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Chapter 15 – ROADS

15.005 – GENERALLY

15.005.001 – 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.

A. 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.

B. It is further recognized that, although the County does not maintain Local Access Roads, 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.

C. The provisions in this chapter will be used in combination with the requirements of LC Chapter 15 in order to ensure that the general purpose of this chapter is accomplished in a manner that is fair and equitable to Lane County citizens.

(Order 04-5-5-8, 6.4.04; Order 20-11-10-04, 11.10.20)

15.005.002 – Definitions.

The definitions in LC 15.010 apply to this chapter unless specified otherwise:

“Director” means the Director of the Department of Public Works or the Director’s delegated representative.

“Department” means the Lane County Department of Public Works.

(Order 04-5-5-8, 6.4.04)

15.010 – ROAD NAMING AND RENAMING

15.010.005 – 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.

(Order 94-11-22-4, 11.22.94)

15.010.010 – 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.

(Order 94-11-22-4, 11.22.94)
15.010.015 – Required Review and Action.

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

A. Any existing public road is named or renamed.
B. Any new public road is established.
C. Any private road or private road easement requires a name in order to promote the health, safety, and welfare of the public. Private driveways serving a single lot, parcel, area or tract of land may not be named under these provisions.

(Order 94-11-22-4, 11.22.94; Order 04-5-5-8, 6.4.04)

15.010.020 – Application.

A. An application to name or rename a road is to be submitted to the Department and must include, at minimum, the following:
   1. Name and mailing address of applicants.
   2. Location of road by description or map.
   3. Legal status of road, if known.
   4. Existing road name, if known.
   5. Proposed road name.
   6. Reason for request.
   7. Petition(s) attached, if any.
   8. Applicable fee.

B. The application may be submitted by any of the following applicants.
   1. Fifty percent (50%) or more of the property owners or persons living along the road.
   2. Any public agency whose function is affected by road names.
   3. Lane County:
      a. Board of County Commissioners.
      b. Planning Commission.
      c. Land Management Division.
      d. Department of Public Works.
      e. Department of Assessment and Taxation.
      f. Sheriff's Office.

C. The proposed name should comply with the following standards:
1. Name limited to maximum of twenty (20) characters.

2. No duplication with other existing road names.

3. No similar sounding or confusing names.

4. No names with post-directional language (e.g., “North,” “South”).

5. No names with punctuation.

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

7. No names that contain a road type within the road name (e.g., “Loop Lane”).

8. Road names may not contain an abbreviated MT (mount/mountain) or ST (saint) without another word following (e.g., Shasta MT Road is not acceptable; MT Shasta Road is acceptable).

9. There must be a valid road type following the road name.

10. “Trail” is acceptable as part of a road name but not as a road type (ex: Deer Trail is not acceptable, Deer Trail Road is acceptable).

(Order 94-11-22-4, 11.22.94; Order 04-5-5-8, 6.4.04)

15.010.025 – Processing.

The Department is responsible for processing applications for road naming and renaming. Applications must be approved by Board Order after a public hearing if (i) the application is signed by fewer than one hundred percent (100%) of the adjoining property owners, or (ii) if any objection is raised by an affected department or agency and that cannot be resolved. Applications may be approved by Board Order, but without a public hearing, if the application is signed by one hundred percent (100%) of the adjoining property owners and there are no objections raised by an affected Department or agency. The Department must:

A. Verify the legal status of road.

B. Check the proposed road name or names to avoid duplication, similarity with other existing road names, or similarity to those on approved preliminary land divisions.

C. Perform a field check when necessary.

D. Assist the applicant or other affected parties to find alternate names when required.

E. Notify the appropriate departments and agencies.

F. Where appropriate, mail questionnaire to owners of all property abutting the road to determine the general opinion concerning proposed road name.

G. If a road naming Order is required, prepare the Recommendation and Order to the Board for the proposed road.

H. Determine the appropriate Board meeting date for consideration.

I. If a public hearing is to be held, give notice of the hearing by publication in an appropriate newspaper and, if appropriate, by proper posting along the road or by mailing notices to owners of all property abutting the road.

(Order 94-11-22-4, 11.22.94; Order 04-5-5-8, 6.4.04)
15.010.030 – Board Action.

A. Following submission of a recommendation and order for a Road naming or renaming, the Board will consider the recommendation and proposed order at a regular Commissioners’ meeting.

