COUNTY POPULATION .....		227,200

CITY OF COBURG

Arterial Routes Maintained by City ..... None

CITY OF COTTAGE GROVE

Arterial Routes Maintained by City

<u>Arterial</u>	<u>Limits</u>	<u>Miles</u>
East Main Street	Hwy. 99 Thornton Ln.	0.95
West Main Street	Hwy. 99 W. City Limits	0.87
River Road	S. City Limits	
	N. City Limits	0.75
South Sixth Street	Hwy. 99 S. City Limits	0.69
Harrison Avenue	Hwy. 99 "R" Street	0.56
	Total.....	3.82

CITY OF CRESWELL

Arterial Routes Maintained by City

<u>Arterial</u>	<u>Limits</u>	<u>Miles</u>
Camas Swale Road	Hwy. 99 W. City Limits	0.55
	Total.....	0.55

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DUNES CITY

Arterial Routes Maintained by City .....None  
 (Revised 11.2.76)

CITY OF EUGENE

City Arterials Proposed for County Jurisdiction:

<u>Arterial</u>	<u>Limits</u>	<u>Miles</u>	<u>Remarks</u>
Amazon Parkway West	Wallis St. to Wash. Jeff. St.	2.75	Proposed
Amazon Parkway South	Wash. Jeff. St. Hilyard St.	1.90	
Wash. Jeff. Streets	7th Ave. Amazon Parkway	0.55	Proposed
30th Avenue	Hilyard St. E. City Limits	0.38	
Total .....			5.58

Arterial Routes Maintained by City

<u>Arterial</u>	<u>Limits</u>	<u>Miles</u>
Agate Street	Franklin Blvd. 19th Ave. E.	0.53
Hilyard Street	Franklin Blvd. E. Amazon Blvd.	2.00
East Amazon Boulevard	Hilyard St. City Limits	1.84
Fox Hollow Road	E. Amazon Blvd. City Limits	1.40
Patterson Street	Franklin Blvd. E. 24th Ave.	1.25
Willamette Street	Amazon Parkway City Limits	3.00
Jefferson Street	Amazon Parkway W. 28th Ave.	1.15
Washington Street	28th Ave. to 29th Ave.	0.10
Chambers Street	6th Ave. to Lorane Hwy.	2.45
Seneca Buck Street	Roosevelt Blvd. W. 18th Ave.	1.57
Bailey Hill Road	W. 11th Ave. City Limits	1.40
Bertelsen Road	Royal Ave. Bailey Hill Rd.	2.59
Lorane Highway	29th Ave. City Limits	1.45
Royal Avenue	Bertelsen Rd. City Limits	1.10
Barger Drive	Hwy. 99 W. City Limits	2.26
Elmira Road		
Roosevelt Boulevard	Hwy. 99 W. Bertelsen Rd.	1.50
Coburg Road	Beltline Rd. W. 6th Ave.	2.65
Oakway Road	Coburg Rd. Cal Young Rd.	0.97
Norkenzie Road	Cal Young Rd. Green Acres Rd.	1.10
Harlow Road	Coburg Rd. City Limits	1.06
Cal Young Road	Coburg Rd. City Limits	1.24
11th Avenue	Franklin Blvd. W. City Limits	4.70
13th Avenue	Hilyard St. W. Amazon Pkwy.	2.30
18th Avenue	Agate St. Bertelsen Rd.	4.70
19th Avenue	Amazon Parkway S. Agate St.	1.05
28th Avenue	Chambers St. Washington	0.90
29th Avenue	Washington St. Hilyard St.	0.90
Total .....		47.16

CITY OF FLORENCE

Arterial Routes Maintained by City

<u>Arterial</u>	<u>Limits</u>	<u>Miles</u>
Rhododendron Dr.	Hwy. 101 City Limits	0.83

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9th Street	Hwy. 101 Rhododendron Dr.	0.90
35th Street	Hwy. 101 Rhododendron Dr.	1.04
Total .....		2.77

JUNCTION CITY

Arterial Routes Maintained by City

<u>Arterial</u>	<u>Limits</u>	<u>Miles</u>
6th Street	Biroh St. W. City Limits	0.71
Biroh Street	E. 1st St. E. 6th St.	0.30
Total .....		1.01

CITY OF LOWELL

Arterial Routes Maintained by City ..... None

CITY OF OAKRIDGE

Arterial Routes Maintained by City

<u>Arterial</u>	<u>Limits</u>	<u>Miles</u>
High Prairie Crestview	Hwy. 58 N.E. City Limits	1.30
Total .....		1.30

(Revised 4.13.76)

CITY OF SPRINGFIELD

Arterial Routes Maintained by City

<u>Arterial</u>	<u>Limits</u>	<u>Miles</u>
Thurston Road	52nd St. E. City Limits	2.41
Centennial Blvd.	Prescott St. N. 28th St.	2.31
Industrial St.	Centennial Ext. 35th St. N.	0.27
Commercial St.	35th St. N. 42nd St. N.	0.87
14th St. Mohawk Blvd.	S. "A" St. 1-105	1.27
28th St. N.	McKenzie Hwy. City Limits	0.87
28th St. S.	McKenzie Hwy. City Limits	0.64
35th St. N.	Industrial St. Commercial St.	0.15
42nd St. N.	McKenzie Hwy. City Limits	0.55
52nd St. N.	Thurston Rd. 1-105	0.08
69th St. N.	McKenzie Hwy. Thurston	0.53
"D" St.	3rd St. West City Limits	0.58
Total .....		10.53

CITY OF VENETA

Arterial Routes Maintained by City ..... None

(Revised 5.6.74)

Attachment "A" to Chapter 15  
 of Lane Manual

(Revised by Order No. 76 11 10-4, Effective 11.10.76)

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## COMMUNITY DEVELOPMENT ROAD IMPROVEMENT ASSISTANCE PROGRAM

### 15.800 Purpose.

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

### 15.805 Authority.

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

### 15.808 Definitions.

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

### 15.810 Eligible Applicants and Application for Funds.

(1) Eligible applicants for funding under this section of Lane Manual include Lane County municipalities and other entities. The County Board of Commissioners, upon request of other entities such as unincorporated communities, Chambers of Commerce or private utility districts, may sponsor projects involving Road Fund eligible expenditures that comply with state law but may not be within the jurisdiction of a municipality.

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

### 15.815 Funding of Projects.

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

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

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

(a) If the project involves an upgrade of existing County roads, Lane County may participate in funding to the extent that the improvement conforms to the ~~Master Road Plan~~ **applicable Transportation System Plan**, ~~adopted long range transportation plans~~ and existing assessment policies.

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

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

#### **15.820 Project Selection Criteria.**

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

#### **15.825 Implementation.**

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

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

(3) Municipalities must agree by intergovernmental agreement that applicable urban transition policies and agreements apply to all improvements funded by this program. For example, if new roads are created, these roads shall be owned by the city and become the city's maintenance responsibility.

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

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

#### **15.826 Waiver of Program Regulations.**

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

Exhibit "A" TO LM 15.810(2)

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

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

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

The application form and procedures for applications may be obtained from ~~Lane County Public Works~~ the Department.

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

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

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

CRITERIA FOR COMMUNITY DEVELOPMENT PROJECT PRELIMINARY  
RANKING AND SELECTION OF APPLICATIONS

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

POINTS

- 10 (A) Project Description. A narrative statement addressing site improvements, needs of the community for the project, economic benefits to county and community, project timeline, and other factors.
- 10 (B) Completeness of project proposal, including: utilities, financing, leveraging of other funds, and other factors effecting a complete project package.

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- 5 (C) Readiness to proceed with project improvements following an acceptable time line, not to exceed one year.
- 10 (D) Availability to all County residents.
- 15 (E) Availability of similar facilities in area. (Fewer points if other facilities available).
- 10 (F) Compatibility of proposed roads with public road system. (Fewer points if there are compatibility problems).
- 20 (G) Sharing of costs of public road improvements and/or leveraging of other funds.
- (H)<sup>2</sup> If project is within city, has city agreed to accept jurisdiction of road improvements upon completion of project?
- 10 (I) Benefit to the community.
- 10 (J) Benefit to the youth of the community.
- A rating of 0 (zero) points in any one of the applicable criteria [(A) to (J)] may disqualify an application from further consideration. The County Board of Commissioners, per LM 15.826, may waive Community Development criteria.

Exhibit "A" to LM 15.810(2)

*(Revised by Order No. 01-31-5, Effective 1.31.01)*

## PERFORMANCE AGREEMENT STANDARDS

### 15.850 Purpose.

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

### 15.855 Application and Review.

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

- (1) Performance bonds.
- (2) Irrevocable letter of credit.
- (3) Assignments of savings accounts.
- (4) Trust agreements when the development meets the following criteria:
  - (a) Large scale industrial, commercial or residential developments in excess of 100 lots.
  - (b) Development scheduling is in excess of three years.
  - (c) Public improvements must be phased so, if not completed, that portion completed would result in logical public facility development.
  - (d) Construction of streets, structures, drainage and other development improvements shall be provided in phases. Each phase shall conform to the approved

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

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construction plans approved for the development. The phases shall be of adequate size to be functional and be approved by the Director ~~of the Department of Public Works.~~

(5) For purposes of assuring performance of improvements associated with a land division approval or a facility permit, the County Administrator delegates authority for executing the instruments listed above in LM 15.855(1) through (4) above to the Director. *(Revised by Order No. 86-1-29-22, Effective 1.29.86)*

#### **15.860 Alternate Performance Agreements.**

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

#### **15.865 Renewal of Performance Agreements.**

(1) Approving Authority. If the monetary value remains unchanged, the renewal process is an administrative action approvable by the Director. Increases in monetary requirements are required to be approved by the County Administrator.