B. Following action by the Board on the proposed naming or renaming, the Department will notify the original applicant of the Board’s action.

C. Copies of an approved order naming or renaming a road will be sent by the Department to the following:
   1. Department of Public Works.
      a. Transportation Planning.
      b. Planning Program.
      c. Rural Addressing Program.
   2. Department of Assessment and Taxation.
   4. Lane Council of Governments (LCOG).
   5. Local telephone company.
   6. Local fire department.
   7. Local school district.
   8. Local power company.
   9. Local water district.
   10. Local natural gas company.
   11. City (if appropriate).
   12. State (as appropriate).
      a. Police.
      b. Highway Department.
   13. Lane County Local Government Boundary Commission.

(Order 94-11-22-4, 11.22.94; Order 04-5-5-8, 6.4.04)

15.010.035 – Completion.

A. Original material must be filed in the Department.

B. Road signs will be prepared and installed without charge by the Department, except for original signs in subdivisions and interior private roads.

C. County maps and files must be updated as appropriate.
15.015 – PUBLIC ROAD DEDICATIONS AND ACCEPTANCE

15.015.105 – 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 Chapter 215 and ORS Chapter 368, LC Chapter 12, and the Lane County Home Rule Charter.

(Order 93-3-31-7, 3.31.93; Order 04-5-5-8, 6.4.04)

15.015.110 – 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. Public roads do not include private roads, private ways, private access easements or agreements, federal Forest Service or Bureau of Land Management roads, gateway roads, or ways of necessity roads which have a nominally or judicially granted “public character” through prescriptive or adverse use. Some public roads are not normally maintained by the County, but the County can regulate their use. Common types of public roads are “County Roads” and “Local Access Roads.” See ORS 368.001.

(Order 93-3-31-7, 3.31.93; Order 04-5-5-8, 6.4.04)

15.015.115 – Purpose.

The procedures and requirements set forth herein are for the purpose of establishing a uniform policy in Lane County for the processing of applications for dedication and/or acceptance by the County of roads or streets as public rights-of-way. It is intended that this policy will clarify and set the requirements and responsibilities of the individuals, public bodies, and departments involved in the review and processing of road dedications and/or County acceptance of such roads as public roads. It is further intended that this policy will 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.

Applicability. These procedures and requirements apply to all public road dedications and acceptances when:

A. The proposed roadway dedication or acceptance is for the purpose of:
   1. Widening a public road,
   2. Establishing or extending an existing but undedicated or unaccepted road as a public road,
   3. Establishing a new public road (See Footnote 1).

B. Review of a roadway dedication or acceptance is specifically requested by the Board or any administrative officer of the County.

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

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15.015.120 – Required Review and Action.

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

A. The Planning Director will review all proposed road dedications or acceptances, and may take action on those dedications and acceptances that are for the purpose of widening an existing public road. All other proposed dedications and acceptances must be forwarded to the Planning Commission with a recommendation regarding the action to be taken.

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

C. The Board will review all proposed road dedications and acceptances that have been given an affirmative Planning Director or Planning Commission recommendation or that have been appealed to the Commissioners, as provided in this chapter. Before any road dedication or acceptance can become a "public road" the dedication must be accepted and placed on record by the Board.

15.015.125 – Application.

A. An application to dedicate right of way for a public road, or for County acceptance of that right of way, must be submitted to the Land Management Division. The application must include, at minimum, the following:

   1. Name of applicant.
   2. Location of the proposed dedication or acceptance by description and Assessor's Map.
   3. Legal status of the existing road, if known.
   4. Name of the road, if known.
   5. Purpose or reason for dedication.
   6. Petition or petitions attached, if any.
   7. Title report or subdivision guarantee.
   8. Applicable fee.

   9. If the application is for acceptance of a road that was previously dedicated to, but not accepted by, the County, the following additional information must be provided:
      a. Copy of subdivision or partition plat or map.
      b. Copy of recorded survey(s), if any portion of the road was surveyed.
      c. Copy of recorded subdivision or partition plat or map.
d. Copy of any subsequent replats.

B. An application may be submitted by any of the following applicants:
   1. Property owners, on matters relating to establishing an existing but undedicated or unaccepted roads or extensions of roads, not involving a subdivision.
   2. The Board.
   3. A County Department.
   4. Land Management Division, on matters relating to subdivisions, zoning and other land development applications.
   5. Building Division, on matters relating to LC Chapter 11 pertaining to minimum right of way requirements on existing public roads.