(2) Criteria for Approval of Renewals.

(a) The applicant shall have made application for the renewal within the original time set for completion.

(b) The applicant shall have the burden of proof to demonstrate that he or she has made a good faith and reasonable effort and progress to meet the time period specified, and that the reason for delay in meeting the condition could not have been reasonably avoided.

(c) The applicant shall have the burden of proof to demonstrate either:

(i) That the uncompleted conditions can be met within a period of time not to exceed one year beyond the original time set forth.

(ii) That for reasons over which the applicant does not have control, certain items cannot be met within one year beyond the original expiration date set forth, but can be met within a reasonable time. The reasonable time shall be specified in any renewal granted by the Director or County Administrator. "Reasons over which the applicant does not have control" shall mean circumstances which would reasonably prevent any applicant, as opposed to a particular applicant, from meeting the uncompleted items within two years from the date of approval.

(3) Application Requirements.

(a) An application for renewal shall be completed on the form provided by the ~~Planning~~ Director and shall contain any necessary supporting materials or documents.

(b) The application for an extension shall be accompanied by the required filing fee to help defray the costs of processing the application.

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

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



## TOURIST-ORIENTED DIRECTIONAL SIGNS

### 15.900 Authority.

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

### 15.905 Purpose.

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

### 15.910 Definitions.

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

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

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

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

~~Director~~ means ~~the Director of the Department of Public Works, Lane County, Oregon.~~

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

Owner means a holder of fee title or lessee.

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

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

### 15.915 General Provisions.

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

### 15.920 Eligibility.

An applicant requesting a tourist-oriented sign on a County road must obtain from the Oregon Department of Transportation a permit designating the business or activity as a

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

### 15.925 Application Process.

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

(2) Renewal Application. A renewal application-:

- ~~(a) Shall be in the form of a letter to the Director of Public Works.~~  
(ba) Must be submitted each year prior to the anniversary date of the original application.  
(eb) Is subject to reinvestigation by the Department.  
(dc) Must show verification that the activity or business still holds a permit issued by the Oregon Department of Transportation regarding status as a tourist-oriented business or activity.

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

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

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

- (a) Applicant can show that the business or activity is easily located from the intersection, and/or  
(b) No additional signs would be required to direct traffic to the business or activity.

(4) Fees.

- (a) A fee shall be paid upon submission of a new or renewal application.  
(b) Annual fee for each sign shall be \$75.

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

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

### **15.930 Signing Standards.**

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

(1) Location.

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

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

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

(2) Composition. Signs located at intersections shall:

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

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

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

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

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

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

(5) Removal. Signs shall be removed if it is determined by the Director that the applicant no longer meets the requirements of this subchapter.

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**Bold** indicates material being added  
~~Strikethrough~~ indicates material being deleted  
15.93015-850 Lane Manual

LEGISLATIVE  
FORMAT  
15.93015-855

Exhibit "A" to LM 15.925  
Permit # \_\_\_\_\_

APPLICATION FOR TOURIST-ORIENTED DIRECTIONAL SIGNS

NOTE: A fee of \$75 for each sign requested must accompany this application. If application is denied, all fees will be returned.

Name of Tourist-Oriented Business or Activity  
\_\_\_\_\_

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Name of Requestor (if different than Applicant)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone \_\_\_\_\_ Date of Application \_\_\_\_\_

\_\_\_\_\_  
Number of Tourist-Oriented Directional Signs Requested

\_\_\_\_\_  
Requested Location(s):

\_\_\_\_\_  
(Road Name) \_\_\_\_\_ (County Road #) \_\_\_\_\_ (Mile Post)

\_\_\_\_\_  
(Road Name) \_\_\_\_\_ (County Road #) \_\_\_\_\_ (Mile Post)

\_\_\_\_\_  
(Road Name) \_\_\_\_\_ (County Road #) \_\_\_\_\_ (Mile Post)

PLEASE ATTACH VERIFICATION OF DESIGNATION AS A TOURIST-ORIENTED BUSINESS OR ACTIVITY FROM OREGON DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
~~Department of Public Works Use Only~~

\_\_\_\_\_  
Approval by

\_\_\_\_\_  
Title \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Fee Paid: Amount \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Installation Date \_\_\_\_\_ Removal Date \_\_\_\_\_

\_\_\_\_\_  
Exhibit "A" to  
LM 15.925

(Revised by Order No. 85-6-19-5, Effective 6-19-85)

Single Family Dwelling:	
Major .....	\$ 194.00
Minor .....	\$ 114.00
Commercial Facility. The appropriate fee identified in on-site sewage disposal system construction permits above.	
Authorization Notice	
If field visit is required .....	\$ 331.00
No field visit is required .....	\$ 113.00
Annual Evaluation of Alternative System (where required) .....	\$ 268.00
Annual Evaluation of Temporary or Hardship Mobile Home.....	\$ 160.00
Pumper Truck Inspection	
First vehicle .....	\$ 91.00
Each additional vehicle during same inspection.....	\$ 51.00
Existing System Evaluation Report.....	\$ 353.00
NOTE. The fee shall not be charged for an evaluation report on any proposed repair, alteration or extension of an existing system.	
Building permit plot plan check when authorization notice is not required .....	\$ 43.00
Surcharge. In order to offset a portion of the administrative costs of the statewide on-site sewage disposal program, a surcharge for each activity, as set by Oregon Administrative Rule, shall be levied. Proceeds from surcharges shall be forwarded to the Department of Environmental Quality as negotiated in the memorandum of agreement (contract) between the County and the Department.	

*(Revised by Order No. 01-4-4-6; Effective 7.1.01; 03-3-12-3, 4.11.03*

**60.853 Fees.**

Pursuant to ORS 368.326 through .368, the following fee schedule shall be paid at or prior to the time of filing petitions for the vacation of all or any part of any lot, tract, street, alley, road, highway, common or all or any part of any public square or any other public property or public interest in property in any unincorporated area or town:

- (1) \$1500 for a proposed vacation of public lands with a public hearing plus \$35/hour for field investigation and posting;
- (2) \$650 for a proposed vacation of public lands without a hearing per ORS 368.351.

Fees shall be made payable to the Lane County Surveyor for the purposes of offsetting the costs of investigating and acting on such petitions by Lane County, and no part of said fee shall be refunded to the petitioner in the event the petition is withdrawn by the petitioner or denied by the Board. The cost of legal advertising and recording fees shall be borne by petitioner. *(Revised by Order No. 01-4-4-6, Effective 7.1.01)*

**60.854 Public Works Department/Land Management Division Surveyors.**

In accordance with ORS Chapters 92, 100 and 209 and LC Chapter 13, the following fees are established:

- (1) For checking a plat or land partition for compliance to ORS 92.100 the subdivider or land partitioner shall pay a fee prior to recording the subdivision or land partition plat as follows:
  - (a) \$600 per subdivision plat and \$40 per lot;
  - (b) \$700 per post monumented subdivision plat and \$30 per lot;

(c) \$300 per land partition plat with public road dedication;  
(d) \$200 per land partition plat without public road dedication;  
(e) \$15 for affidavit of correction and entering corrected information to filed subdivision plats.

(2) For checking a condominium plat for compliance to ORS 100.115(4) the developer shall pay a fee prior to recording the condominium plat as follows:

(a) \$375 per condominium plat and \$30 per building.

In addition to the fees listed for plat checking in LM 60.854(1) and (2) an added fee not to exceed the original fee may be charged where plats are checked, corrections noted and the plat is returned for rechecking without noted corrections. The fee shall be based on County costs incurred to again review the plat in the office or field to determine compliance to applicable Oregon Revised Statutes or Lane Code.

Fees in LM 60.854(1) and (2) shall be made payable to the Lane County Surveyor for the purpose of offsetting the cost of checking the subdivision plat, land partition plat or condominium plat and taking field measurements and inspection as required and no part of said fee shall be refunded to the subdivider, partitioner or developer in the event the plat is withdrawn or denied by the governing body. The affidavit of corrections fee shall be paid prior to filing the document with the County Clerk.

(3) For checking land surveys for compliance to ORS 209, for forwarding copies of land surveys to the Board of Engineering Examiners, and providing affidavit of corrections for land surveys the following fees are established.

(a) \$50 for checking land surveys;

(b) \$10 for copying and mailing a land survey map and notifying the Board of Engineering Examiners of an apparent noncomplying land survey;

(c) \$20 affidavit of correction and entering corrected information onto filed land surveys.

Fees shall be made payable to the Lane County Surveyor. The land survey checking fees shall be paid prior to submitting land surveys for filing. The affidavit of correction fee shall be paid prior to filing the document with the County Clerk. Fees shall be made payable to the Lane County Surveyor for the purpose of offsetting the cost of checking land surveys, sending notice to the Board of Examiners, reviewing affidavits of corrections and maintenance of microfilm records. All fees shall be submitted prior to filing or reviewing the land survey or affidavit.

(4) For servicing government corners that are disturbed by any person or public agency in accordance with ORS 209.140 or 209.150, the Lane County Surveyor may recover the cost of crew wages and vehicle usage to reimburse County for lowering and replacement of government corner monuments or corner accessories.

The cost of crew and vehicle usage to lower and service the corner or its accessories shall be paid by the person or public agency causing the corner to be disturbed to Lane County Surveyor within 10 days of receipt of the invoice for work performed.