(Order 93-3-31-7, 3.31.93; Order 04-5-5-8, 6.4.04)

15.015.130 – Processing - Land Management Division.

The Land Management Division is responsible for processing applications for dedications and acceptances of public roads. The Division must:

A. Review application for conformity with the Comprehensive Plan for Lane County, Lane Code, and all applicable road policies and standards that have been adopted by the County.

B. For existing roads:
   1. Verify or determine existing legal status.
   2. Verify available information as to actual location of the road.

C. Notify appropriate Departments and agencies.

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

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

F. Transmit a request for conveyance preparation to the County Surveyor’s Office following favorable action by the Planning Director or Planning Commission. The request shall include:
   1. Date of Planning Director or Planning Commission action.
   2. Initiating body or persons.
   3. General description of the proposed dedication or acceptance.
   4. Legal property owner(s), if known.
   5. Signed conveyance order.

(Order 93-3-31-7, 3.31.93; Order 04-5-5-8, 6.4.04)

15.015.135 – Planning Director Action.
The Planning Director will review all applications for road dedications and acceptances and will take appropriate action, as follows:

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

B. The application must 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, does not conform to the requirements of any chapter of the Lane Code, or is for the purpose of establishing a new public road.

(Order 93-3-31-7, 3.31.93; Order 04-5-5-8, 6.4.04)

15.015.140 – Planning Commission Action.

A. The Planning Commission must review the application, and any reports and recommendations, at a public hearing. At the hearing the Commission may:

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

2. Deny the application; or

3. Postpone action to allow further study.

B. Recommendation for denial or rejection shall be final unless appealed to the Board within ten (10) days from the date of the Planning Commission action.

(Order 93-3-31-7, 3.31.93; Order 04-5-5-8, 6.4.04)

15.015.145 – Surveyor’s Office Procedure.

A. Following receipt of a Land Management Division request for deed preparation, the County Surveyor may prepare an appropriate conveyance to be sent to the applicant for execution by all legal owners of the property.

B. After the applicant returns the executed conveyance to the Surveyor’s Office, a proposed Order for acceptance will be prepared for presentation at the next regular meeting of the Board.

(Order 93-3-31-7, 3.31.93; Order 04-5-5-8, 6.4.04)

15.015.150 – Board Action.

A. The Board will review all applications and any reports and recommendations, at a regular Board meeting upon:

1. Presentation by the County Surveyor of an affirmative Planning Director, or Commission recommendation, a signed deed form and a road dedication order;
2. Receipt of an appeal of the Planning Commission’s action by the applicant or any affected party; or
3. Receipt of an appeal of the Planning Commission’s failure to act within thirty (30) days after the filing of an application.

B. In the case of an appeal the Board must, within twenty (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, the Board will send a request to the Surveyor’s Office for preparation of a conveyance and road dedication order.

C. Following any affirmative action on the application, the Board will forward the conveyance and signed Order to the County Clerk’s Office for recording.

D. The Department, on behalf of the Board, must notify all applicants of the Board’s action and, in the case of non-acceptance, shall return all appropriate material to the applicant along with a summary of the Board’s action.

(Order 93-3-31-7, 3.31.93; Order 04-5-5-8, 6.4.04)

15.015.155 – Completion - Recording and Filing.
A. The County Clerk’s Office must forward copies of recorded conveyances and all other pertinent information to the County Surveyor’s Office.

B. Following final action, the County Surveyor’s Office must notify or distribute materials to departments and agencies that may be affected by the action, as required by applicable state and local regulations.

(Order 93-3-31-7, 3.31.93; Order 04-5-5-8, 6.4.04)

15.020 – ACCEPTANCE OF DEDICATED PUBLIC ROADS AS COUNTY ROADS
15.020.200 – Authority.
The following procedures, policy, criteria, and standards relating to the acceptance of public roads for maintenance and converting to County Road status are adopted pursuant to the authority granted Lane County by ORS Chapter 368, LC Chapter 15, and the Lane County Home Rule Charter.

(Order 91-5-15-20, 5.15.91; Order 04-5-5-8, 6.4.04)

15.020.205 – Definition-County Road.
As defined in ORS Chapter 368, a public road that 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 of County Roads. 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.

(Order 04-5-5-8, 6.4.04)
15.020.210 – Purpose.