(5) For road naming or renaming, the application fee shall be \$100.  
*(Revised by Order No. 01-4-4-6, Effective 7.1.01)*

Column 1: Public Comments (Written & Verbal Testimony), and Comments from DLCD, Lane County Planning Commission, and Roads Advisory Committee - 8/1/03 through Close of LCPDRAC Record on 9/23/03  
Column 2: Staff Responses  
Column 3: Changes Accepted by Lane County Planning Commission on October 14, 2003, and Roads Advisory Committee on October 29, 2003

ISSUE	Staff Response	Changes Supported by the Lane County Planning Commission and Roads Advisory Committee (Proposed additions underlined, deletions crossed-out)
<p>1. Written public comments 8-1-03 through 9-23-03 (Close of LCPDRAC Hearing Record)</p> <p>1. The Lane County TSP does not provide for the increased demand on our roads or magnitude a proposed gambling facility would produce. The Lane County TSP should be updated to include the possibility of a gambling casino at the edge of Florence concurrent with this UGB expansion proposal (Ms. Snyder, 8-1-03).</p> <p>2. Concerns regarding the number and excess speed of commercial vehicles and truck traffic through the town of Jasper, on Jasper Lowell Road. Proposes limiting truck traffic to those with destinations along Jasper-Lowell Rd. or those who are involved in timber hauling operations in the Big Fall Creek/Little Fall Creek drainage. (Mr. Barnes, 8-22-03).</p>	<p>As provided in TSP Goal 4 and associated policies, and in draft Lane Code 15.697, a traffic impact analysis is required for the proposed casino. The casino project may be required to fund road improvements. They have not been identified at this time. The scope of the traffic impact analysis has been submitted and approved by the Oregon Department of Transportation, and a County review is pending.</p> <p>The most recent data for truck traffic compared to overall traffic for this area is from 1997. It does not provide any conclusive evidence, but simply indicates that approximately 3.8% of all traffic from the Highway 58-Jasper-Lowell Road intersection headed north into Lowell, and about 18% of all traffic headed west (down Highway 58), is truck traffic.</p> <p>The County does have recent data for heavy haul (overweight) permits. Truck traffic that was issued a heavy haul permit for this road has increased from a yearly average of about 22 permits (Sept. 00-01) to 37 (Sept. 02-03); however, most of the increase was related to logging operations. Requests for heavy haul permits for both Pengra and Jasper-Lowell Roads is indicative of through traffic, because these trucks are likely headed west through town. Heavy haul permits for through traffic appear to have remained relatively low and steady (An average of 2.6 for Sept. 00-01, versus 2.8 for Sept. 02-03). These figures do not tell us anything about heavy trucks that do not exceed weight limits, nor trucks that may not have requested the needed permit.</p>	
<p>3. The TSP should contain added language encouraging County advice and assistance to Mercer Lake Heights landowners and perhaps others seeking to establish LIDs. . . . recommend amendment of the negative language on LIDs in Chapter 5 to provide for County support and assistance to landowners. . . . interested in forming and operating LIDs for roads along their property (Mr. Drew 8-27-03).</p>	<p>Generally, Lane County does not limit truck traffic on County roads unless there is a structural reason (such as a bridge or pavement capacity problem). Jasper-Lowell Road, Pengra Road, and Place Road, which all run through the City of Lowell, are major collectors and are intended for regional travel. In a few cases, the Board of Commissioners has limited through truck movements on County roads at the request of residents (S. 57<sup>th</sup> Street and Game Farm Rd. South are examples). Such limitations by the Board are authorized by Oregon Revised Statutes 810, which allows such restrictions to either prevent damage to roads or protect the interest and safety of the general public. At this time, given the available data, staff do not recommend any restrictions.</p> <p>Chapter 5 of the TSP states, "Although it has rarely been used, petitioning to the County and formation of a local improvement district (LID) is an equitable approach available to property owners seeking improvements to roads adjacent to their land. . ." (page 54). Proposed policy 22-c states: <i>The County encourages and will facilitate the formation of Local Improvement (special assessment) Districts to address road improvement needs on sub-standard roads.</i></p> <p>Staff researched the Mercer Lake Heights road issue and found that the roads are dedicated public roads but are not County (maintained) roads. The County used to maintain the roads although they were never formally accepted as County Roads; at some time during the last 15 years County maintenance was discontinued.</p>	
<p>4. Issues raised regarding easements and road standards:</p> <p>a. LC 13.050(5)(c) and LC 15.055(3) - purpose of limiting use of easements to 47' If to assure proper road improvements, consider adding a requirement similar to that for parhandles in 13.050(5)(d). Use of a variance doesn't address the issue. Deviation from the 4' lot limit should be allowed subject to specific standards, or a modification, not a variance.</p> <p>b. LC 15.055(5). This section originally allowed 'special consideration' when permanent access may not be possible. The change proposed would impose a condition which often cannot be met thus preventing development of some properties. LC 15.705 (also 15.706(d)). Appears to require paving for an LAR or private access easement with an existing ADT of 100 (10 homes) upon any level of new development being proposed. Recommend changing applicability.</p> <p>d. LC 15.705(15) &amp; LC 15.706(13)(d) &amp; (c) conflict. If 16% is the standard, it's not appropriate or useful to cause additional expenditures for road design.</p>	<p>Staff researched the Mercer Lake Heights road issue and found that the roads are dedicated public roads but are not County (maintained) roads. The County used to maintain the roads although they were never formally accepted as County Roads; at some time during the last 15 years County maintenance was discontinued.</p> <p>Issues a.: LC 13.050(5)(c) and 15.055(1) require that an easement "shall be intended to provide access only to four or less lots or parcels . . . unless approved for access to more than four lots through a . . . planning action." The provision was meant to provide an avenue for the County to require adequate road improvements. If a developer is dividing land, which is a "planning action", the issue is dealt with through the land division process. For a house developed in a resource zone a special use permit, or "planning action" is required, so the issue can be dealt with through that process. However, if someone is building a house on land where it is permitted outright, if it is the fifth house on an easement, they must get a variance (the required planning action in the absence of a land division or other special use permit). The comment asserts this is not an appropriate basis for a Variance. Staff agrees. Provisions in LC 15.105, Dedications and Improvement requirements, give the County authority to require adequate road improvements. Also, the language was changed to make the requirements for LARs and easements the same (i.e., require documentation that access is adequate for emergency vehicles).</p> <p>Issue b. Under existing requirements, "A lot or parcel abutting a railroad or limited access road right-of-way may require special consideration with respect to its access requirements." The proposed language would have required "Development on a lot or parcel taking access over a railroad or limited access road right-of-way may require documentation that permanent access over the railroad or limited access road meeting the requirements of this section has been granted." It is reasonable to require permanent access to new development on vacant parcels. However, railroads may not provide permanent access easements. This is similar to the situation that exists for property owners in the F-2 zone taking access from Forest Service or Bureau of Land Management roads. For the F-2 zone, the problem is addressed with language requiring documentation of a long term access agreement (Oregon Administrative Rules 660.</p>	<p>a. Make requirements for easement improvements the same as the public road provisions:</p> <ul style="list-style-type: none"> <li>Delete the "greater than 4 lot" provision for easements.</li> <li>Delete the requirement that development on vacant parcels meet road design standards. Also, require development on vacant parcels taking access from easements to get fire district certification like for public roads (as for LARs in 15.045).</li> </ul> <p>b. Revise new proposed section LC 15.055(5), as follows: "Development on a lot or parcel taking access over a railroad or limited access road right-of-way may require documentation that permanent or long term access over the railroad or limited access road meeting the requirements of this section has been granted." c. Change the requirement that LARs and easements meet rural local road standards if ADT is more than 100, to state that new development resulting in ADT of more than 100, must meet rural local road standards (i.e. the developer need only address the</p>