The following procedures and requirements are established for the purpose of delineating a uniform policy in Lane County for the acceptance of public roads for maintenance and conversion to County Road status. It is intended that this policy will clarify and set the requirements and responsibilities of the individuals, public bodies and Departments involved in the acceptance of public roads. In addition, this subchapter provides the public with an outline of the required process for the acceptance of public roads for maintenance and conversion to County Road status.

(Order 91-5-15-20, 5.15.91; Order 04-5-5-8, 6.4.04)


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 optimal use of available road revenues for the maintenance and improvement of the system. The following guidelines will be used by the Board when considering acceptance of public roads into the County Road system:

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

B. Roads created within subdivisions or partitions that primarily provide access to lots, will be established as private access easements or local access 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 system for purposes of overall road connectivity and to otherwise provide a safe and efficient road network.

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

D. Extensions of existing County Roads within subdivisions may be accepted as County Roads and classified appropriately according to their function.

E. Roads providing access to the boundary of national forests or other public lands may be accepted as County Roads.

(Order 04-5-5-8, 6.4.04; Order 20-11-10-04, 11.10.20)

15.020.215 – Application.

An application must be in the form of a petition signed by not less than sixty percent (60%) of the owners of the land, representing not less than sixty percent (60%) of the land abutting the dedicated public road, must include findings on how the application meets the policy criteria set forth in LM 15.035.410, and must state the owners' desire for Lane County to accept the road as a County Road. The application must be submitted to the Department.

(Order 91-5-15-20, 5.15.91; Order 04-5-5-8, 6.4.04)

15.020.220 – Review.
Upon receipt of an application, the Director must investigate and report the Director’s findings to the petitioners as to whether or not:

A. Acceptance of the road under consideration is consistent with the guidelines in LM 15.020.213;

B. The road is consistent with applicable criteria set forth in LM 15.035.410; and

C. The road meets the following standards:
   1. The road will be a public road as defined in LM 15.015.110.
   2. The road meets the County Road Design Standards found in LC 15.700 through LC 15.708.
   3. The road is located within the dedicated public right of way as verified and certified by a land surveyor registered in the State of Oregon.
   4. The road is 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.

D. Any and all fences, buildings, and other structures within any dedicated and accepted County Road right of way must be removed at the expense of the property owners.

(Order 91-5-15-20, 5.15.91; Order 04-5-5-8, 6.4.04)

**15.020.222 – Standards in the Event Minimum Road Design Standards Are Not Met.**

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

A. All standards listed in LM 15.020.220, except LM 15.020.220C.2,

B. The Director certifies that current and future roadway needs do not necessitate that the County Road Design Standards be met and no safety hazard will be created if the roadway is accepted as a County Road,

C. The Director of the Planning Division certifies that current and future planning needs do not necessitate that the County Road Design Standards be met, and

D. In no event may a right of way be accepted that is less than thirty (30) feet in width.

(Order 91-5-15-20, 5.15.91; Order 04-5-5-8, 6.4.04)

**15.020.225 – Report.**

The Director’s findings must be reported in writing to the petitioners as follows, stating that either:

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

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

C. The road does not meet the standards and a waiver of the standards is not recommended. Such a report must state an estimated total cost to improve the road to meet the standards.
D. The road does not meet the policy criteria and the petition is denied. Such a report must specify the reasons for the Director's decision.

(Order 91-5-15-20, 5.15.91; Order 04-5-5-8, 6.4.04)

15.020.230 – Appeal.

Unless appealed to the Board by filing a written notice of appeal with the Director within fifteen (15) days from the date the report and action was mailed, the decision of the Director denying the petition will be final. To be considered, an appeal must state how the Director erred making the decision.

(Order 91-5-15-20, 5.15.91; Order 04-5-5-8, 6.4.04)

15.020.235 – Board Consideration.

A. If the Director finds that the road meets the criteria of LM 15.020.225A, the Director must prepare the necessary documents for acceptance as a County Road by the Board at a regular meeting of the Board.

B. If the Director finds that the road meets the criteria of LM 15.020.225B, the Director must submit the report with findings and recommendations to the Board, who shall consider the matter at a regular meeting. The Director shall notify the petitioners in writing of the Board action.

C. If the Director finds that the road meets the criteria of LM 15.020.225C, the Director must submit the report with findings and recommendations to the Board, which shall consider the matter at a regular meeting.