ISSUE	Staff Response	Changes Supported by the Lane County Planning Commission and Roads Advisory Committee (Proposed additions underlined, deletions crossed-out) impact of the new development, rather than the entire level of traffic on the road). d. and e.: No change recommended.
<p>e. Policy 21-c - recommend that the County have jurisdiction for road design standards within the UGBs, and outside city limits. (Mr. Evans, Land Planning Consultants, 9-9-03)</p>	<p>006-0029(4).                      Issues c. Under LC 15.705 and 15.706(d), a new Public Road (LAR) or private easement created in a land division would have been required to meet rural local road standards if average daily traffic (ADT), including pre-existing traffic, exceeded 100. As noted in the comment this provision was iniquitable. It was therefore changed to be based upon the level of traffic generated by the development.                      Issue d. This provision (that roads exceeding 8% in grade must be certified as adequate by an engineer) was included based upon a request from the Eugene Fire Department that this be required for roads in the P-2 zone, and was expanded to apply to steep LARs or easements in any zone. Roads may be allowed at a grade steeper than 8%; however, it makes sense from a safety perspective to have such roads engineered and to require that they be shown to be adequate for emergency equipment.                      Issue e. Policy 21-c (also policy 1-h) states that a city's road standards will be applied inside an urban growth boundary (ugb) for local roads. In the absence of a city's standards, County standards would apply. This facilitates future annexation and orderly development.</p>	
<p>II. Hearing Testimony 9-9-03                      1. ODOT appreciates inclusion of goals 2 and 4, and associated policies. Would like to see better coordination of County participation in biennial STIP prioritization process with TSP (Mr. Boyatt, ODOT). Recommends specific projects needs for the ODOT system be developed in the TSP.</p>	<p>Regarding the coordination of County participation in the biennial STIP prioritization process with the TSP, staff met with ODOT staff and discussed this issue. County and ODOT staff came to agreement in the inclusion of Goal 2, which provides general support for funding of ODOT capital improvement projects.                      The County participates in biennial funding discussions and takes a position on certain state projects in these discussions. In many cases this position is formulated based upon discussions with ODOT staff as to ODOT priorities. The advice from ODOT is likely predicated on a trend at the state level of increased emphasis on state-local coordination, which the County does support.                      The County has been reluctant to prioritize ODOT projects in a specified list in the TSP, in the absence of an ODOT facilities needs assessment, which the County is not prepared to initiate. The TSP states, "... Local governments preparing Local TSPs shall rely on the analyses of state and regional transportation needs in adopted elements of the state TSP and adopted regional TSPs." (OAR 660-012-0030(2)). The County shared public comments received during the LCPC/RAC proceedings with ODOT staff, and will take them into consideration in biennial STIP processes. Comments regarding state facilities, expressed during public information meetings in February 2003 and hearing testimony in September 2003, mentioned the following with regard to state facilities: 1) prioritize bridge repairs; and 2) design state facilities with traffic calming features to reduce speeds within the city limits (Cottage Grove).                      Also, the County's TSP needs assessment included an evaluation of bicycle and pedestrian facilities in unincorporated, developed areas in Lane County. Although the evaluation focused on County roads, and on commuting routes between residential zones and local destinations, almost every unincorporated community in Lane County is defined as to its road system by a state highway, and bicycle and pedestrian facility recommendations are included for state roads in these areas (TSP page 77).                      a. Lot line adjustments are routinely subject to Planning Program review for new development on vacant parcels or to determine the legal status of a lot or parcel. This would not change. Legal counsel agrees with leaving the responsibility to review non-standard road dedications with the Planning Program and Planning Commission. Please also see staff response and recommendation under section IV. 8. below.                      b. This proposal would reduce the threshold from the proposed 100 peak hour trips to 40 average daily trips (or 4 peak hour trips). The proposed 100 peak hour trip threshold is based on engineering guidelines. Please also see staff response and recommendation under section IV. 6. below.                      c. Please see staff response and recommendation under section IV. 6. below.                      d. Historically, with regard to the riparian issue, the size of staging areas has not been an issue of controversy or a source of known problems. Please also see staff response and recommendation under section IV. 4. below.</p>	<p>a. Please see recommendation for item IV. 8.                      b. and c. Please see recommendation for item IV. 6.                      d. Please see recommendation for item IV. 4.</p>
<p>3. Three issues raised:                      a. The TSP needs to prioritize maintenance, particularly for bridges.</p>	<p>a. The TSP provides that maintenance and safety are the highest priority expenditure of County Road Funds. At present, money is also available for reconstruction and modernization projects. These projects have been determined to be warranted through a needs</p>	



ISSUE	Staff Response	Changes Supported by the Lane County Planning Commission and Roads Advisory Committee (Proposed additions underlined, deletions crossed-out)
<p>rather than planning new projects. At least \$5 billion is needed for bridge repairs in the County. The Jasper Road Extension is an example of building something new while ignoring critical safety issues. Cancel the Jasper Road Extension project and fix what we already have.</p> <p>b. There is a discussion of rail transportation which I agree with but rail service is being decreased. We ought to put more money into it and employ technology like solar photo voltaic panels to supply energy needs.</p> <p>c. Energy problems will not be solved by hybrid cars, and more discussion about energy issues is needed on page 2. We are at peak of oil production and running out of natural gas. We should be investing in meadowfoam, a native grass, that has been extensively researched at OSU. It would be a good substitute for grass seed production and could supply oil for bio diesel. (Mr. Robnowitz)</p>	<p>assessment.</p> <p>State bridges within the County are in need of repairs, and this issue has, with good reason, received a good deal of attention. The County TSP does not address state bridge repair issues. However, the County supports prioritization of state bridge repairs.</p> <p>Bridges are required to be evaluated at least biennially. The County acts promptly to correct bridge safety issues and the County bridge system is therefore in relatively good condition. County bridges are currently receiving additional scrutiny due to the potential for "shear cracking" in some bridges, an additional factor recently considered in bridge evaluations state-wide. This issue is discussed in the TSP on page 23. As a result of this the County is updating its bridge assessments and maintenance priorities. As under historical practice, and under current and proposed policy, safety issues that surface as a result of the updated bridge needs assessment will be prioritized. The County is in the process of applying for additional federal bridge repair funding.</p> <p>b. As discussed in the draft TSP on page 45, passenger rail transportation services (Amtrak) is under continuing pressure from Congress to be self supporting. While there are currently no available County funds for rail infrastructure, the County will continue to support rail transportation as possible, as described in TSP goal 11 and associated policies.</p> <p>c. The discussion about energy issues on page 2 of the draft TSP is meant to be broad and to discuss generally the relationship between the larger issue of energy shortages, transportation, and local efforts, limitations, and related trends. Meadowfoam may well be a part of the energy solution, and the comments are certainly timely.</p>	<p>Amend the proposed changes to the four natural resource and estuarine zones to be consistent with statewide planning goals 5 and 17. Allowable uses in this zone shall be limited to Operations, Maintenance, Repair, Preservation, and Rehabilitation, and only if no dredging or filling is involved.</p> <p>Revise sidewalk policy 6-b to read as follows, and updated LC 15.704(8)(a), Urban Local Road standards, as necessary:</p> <p>Policy 6-b: Sidewalks or paved pathways accompanying public streets and roads are necessary wherever significant conflicts with motor vehicle traffic jeopardize the health, safety and welfare of pedestrians and bicyclists.</p> <ul style="list-style-type: none"> <li>• Generally, sidewalks are not provided along rural County roads (outside of UGBs) although they may be provided where there is a demonstrated need in unincorporated communities, and in other areas of concentrated commercial, residential, or institutional development. This will be determined on a case by case basis.</li> <li>• County arterial and collector roads within urban growth boundaries shall include sidewalks and the cost shall be assessed to the abutting property owners, unless the assessment is waived by the Board of County Commissioners.</li> <li>• Sidewalks on new or reconstructed County roads functionally classified as local roads within urban growth boundaries shall be required as provided for in city development standards. In the absence of city standards, sidewalks are required for new roads or reconstructed roads with existing sidewalks. Sidewalks shall also be required for reconstructed urban local roads without existing sidewalks, except if the cost would be excessively disproportionate to the need or probable use, or if sparsity of population, other available ways or other factors indicate an absence of any need for sidewalks, and Sidewalks shall be constructed at the expense of the</li> </ul>
<p><b>III. Issues Raised by DLCD (9-4-03 Letter)</b></p> <p>1. Allowed transportation facilities and uses in natural resource and estuarine zones need to be limited to operations, maintenance and repair.</p> <p>2. Sidewalks must be required as part of reconstruction projects consistent with ORS 366.514.</p>	<p>Staff updated the proposed changes with regard to allowable uses in the natural resource and estuarine zones. See the proposed changes in column 3. Preservation and rehabilitation activities as defined in LC 15.010 may be considered as having the same level of land use impact as operations, maintenance, and repair activities. Other uses in these zones would require approval of an "exception" to state land use goals.</p> <p>The July 2003 draft TSP (found in the binder of materials for the LCP/RAC joint hearing on September 9, 2003), policy 6-b, requires sidewalks or paved pathways "wherever significant conflicts with motor vehicle traffic jeopardize the health, safety and welfare of pedestrian and bicyclists." Reconstructed County arterials and collectors within urban growth boundaries are required to have sidewalks. Also, city standards must be met on new urban local roads if city standards exist; in their absence, County standards requiring sidewalks would apply (as proposed in LC 15.704). However, under the proposed policy for reconstructed roads in materials considered by the LCP/RAC, sidewalks on urban local roads would only be included if authorized through the creation of a local improvement district or by assessment of abutting property owners.</p> <p>DLCD's letter indicates sidewalks should be provided in reconstruction projects regardless of how they are paid for, to comply with ORS 366.514. ORS 366.514 requires that a reasonable portion of the State Highway Fund be spent on bike trails or footpaths when a road is newly constructed or reconstructed. In cases where there is no discernible need for sidewalks, the ORS allows for sidewalks to be excluded. Text and policy language in the TSP and in the road standards was revised to address this concern and the provisions of the ORS.</p>	<p>Amend the proposed changes to the four natural resource and estuarine zones to be consistent with statewide planning goals 5 and 17. Allowable uses in this zone shall be limited to Operations, Maintenance, Repair, Preservation, and Rehabilitation, and only if no dredging or filling is involved.</p> <p>Revise sidewalk policy 6-b to read as follows, and updated LC 15.704(8)(a), Urban Local Road standards, as necessary:</p> <p>Policy 6-b: Sidewalks or paved pathways accompanying public streets and roads are necessary wherever significant conflicts with motor vehicle traffic jeopardize the health, safety and welfare of pedestrians and bicyclists.</p> <ul style="list-style-type: none"> <li>• Generally, sidewalks are not provided along rural County roads (outside of UGBs) although they may be provided where there is a demonstrated need in unincorporated communities, and in other areas of concentrated commercial, residential, or institutional development. This will be determined on a case by case basis.</li> <li>• County arterial and collector roads within urban growth boundaries shall include sidewalks and the cost shall be assessed to the abutting property owners, unless the assessment is waived by the Board of County Commissioners.</li> <li>• Sidewalks on new or reconstructed County roads functionally classified as local roads within urban growth boundaries shall be required as provided for in city development standards. In the absence of city standards, sidewalks are required for new roads or reconstructed roads with existing sidewalks. Sidewalks shall also be required for reconstructed urban local roads without existing sidewalks, except if the cost would be excessively disproportionate to the need or probable use, or if sparsity of population, other available ways or other factors indicate an absence of any need for sidewalks, and Sidewalks shall be constructed at the expense of the</li> </ul>

ISSUE	Staff Response	Changes Supported by the Lane County Planning Commission and Roads Advisory Committee (Proposed additions underlined, deletions crossed-out)
<p>3. Inventory of rural roads needing pedestrian facilities needs to be amended to provide for 20-year projected pedestrian needs. Also, factors other than ADT must be considered in the needs assessment, such as school proximity and known safety problems. The County should work with residents in rural areas to assess where these other factors may warrant provision of walkways.</p>	<p>Staff conducted an analysis of rural unincorporated communities around the County to identify bicycle and pedestrian needs in these developed areas. Roads with no or limited facilities serving local destinations were considered for addition to the TSP project list for bicycle and pedestrian improvements. Roads with an ADT less than 1000 were typically eliminated based on the Oregon Bicycle and Pedestrian Plan says that roads with ADT's less than 1000 are sufficient as a shared roadway. DLCD commented that the ADT used in the needs assessment should reflect the 20-year planning horizon of the TSP. Staff agrees and current ADT was projected by assuming a 2% growth rate per year over the next 20 years, consistent with historical ADT growth and Lane County population trends. As a result, additional projects were taken into consideration, and five new bicycle-pedestrian projects were added to the project list, for a total of 18 such projects.</p> <p>Of additional DLCD concern is whether the County analysis only considered ADT as the determining factor in these unincorporated areas for assessing the need for bicycle and pedestrian facilities. While this is a valid concern, the analysis actually did consider multiple factors, namely:</p> <ul style="list-style-type: none"> <li>• Number, type, and location of local destinations—including stores, libraries, schools, churches, pubs, parks, granges, and community centers;</li> <li>• Existing Bicycle and pedestrian facilities on county and state roads within 0.5 mile of the destinations;</li> <li>• Adequacy of bicycle and pedestrian facilities based upon their proximity to the destinations; and</li> <li>• Convenient routes between the local destinations and nearby residential zones.</li> </ul> <p>After considering the above factors, ADT was then taken into consideration. While using ADT as an important indicator of roadway use in relation to bicycle and pedestrian safety, the chief concern of the analysis was connectivity between residential areas, and access to significant local destinations. For example, Ridgeway Rd. was added to the project list despite not reaching the 1000 ADT threshold. Rather, connectivity between residences and relatively higher intensity commercial activities in Pleasant Hill was the determining factor. The data collected and considered for each community is summarized in Attachment 6 to the 10-22-03 RAC memo.</p> <p>In terms of actual construction of bicycle and pedestrian facilities, the County's Capital Improvement Program (CIP) provides for annual Board adoption of the 5-Year CIP, consisting primarily of road improvement projects (including bicycle and pedestrian facilities). The TSP Project List will be a source of CIP projects as it is updated each year (although projects not listed in the TSP may be added to the CIP based upon unanticipated need). Secondly, individual project designs must also be adopted by the Board, and are</p>	<p>developer or adjacent property owners. <del>Reconstructed equity-maintained local roads in these areas shall include sidewalks if authorized through the creation of a local improvement district or by assessment of abutting property owners.</del></p> <ul style="list-style-type: none"> <li>• Roads which do not have curbs and gutters and which are not scheduled to be rebuilt, but which do have a significant need for sidewalks, may be provided with temporary asphalt walkways.</li> </ul> <p>Revise text on Pg. 37, as follows:          Sidewalks are included in reconstruction plans for existing urban local roads only if there were already sidewalks along the road or if adjacent property owners are willing to pay for them. There is a demonstrated need to add sidewalks. In these instances, the sidewalks shall be constructed at the expense of the abutting property owners.</p> <p>And at the top of page 38:          Generally, sidewalks are not provided along rural county roads although they may be provided where there is demonstrated need, in unincorporated communities and in other areas of concentrated commercial, residential, or institutional development. This will be determined on a case by case basis.</p> <p>Update bicycle and pedestrian needs in unincorporated communities to account for a 20-year plan horizon, and revise project list accordingly. The additions are in Attachment 5 to the 10-22-03 RAC memo.</p>

ISSUE	Staff Response	Changes Supported by the Lane County Planning Commission and Roads Advisory Committee (Proposed additions underlined, deletions crossed-out)
<p><b>IV. Issues from Lane County Planning Commission (LCPC) 8-19-03 Work Session</b></p> <p>1. Clarify what transportation facilities and uses are allowed outright and by special use permit within the land use zones. In particular clarify uses allowed outside of the existing right-of-way, and with regard to new roads.</p> <p>2. It makes sense not to have overlapping County regulations if there are federal and/or state laws that require the same thing. What legal mechanisms would require the same type of riparian protections afforded by the existing riparian regulations if County Road projects are exempted?</p>	<p>subject to a public process outlined in Lane Manual 15.580. This allows property owners who will be immediately affected by a project to participate in developing the design details, including the best type of bicycle and pedestrian facilities for the area, which may include the addition of paved shoulders, marked bike lanes, or sidewalks. Due to the rural character and relatively lower ADT on roads in unincorporated communities (as compared to within cities), paved shoulders, shared by bicyclists and pedestrians, are often the appropriate improvement. However, site-specific conditions including the existence of schools, parks, and other destinations and safety factors are of primary consideration in developing the project design.</p> <p><b>Work Session</b></p> <p>New chapters list all the transportation facilities and uses allowed in rural areas (LC 10.500 for inside and LC 16.265 for outside UGBs). As revised based upon LCPC comments, a special use permit is required in all land use zones for off road paths, railroad lines, pipelines, and navigation channels.</p> <p>Uses permitted outright in most zones may require a special use permit in farm and forest zones under state land use law. This includes road projects involving additional travel lanes, the removal or displacement of buildings, improvements to maintenance yards and other facilities ancillary to roads, road realignment, replacement of an intersection with an interchange, continuous median turn lanes, and new roads.</p> <p>New roads are permitted in exception areas, provided they are limited to two travel lanes, and are local roads or collectors. In other rural areas (i.e. resource zones), such roads are only allowed if they reduce local traffic on a state highway (and in the farm and forest zones such roads require a special use permit). Other new roads are allowed provided they are limited to serving rural, local needs.</p> <p>Climbing and passing lanes are permitted outright in farm and forest zones only if within the existing right-of-way; otherwise a special use permit is required. Such projects generally involve state roads. County roads routinely involve acquisition of right-of-way and road widening for the purpose of adding shoulder areas for biking and walking and adding turn lanes. These activities are generally permitted, or require a special use permit in farm and forest zones, as described above.</p> <p>Attachment 7 to the 10-22-03 RAC memo provides more details about transportation uses allowed in rural areas. Also, the staff response in Section IV.7. below provides related information.</p> <p>For any activity, including but not limited to road improvements, pavement overlay, widening, construction or routine maintenance, Lane County must comply with the Endangered Species Act. The ESA requirements exceed Lane County's riparian regulation requirements. With regard to fish habitat, the ESA requirements are administered by the National Marine Fisheries Services (NMFS); however, Lane County must comply with ESA requirements for all regulated habitat and species.</p> <p>Under the "M(d) Rule" of the ESA, certain maintenance activities can be performed, even if they result in an incidental "take" of species or habitat, as long as the activities follow a prescribed set of Best Management Practices (BMPs). In cooperation with the Oregon Department of Fish and Wildlife (ODFW) and with NMFS, the Oregon Department of Transportation (ODOT) developed such BMP's for routine road maintenance. Lane County work forces have been trained in, and routinely use the ODOT BMP's in carrying out maintenance activities.</p> <p>For road improvements that involve more than routine maintenance, NMFS published "Standard Local Operating Procedures for Endangered Species" (SLOPES, updated as SLOPES ID) for permits issued by the Army Corps of Engineers in Oregon. County projects subject to a federal Clean Water Act permit must comply with SLOPES. SLOPES provides standard operating procedures to carry out work over and above routine maintenance work, in areas of fish habitat. The standards specify several "Reasonable and Prudent Measures" (RPMs) that exceed the County's riparian regulation requirements to provide for habitat protection.</p> <p>Under SLOPES, road work that exceeds a prescribed scope and level of impact is subject to individual, project specific consultation with NMFS or the federal or state agency with responsibility, before the work can proceed. At the conclusion of the consultation NMFS (or the appropriate agency) issues a Biological Opinion with recommendations for Reasonable and Prudent Measures (RPM) to protect natural resources from potential adverse impacts from the particular proposed action(s). To be in compliance with the ESA, Lane County must implement the recommended RPMs.</p>	<p>Revised allowable uses to require a special use permit for off road paths, railroad lines, pipelines, and navigation channels.</p> <p>Revised the proposed exemption language, as follows:                  LC 16.252(2)(d) Exceptions. The following uses and activities are excepted from the riparian setback area removal standards of LC 16.252(2) above and (3) below.                  **                  (vi) In areas that are regulated for aquatic species by the federal Endangered Species Act, construction, maintenance, preservation, repair and replacement of road and ancillary facilities, including bridges, culverts, drainage improvements, embankments, retaining walls, revetments, rip-rap and other slope stabilization structures, conducted under the jurisdiction of Lane County, the Oregon Department of Transportation, or Federal Transportation Authorities, when such activity is a public improvement project within a public right-of-way, or within an area being used for the public improvement project including access easements, areas used for construction staging, areas for storage of materials and temporary detours, and further provided that such work is conducted in compliance with a senseless-decision-or-conferece-decision-by-the-National Geospatial-Intelligence-Administration (NOAA)-fisheries; the United States Fish and Wildlife Service; or a state or agency pursuant to the Endangered Species Act; the following:                  (aa) in the absence of Routine Road Maintenance Best</p>