D. If the Director finds that the road meets the criteria of LM 15.020.225D, and the petitioners appeal the Director's denial, the Board will consider the appeal at a regular meeting.

E. When any recommendation of the Director is to be considered by the Board, the Director must notify the petitioners in advance of the time and place of the hearing.

(Order 91-5-15-20, 5.15.91; Order 04-5-5-8, 6.4.04)

15.020.240 – Board Action.

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

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

B. Reject the petition request or appeal by Order. Rejection by the Board is final.

(Order 91-5-15-20, 5.15.91; Order 04-5-5-8, 6.4.04)

15.020.245 – Petitioners' Action.

If the Board accepts the petition request contingent upon completion of dedication and improvement requirements under LM 15.020.240A, the petitioners may take the following action:
A. Cause the necessary dedications and improvements to be completed in order to meet the standards for acceptance. Improvements must 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 must be surveyed and certified by a land surveyor registered in the State of Oregon.

B. Request that the dedications and improvements be made in conformance with the procedures as defined in LC 15.600 through LC 15.645 (Levying, Collecting, and Enforcing Special Assessments).

(Order 91-5-15-20, 5.15.91; Order 04-5-5-8, 6.4.04)

15.020.250 – Further Action.

If the petition request is accepted, the petitioners must 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 County Surveyor's Office and placed on the proper document for dedication and then returned to the petitioners. All further proceedings will be governed by the provisions of ORS Chapter 368.

(Order 91-5-15-20, 5.15.91)

15.025 – ACCEPTANCE OF PARK ROADS

15.025.260 – 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.

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

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

C. Notwithstanding LM 15.020.215 through LM 15.020.250 and the County Road Standards contained in LC Chapter 15, Park Roads established and existing as of January 1, 1991, may be accepted into the County Road System provided that road complies with County Road Standards or varies from County Road Standards as follows:

1. A Park Road posted as serving one (1) way traffic must have a minimum surface travel width of twelve (12) feet provided the road is posted, designed for, and functionally serves one (1) way traffic.

2. A Park Road serving two (2) way traffic must have a minimum surface travel width of eighteen (18) feet.

3. A Park Road must have a minimum right of way width of fifty (50) feet, unless the Director recommends acceptance of right of way less than fifty (50) feet but in no event may right of way less than thirty (30) feet in width be accepted.

D. 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 by Board Order. The owner of the leased land must be provided written notice of the proceedings and must consent to the acceptance of Park Roads into the County Road System.
E. The Director must issue a written report describing compliance with the standards in LM 15.025.260C 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 must 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. If the Parks Manager does not concur, then the matter will not be further considered or referred to the Board.

F. If the Director determines that standards for acceptance have been met, or if the report recommends a modification or waiver of the standards, then the Director must prepare and submit the necessary documents to the Board for consideration and action.

(Order 91-1-30-15, 1.30.91; Order 04-5-5-8, 6.4.04)

15.030 – ROAD VACATIONS

15.030.300 – General Requirements.

Vacation of County Roads pursuant to the process provided in LM 15.030.305, or conversion of County Roads to Local Access Road 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 that serve four (4) 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, 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, steep topography, or materials or construction practices, and may result in excessive cost and liability exposure.

E. The following criteria will be considered by the Board in reviewing proposed actions:

1. The need for a public right of way to provide for the orderly development of adjacent property,

2. The need for public maintenance of the right of way,

3. School bus traffic,

4. Bridges, and the potential for public safety problems associated with bridges,

5. Railroad crossings and PUC requirements for County participation in applications for railroad crossing improvement or establishment,

6. The potential for landslide and stability problems,

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

8. Use by law enforcement or fire protection personnel,

9. Potential use as detour routes in the case of construction or disaster, and
10. Potential for elimination of right of access that is a matter of public record.
(Order 04-5-5-8, 6.4.04)

15.030.305 – Vacation Procedures.

The following 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 as provided in ORS Chapter 368.

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

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

C. Prior to the time of the scheduled hearing, the Surveyor's Office must 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.

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

E. Road vacations proposed as part of lot or parcel reconfigurations or property line adjustments, and that will result in loss of connectivity between public roads, must 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, creation of private easements, and road improvements, to ensure previously existing connectivity between public roads is maintained.

F. Vacations, other than those by petition, will be referred to the Roads Advisory Committee for its consideration and recommendations.