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<p>3. Even if federal or state permits provide for riparian protection, what about when no federal or state permit is required?</p> <p>Whether or not the proposed exemption language is adopted, in the absence of a state or federal permit, all work must comply with the Endangered Species Act (ESA). Based upon the fisheries agencies' interpretation of the ESA's definition, Environmental Permits Section staff have indicated that all fish bearing streams and other bodies of water within Lane County are considered habitat for one or more 'Evolutionarily Significant Units' for endangered or threatened fish species. Consequently, in order to comply with the ESA, the County must include appropriate conservation and restoration measures into any activity within and often beyond the riparian setback as defined in Lane Code 16.253, for all Lane County waters.</p> <p>A comment was also made in public testimony at the September 9, 2003 hearing, regarding staging area limitations. NMFS requires at least a 150' distance between staging areas and any stream. More specifically, SLOPES II requires operators to "Complete vehicle staging, cleaning, maintenance, refueling, and fuel storage in a vehicle staging area placed 150 feet or more from any stream, water body or wetland unless otherwise approved in writing by NOAA Fisheries" (previously known as NMFS).</p> <p>The 150 feet separation between stream and staging area provides more protection to the natural resources along streams than do the County riparian setback standards.</p> <p>A question was also raised in public testimony about how riparian areas where vegetation is removed will be revegetated and restored. SLOPES II requires that a site restoration plan be prepared and implemented as necessary to ensure that all stream banks, soil and vegetation disturbed by a project are cleaned up and restored. Restoration activities must be carried out as prescribed in the SLOPES II RPPM.</p> <p>The requirement of the BMP's, the measures prescribed by SLOPES, and the biological opinion and consultation requirements provide more habitat protection, than do the riparian regulations. In view of these three categories (BMP's, SLOPES and individual</p>	<p>Federal and state permits are required for any work within jurisdictional waters. Jurisdictional waters include any water body or wetland area subject to federal and state Clean Water Act and wetland regulatory requirements. Approximately 90% of County road projects are subject to federal and state permit requirements.</p>	<p>Changes Supported by the Lane County Planning Commission and Roads Advisory Committee (Proposed additions underlined, deletions assessed-out)</p> <p>Management Practices (BMP's) pursuant to Section 4(d) of the Endangered Species Act for Limit 10 of take prohibition specifically developed and recognized by the National Oceanic and Atmospheric Administration (NOAA) Fisheries for Lane County, routine road maintenance is conducted in accordance with the Oregon Department of Transportation (ODOT) Routine Road Maintenance Water Quality and Habitat Guide Best Management Practices (BMP's) as published in the Federal Register, or</p> <p>(bb) Road work other than routine maintenance is conducted in accordance with the Reasonable and Prudent Measures (RPM's) prescribed in the current "Programmatic Biological Opinion and Magnuson-Stevens Act Essential Fish Habitat Consultation for Standard Local Operating Procedures for Endangered Species (SLOPES) for Certain Regulatory and Operational Activities Carried out by the Department of the Army Permits in Oregon", or</p> <p>(cc) The road work is conducted in compliance with the requirements described in a site specific Biological Opinion of the National Marine Fisheries Service; or</p> <p>(dd) Such work is conducted in compliance with other final rules published in the Federal Register, consultation decision or conference decision by the National Marine Fisheries Service, the United States Fish and Wildlife Service, or a successor agency pursuant to the Endangered Species Act.</p>
<p>4. An exemption to riparian regulation requirements for projects within the existing right-of-way is understandable, but there needs to be some way of placing a limitation on the areas outside of the right-of-way. For example, a staging area could be of any size and location. How would such areas be protected if they are riparian areas?</p>	<p>The 150 feet separation between stream and staging area provides more protection to the natural resources along streams than do the County riparian setback standards.</p> <p>A question was also raised in public testimony about how riparian areas where vegetation is removed will be revegetated and restored. SLOPES II requires that a site restoration plan be prepared and implemented as necessary to ensure that all stream banks, soil and vegetation disturbed by a project are cleaned up and restored. Restoration activities must be carried out as prescribed in the SLOPES II RPPM.</p> <p>The requirement of the BMP's, the measures prescribed by SLOPES, and the biological opinion and consultation requirements provide more habitat protection, than do the riparian regulations. In view of these three categories (BMP's, SLOPES and individual</p>	<p>Changes Supported by the Lane County Planning Commission and Roads Advisory Committee (Proposed additions underlined, deletions assessed-out)</p> <p>Management Practices (BMP's) pursuant to Section 4(d) of the Endangered Species Act for Limit 10 of take prohibition specifically developed and recognized by the National Oceanic and Atmospheric Administration (NOAA) Fisheries for Lane County, routine road maintenance is conducted in accordance with the Oregon Department of Transportation (ODOT) Routine Road Maintenance Water Quality and Habitat Guide Best Management Practices (BMP's) as published in the Federal Register, or</p> <p>(bb) Road work other than routine maintenance is conducted in accordance with the Reasonable and Prudent Measures (RPM's) prescribed in the current "Programmatic Biological Opinion and Magnuson-Stevens Act Essential Fish Habitat Consultation for Standard Local Operating Procedures for Endangered Species (SLOPES) for Certain Regulatory and Operational Activities Carried out by the Department of the Army Permits in Oregon", or</p> <p>(cc) The road work is conducted in compliance with the requirements described in a site specific Biological Opinion of the National Marine Fisheries Service; or</p> <p>(dd) Such work is conducted in compliance with other final rules published in the Federal Register, consultation decision or conference decision by the National Marine Fisheries Service, the United States Fish and Wildlife Service, or a successor agency pursuant to the Endangered Species Act.</p>

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<p>5. The memo dated 8-5-03 to the Planning Commission and Roads Advisory Committee (in materials for the September 9, 2003 joint work session/hearing) indicates that proposed changes generally follow the same philosophical direction as the existing (1980) Transportation System Plan. Is this true for the proposed exemption from riparian regulations for public road projects?</p>	<p>Consultation) for habitat protection and conservation, the protection measures afforded by the riparian setback regulations for road work appear redundant.</p> <p>The 1980 TSP does not address riparian issues except in a very broad sense (it is more specifically addressed under General Plan Goal 5). However, as explained in the above responses, the County is not proposing a departure from existing practice. Under the ESA, the requirements for riparian vegetation protection and restoration are more stringent than the County's riparian regulations. Therefore this proposed change is in line with existing philosophy expressed in the County General Plan.</p>	<p>Policy 4-c: A traffic impact analysis shall be required as part of a complete land use application <del>request</del> <del>application</del> <del>or development</del> <del>proposal</del> based upon the requirements of Lane Code 15.697 unless <del>the requirement is waived in writing by the County Engineer or designee</del> for any of the following:</p> <p>(i) any development proposal that, if approved, will result in an increase in 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 Lane Manual Chapter 15.450;</p> <p>(ii) development proposals that will affect County roads where congestion or safety problems have been identified by previous traffic engineering analysis;</p> <p>(iii) any plan amendment proposal, unless waived as specified below;</p> <p>(iv) proposed development that will generate or receive traffic by single or combination vehicles with gross weights greater than 26,000 pounds in 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.</p>
<p>6. Policies 4-c, 20-b, and 22-a all require traffic impact analysis (TIA). The requirements seem overly restrictive and pre-suppose a level of impact that may not exist. Need more specificity regarding the County Engineer TIA waiver. It may be more appropriate to require a TIA only as part of a development proposal.</p>	<p>Policy 4-c specifies when a traffic impact analysis (TIA) is required. Policy 20-b does not require a TIA but is a general policy statement to consider impacts on all transportation facilities, including roads, bicycle and pedestrian paths, transit, air, rail, port, and pipelines. Policy 22-a is intended to link new development to dedication and improvement requirements, which often result from a traffic impact analysis.</p> <p>The Engineering Division, Transportation Planning Section reviews land use referrals from all incorporated communities and from the County Land Management Division, for all plan amendments, zone changes, and special use permits (including land divisions) for compliance with the TSP and LC Chapter 15. In many cases, especially within urban growth boundaries, development may be permitted outright upon approval of a plan amendment or zone, without further opportunity for the County to require a traffic impact analysis, road dedications or road improvements to adequately serve the new development. At the same time, the level of development within a zone, and therefore, traffic impacts, can vary considerably. At the plan amendment or zone change level, an applicant is not required to specify the type of use that will occur, so it is sometimes not possible to analyze traffic impacts until actual development is proposed. Therefore requiring a TIA at either the plan amendment or special use permit stage is desirable to protect the public investment in the road system.</p> <p>However, the concerns raised are well-taken. In many cases it is clear that a plan amendment or zone change will not result in significant increases in traffic, especially outside urban growth boundaries. The recommendation in the column to the right seeks to add clarity to the traffic impact analysis requirements.</p> <p>At the 10-14-03 Planning Commission work session, a change to the threshold of 100 peak hour trips was requested, to require a traffic impact analysis for 50 or more peak hour trips outside a ugb, and 100 or more peak hour trips inside a ugb.</p>	<p>Revise TSP policy 4-c and as necessary, corresponding language in LC 15.697:</p> <p>Policy 4-c: A traffic impact analysis shall be required as part of a complete land use application <del>request</del> <del>application</del> <del>or development</del> <del>proposal</del> based upon the requirements of Lane Code 15.697 unless <del>the requirement is waived in writing by the County Engineer or designee</del> for any of the following:</p> <p>(i) any development proposal that, if approved, will result in an increase in 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 Lane Manual Chapter 15.450;</p> <p>(ii) development proposals that will affect County roads where congestion or safety problems have been identified by previous traffic engineering analysis;</p> <p>(iii) any plan amendment proposal, unless waived as specified below;</p> <p>(iv) proposed development that will generate or receive traffic by single or combination vehicles with gross weights greater than 26,000 pounds in 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.</p>
		<p>The County Engineer or designee may waive traffic impact analysis requirements specified above, when:</p> <p>(i) Previous analysis has determined that the development proposal will not result in congestion, safety, or pavement structure impacts that exceeds the standards of the agency that operates the affected transportation facilities;</p> <p>(ii) In the case of plan amendments or zone changes, the scale and size of the proposal is insignificant, eliminating the need for detailed traffic analysis of the performance of roadway facilities for the 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:</p>

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<p>7. Shouldn't some of the transportation facilities and uses be subject to site review requirements?</p>	<p>Under existing Lane Code, proposed uses that are otherwise subject to special use permit requirements are exempt from Site Review requirements. A Site Review permit is required primarily for commercial or industrial uses when they are within 200 feet of a residential zone. In considering LCP's question, staff believes it is more appropriate to require a special use permit at all times for certain transportation uses, rather than a site review permit for any transportation use only when near a residential zone. The recommendations in Section IV.i., Column 3 propose certain transportation facilities and uses to be subject to special use requirements.</p> <p>Staff believes there are good reasons for this approach as described below.</p> <p><u>Considerations</u>                  Under the TPR, 660-012-0045, certain facilities and uses "need not be subject to land use regulations . . . and under ordinary circumstances do not have a significant impact on land use":</p> <ol style="list-style-type: none"> <li>Operations, maintenance, and repair of existing transportation facilities identified in the TSP, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals;</li> <li>Dedication of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards;</li> <li>Climbing and passing lanes within the right-of-way existing as of July 1, 1987;</li> <li>Reconstruction or modification of public roads and highways, including 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.</li> <li>Temporary public road and highway detours that will be abandoned and restored to the condition or use that existed prior to construction of the detour at such time as no longer needed.</li> <li>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.</li> <li>Changes in the frequency of transit, rail and airport services.</li> </ol> <p>In other words, the TPR provides that certain transportation uses, primarily those involving road improvements as listed above, are inherently void of impacts that rise to the level of requiring an additional opportunity for public notice and opportunity to appeal, because of their negligible impacts, or if the use will occur within existing right-of-way, or if the use is temporary in nature.</p> <p>Also, for County Roads, LM 15.580, Citizen Input with Regard to Individual Road Improvement Projects, provides a process for abutting property owners to participate in determining the final details of road projects in the Capital Improvement Program (CIP). The Board must adopt all project designs except those for overlay or bridge reconstruction projects. In addition, under LM 15.580, the road project design (i.e., whether to have sidewalks and their design, traffic lights, turn lanes, etc.) is subject to a public involvement process affording a right to a hearing and opportunity to appeal at two levels. LM 15.580 provides that a hearing by the Roads Advisory</p>	

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<p>Committee must be held upon petition of one-third of adjacent property owners. If issues are not resolved at that level, a hearing must be held by the Board upon petition of 50% of adjacent property owners. In addition, with this update, a stakeholder process is being incorporated into LM 15.580, to provide another opportunity to resolve adjacent property owner issues. The stakeholder process has been used on the Irvington Dr. and Marcola Rd projects.</p> <p>Road projects involving existing facilities are inherently confined to a specific location and are subject to specific engineering design standards (beyond which citizens may participate in design details under LM 15.580). Road projects involving new roads (like existing roads) are subject to the process in LM 15.580. New roads may require a special use permit, such as in the Farm or Forest zones, or may involve an exception to statewide land use goals for roads that serve more than rural traffic.</p> <p>State road projects beyond operation, maintenance, repair, and preservation are also subject to public hearing processes under the Oregon Transportation Plan and the State Transportation Improvement Program sponsored by the Oregon Transportation Commission.</p> <p>It is thought that the TPR language specifying that certain transportation facilities are not land use decisions, the fact that there is no discretion in where existing facilities can be located, and the public processes already in place for road projects make site review requirements inappropriate or redundant for road related transportation uses. The processes routinely carried out for road projects beyond operations, maintenance, and repair under LM 15.580 already provide for extensive public involvement, including participation in the details of road project design, that in some ways exceed what would otherwise be provided for under a Site Review permit.</p> <p>Staff sought legal counsel on this issue as well as the proposed transfer of responsibility regarding functional class changes (item IV. 9 below).</p> <p>Non-Standard Road Dedications: Although many road dedications do not concern land use issues per se, land use considerations may come into play. As such, the proposed changes which would transfer responsibility from the LCPC to the RAC, should be deleted.</p> <p>Functional Class Change Reviews: Since a functional class change requires an amendment to the TSP road inventory (Appendix B, and Maps), which requires consideration by the Planning Commission, it is not appropriate to transfer this responsibility. However, staff proposes including a provision that comments from the Roads Advisory Committee may be considered by the Planning Commission in making their recommendation to the Board regarding a functional class change.</p> <p>LM 15.120 - road dedications for non-standard roads, and LC 15.035 - functional class changes. Please see response above under item IV. 8.</p>	<p>Committee must be held upon petition of one-third of adjacent property owners. If issues are not resolved at that level, a hearing must be held by the Board upon petition of 50% of adjacent property owners. In addition, with this update, a stakeholder process is being incorporated into LM 15.580, to provide another opportunity to resolve adjacent property owner issues. The stakeholder process has been used on the Irvington Dr. and Marcola Rd projects.</p> <p>Road projects involving existing facilities are inherently confined to a specific location and are subject to specific engineering design standards (beyond which citizens may participate in design details under LM 15.580). Road projects involving new roads (like existing roads) are subject to the process in LM 15.580. New roads may require a special use permit, such as in the Farm or Forest zones, or may involve an exception to statewide land use goals for roads that serve more than rural traffic.</p> <p>State road projects beyond operation, maintenance, repair, and preservation are also subject to public hearing processes under the Oregon Transportation Plan and the State Transportation Improvement Program sponsored by the Oregon Transportation Commission.</p> <p>It is thought that the TPR language specifying that certain transportation facilities are not land use decisions, the fact that there is no discretion in where existing facilities can be located, and the public processes already in place for road projects make site review requirements inappropriate or redundant for road related transportation uses. The processes routinely carried out for road projects beyond operations, maintenance, and repair under LM 15.580 already provide for extensive public involvement, including participation in the details of road project design, that in some ways exceed what would otherwise be provided for under a Site Review permit.</p> <p>Staff sought legal counsel on this issue as well as the proposed transfer of responsibility regarding functional class changes (item IV. 9 below).</p> <p>Non-Standard Road Dedications: Although many road dedications do not concern land use issues per se, land use considerations may come into play. As such, the proposed changes which would transfer responsibility from the LCPC to the RAC, should be deleted.</p> <p>Functional Class Change Reviews: Since a functional class change requires an amendment to the TSP road inventory (Appendix B, and Maps), which requires consideration by the Planning Commission, it is not appropriate to transfer this responsibility. However, staff proposes including a provision that comments from the Roads Advisory Committee may be considered by the Planning Commission in making their recommendation to the Board regarding a functional class change.</p> <p>LM 15.120 - road dedications for non-standard roads, and LC 15.035 - functional class changes. Please see response above under item IV. 8.</p>	<p>Changes Supported by the Lane County Planning Commission and Roads Advisory Committee (Proposed additions underlined, deletions crossed-out)</p> <p>LC 15.035(2), 15.035(3)(a), and 15.035(3)(c): delete proposed changes so that the responsibility for reviewing Additions and Changes to County Road Functional Classifications remains with the Planning Commission. Add a provision to LC 15.035(3)(c) that a referral to the Roads Advisory Committee may be made as determined by the County Engineer or designee.</p> <p>LM 15.120: Reverse all proposed changes to indicate that responsibility for reviewing non-standard road dedications remains with the Planning Commission.</p>
<p>9. Specify all changes where there is a transfer in responsibility from one Advisory body to the other.</p> <p>10. Comment on how the TSP deals with funding for road and bridge maintenance. See goals and policies 23-b, 24, and 25.</p> <p>11. Proposed language in LC 15.135(2)(b) regarding roads that were created in unrecorded subdivisions: doesn't this open the door to dedicating roads as public roads that shouldn't be dedicated?</p> <p>12. How will the TSP's success be measured in the future?</p>	<p>Please refer to the Financial Overview: Issues and Trends, FinPlan, and Future Spending and Prioritization discussion on page 64 of the TSP.</p> <p>No. This language seeks to address the access problem for lots on pre-1935 roads within unrecorded subdivision tracts which were dedicated to the County but never accepted. Such roads are generally found in two tracts. Parcels created in these tracts are considered to be legal lots but do not have legal access because of the non-acceptance. The change would give such parcels legal access. The County has no interest in acquiring these roads, since it is unknown as to whether they are built to standard or in the correct location. The TSP's success will be measured in several ways through its implementation --not only by the related code provisions, but by requiring plan amendments to be consistent with the TSP goals and policies.</p> <p>Also, the Project List (beginning on page 80 of the TSP) reflects the needs assessment described in chapter 6.3. Overall safety of the County road system will reflect the validity of the needs assessment findings and recommendations, as projects are constructed and completed.</p> <p>Under the TPR, VMT is required to be reduced within the Metro area. Outside the Metro area, staff believes the proposed update, including additional consideration for bicycle and pedestrian facilities, represent the maximum degree to which the County can realistically reduce reliance on single occupancy vehicles given rural population densities and travel distances between destinations. As the TPR recognizes, urban areas are the most critical location to focus such efforts because it is here that development is the most dense and where employment centers and other commute destinations are located. The County does participate in policy formation and federal lobbying efforts to promote alternative transportation modes.</p>	<p>Delete LC 15.636(5)(b)(iii)(aa):</p>
<p>13. Is more emphasis needed on reducing single occupancy vehicle reliance? Is there a way to get more funds to reduce Vehicle Miles Traveled (VMT)?</p>	<p>a. Under LC 15.636(5), a section based upon and generally consistent with the City of Eugene requirements was added to provide a deferral for parcels with large frontages.</p>	<p>Delete LC 15.636(5)(b)(iii)(aa):</p>
<p>V. Issues from Roads Advisory Committee (RAC) 8-27-03 Work Session</p>	<p>1. Regarding assessments (LC 15.636):</p> <p>a. are we in line with the City of Eugene?</p>	<p>Delete LC 15.636(5)(b)(iii)(aa):</p>

ISSUE	Staff Response	Changes Supported by the Lane County Planning Commission and Roads Advisory Committee (Proposed additions underlined, deletions crossed-out)
<p>b. one problem that arises is if there is a transfer in ownership, even though the property is going to remain at a low level of development (such as farm use), financial institutions require that the lien for the deferred assessment must be paid. Is there a way to resolve this?</p>	<p>b. Lenders require that a title be cleared of all liens before a mortgage loan can be approved. The language proposed in the LCPC/RAC materials under LC 15.636(5)(b)(iii) required that a deferral be controlled upon sale of a (large frontage) property. From a County standpoint this may not be necessary. While the County has no control over lending policies, the language in LC 15.636(5)(b)(iii)(aa) can be deleted to ensure the County Code does not create an obstacle in regard to this matter.</p>	<p>(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: (aa) Upon the sale of the property or transfer of ownership, except by inheritance; or (bb) Upon initiation of a land division of the property.</p>
<p>2. We share the concern of the Planning Commission regarding transfer of responsibility for some actions to the Roads Advisory Committee. The RAC would not want to be responsible for land use issues.</p>	<p>Please see response for Item IV. 8.</p>	
<p>3. How can the County deal with the disconnect, especially with regard to funding, between transportation facilities on and off road. Both are transportation facilities, yet there is no funding mechanism for off-road paths.</p>	<p>As the comment implies, the Oregon Constitution, Article IX, Section 3.a. provides limitations for expenditure of road funds and requires they be allocated to road improvements. Beyond that the question falls to local governments as to how to fund off-road improvements. We are unaware of sources of such funds. While we have forwarded public comments about proposed off-road improvements to the Parks Division, Parks is experiencing the same financial constraints as other County programs.</p>	
<p>VI. Issues from LCPC and RAC, 9-9-03 Joint Work Session and Public Hearing</p>		
<p>1. Please explain the intent and provisions of goal 24.</p>	<p>The goal and associated policies are intended to help prioritize work funded through the Road Fund in anticipation of possible future funding constraints should federal timber replacement funds not be renewed. The language comes from "Final Plan", the Road Fund financial plan approved by the Board of Commissioners in 1996. Please see TSP Section 6.2 beginning on page 62.</p>	
<p>2. How would you comment on public input for this project? Public involvement efforts on this project seems to have been good. How would you improve it and/or make sure it is adequate?</p>	<p>With regard to the process used to explain the materials, four public meetings were held and one-on-one assistance was provided to citizens attending these meetings to determine impacts of the changes on their property. This one-on-one assistance was also provided at the close of the September 9, 2003 hearing, and staff's belief is that the citizens who sought answers received them and were satisfied. A state-required Ballot Measure 56 notice was also mailed to over 37,000 property owners outside the Eugene-Springfield UGB and outside other city's limits. Staff responded to over 150 telephone inquiries with regard to the notice, and callers seemed satisfied with explanations provided.</p>	
<p>3. How does the TSP deal with the urban-rural interface. The North Gate Farm Road project provides a timely example. This is a topic that deserves special attention.</p>	<p>The public involvement process is described in TSP Binder 5 in the Board office. Adoption of the TSP and associated Code and Manual changes is only one piece of public involvement opportunities with regard to County transportation projects. The CIP incorporates two additional levels of public involvement: public hearings for annual adoption of the CIP, and public hearings for individual project design. Also, certain road projects require a special use permit such as in the farm and forest zones, and are subject to public notice and opportunity to appeal.</p> <p>The comment referred to in particular to road improvement projects that straddle the UGB, such as the project planned for North Gate Farm Road. This issue is partially dealt with in an amendment made to the Metro Plan as part of the Public Facilities Plan adoption. A policy was added that states, "The urban growth boundary shall lie along the outside edge of existing and planned right-of-way that form a portion of the urban growth boundary so that the full right-of-way is within the urban growth boundary." Also, the TPR and other statewide land use goals emphasize the distinction between urban and rural uses and prohibit urban uses on rural lands. Beyond this, Lane Manual 15.580, Citizen Input with Regard to Individual Road Improvement Projects, addresses issues that arise on a case-by-case basis.</p>	
<p>4. Goal 1 of the TSP concerns maintenance of the County road network. Does this include bridge maintenance?</p>	<p>The combination of state limitations on urban uses on rural lands, Metro Plan policy direction, and individualized attention to projects seems to effectively address issues related to urban-rural interface.</p> <p>Yes. Maintenance, and related to this, safety, is prioritized in this goal and in goal 24, and in associated policies.</p>	



**TRANSPORTATION SYSTEM PLAN UPDATE  
 SUMMARY OF PUBLIC COMMENTS**

January 1 through July 31, 2003

Date/ Source Of Comment	Summary of Comment	Staff Response
2/16/03 e-mail	What is the staff study of bike and pedestrian needs mentioned in the 04-08 Capital Improvement Program?	Commenter was informed on where to look in the draft TSP regarding the analysis of bike and pedestrian facilities in rural communities—See the Needs Assessment chapter 6.3 and the Project List.
2/19/03 Florence public meeting	Policy 8-C reads: Within statutory road fund limitations, the county will consider opportunities to participate in off-road bicycle trail and foot path development and promotion, when there is adequate demand and as economically feasible. Why are there caveats in this policy? How will demand be determined for multi-use paths?	The Road Fund is the primary monetary source for Lane County road projects. This fund is restricted to use on improvements within the road right of way--off-street paths are not a legal use of the fund. As such, Policy 8-c (9-c in the July 2003 draft) reflects statutory restrictions on how this money can be spent. Adequate demand may be determined by public input and strong request for an off-road path at a particular location. This, however, will not be an economic priority of the county, rather the safety and function of the road system is the priority for both vehicular and bike/pedestrian movement. Here, Road Fund may be used for paved shoulders, on-street bike lanes, and partial investment in sidewalks (sidewalks are typically paid for through assessments to abutting property owners). Off-street facilities face greater monetary and legal hurdles. It may be that off-street paths fall under the recreational purview of the County Parks Division, and they have been notified of comments showing bike path interest in Lane County.
2/19/03 Florence public meeting-verbal comment	Siuslaw Estuary Water Trail is part of a multi-party effort to establish a trail network and is not mentioned in the TSP. Would like to see mention of this in the TSP.	A paragraph was added to the Water Transportation: Port of Siuslaw section in Chapter 4.4 describing efforts to develop the Siuslaw Estuary Water Trail.
2/19/03 Florence public meeting-verbal comment	How do we assess demand for transportation facilities?	Data such as Average Daily Traffic (ADT) is used to determine demand for a roadway. The Needs Assessment in the TSP includes calculation of Level of Service measuring potential future congestion on a roadway as well as projected ADT to assess demand. Needs assessment data for selected arterial and collector segments may be viewed in TSP Appendix G. Public input is also valued in terms of identifying needed transportation improvements.
2/19/03 Florence public meeting-verbal comment	A recent Lane Metro Partnership meeting identified recreation and tourism as a high priority for economic development.	The TSP facilitates recreation and tourism by providing a well-functioning rural road network that provides access to the county's rivers, lakes, forests, and other attractions. Many rural routes are also targeted for paved shoulders, which will provide a safer and more enjoyable experience for recreational cyclists.
2/19/03 Florence public meeting-verbal comment	General interest in public transportation, connections with Eugene, etc.	Refer to TSP Chapter 4.3 for information on public transportation in Lane County. This is an important component of the transportation system and the public transportation goals and policies reflect Lane County's role in this area. Lane Transit District is the primary bus service provider and may be contacted for additional information.
2/19/03 Florence public meeting-verbal comment	Look at Policy 9-b last sentence, it reads: Unless otherwise authorized by the Board of County Commissioners, transit stop amenities with the exception of bus pullouts will typically be funded by LTD or other non-	The county coordinates with LTD in providing facilities for public transit, namely through the siting of bus stops and provision of bus pullouts. The county does not typically pay for transit amenities at the stops, for this is not an eligible use of the Road Fund (the primary revenue source for our capital projects). The service district LTD is responsible for this. See TSP policies under Goal 10 (formerly 9) for information on county support for public transportation services.