G. The Surveyor's Office must 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.

H. The Board will consider the general requirements of LM 15.030.300 in making its decision on a vacation.

(Order 91-5-15-20, 5.15.91; Order 04-5-5-8, 6.4.04; Order 20-11-10-04, 11.10.20)

15.035 – GENERAL ROAD AND ACCESS POLICIES

15.035.405 – 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 street systems, BLM and Forest Service road systems, and 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 the County.

(Order 91-5-15-20, 5.15.91; Order 04-5-5-8, 6.4.04)

15.035.410 – 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 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.

A. The necessity for being able to travel to and from a permanent residential dwelling is a basic requirement for all developments except in very rare circumstances.

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

C. 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 subdivider or developer, rather than by the people of the County at large.

D. A road must serve, in most situations, as the means of access for the following public or semipublic services:
   1. Fire services.
   2. Ambulance services.
   3. Police services.
   4. Mail service.
   5. School bus service.
   6. Public transit service.
   7. Delivery services.
   8. Solid waste disposal services.

E. A road, besides serving as the means for vehicular access, should also provide area for the following possible utilities:
   1. Drainage ways.
   2. Electrical power lines.
   3. Telephone lines.
   4. Water lines.
   5. Fire control outlets.
6. Sewer lines.
7. Natural gas lines.

F. The access management, road design standards, and other requirements of LC Chapter 15 must be used in making decisions about the road system in Lane County.

G. 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.

H. 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.

I. 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.).

J. 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.

(Order 91-5-15-20, 5.15.91; Order 04-5-5-8, 6.4.04)

15.040 – ROAD DESIGN STANDARDS/RECOGNIZED ENGINEERING GUIDELINES


A. Roads within Lane County must 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.

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

1. The following documents published by the American Association of State Highway and Transportation Officials (AASHTO):
   a. A Policy on Geometric Design of Highways and Streets (2018);
   c. Guidelines for Geometric Design of Very Low Volume Local Roads (ADT < 400) (2001); and


3. The following documents published by the Oregon Department of Transportation (ODOT) and the American Public Works Association (APWA), Oregon Chapter:
   a. Oregon Standard Specifications for Construction (ODOT and APWA, 2021);
b. Oregon Standard Drawings (ODOT & APWA, 2021);

c. ODOT Highway Design Manual (2012);

d. ODOT Hydraulics Manual (2014);

e. ODOT Erosion Control Manual (2019);

f. Oregon Bicycle and Pedestrian Plan (ODOT, 2011);

g. 1999 Oregon Highway Plan (ODOT).


(Order 04-5-5-8, 6.4.04; Order 12-04-4-6, 4.4.12; Order 20-11-10-04, 11.10.20)

15.045 – PUBLIC ROAD AND RIGHT OF WAY POLICIES

15.045.505 – Purpose.

This subchapter identifies 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.

(Order 87-6-10-3, 6.10.87)

15.045.510 – Gates, Fences, Cattle Guards.

A. Gates and fences along public roads, and built at the option of the property owner, must be constructed to such standards as established in Lane Code. Identification of property lines is not the responsibility of Lane County.

B. Gates, fences, and cattle guards will generally not be permitted within public rights of way, except as approved by the Director through the facility permit process established in LC Chapter 15. Gates, fences, and cattle guards located within public rights of way without a facility permit will be regarded as unauthorized facilities and subject to the enforcement provisions of LC Chapter 15.

C. Fences will be constructed along road improvement projects initiated by the 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 must be scheduled and constructed to a standard as determined by the Director. Upon completion, the fence as constructed becomes the property of the adjacent landowner, except on roads functionally classified as arterials.

(Order 87-6-10-3, 6.10.87; Order 04-5-5-8, 6.4.04)

15.045.515 – Drainage.

A. Roadside ditches and other drainage facilities must be designed solely to promote drainage of the roadway without interfering with natural waterways. Whenever a road crosses a natural channel or waterway, culverts must be installed to maintain the natural water flow. Such natural waterways may be identified by survey of the topography or aerial photography of the surrounding terrain.
B. Water may 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 must first enter into an agreement with affected property owners regarding the proposed diversion.

(Order 87-6-10-3, 6.10.87; Order 04-5-5-8, 6.4.04)

15.045.525 – 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.

(Order 89-3-1-18, 3.1.89)

15.045.530 – Bikeways and Sidewalks.

Bikeways must 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 15.040.450B. Standards may be modified to meet the needs of a particular area at the discretion of the Director. The Department must coordinate with cities and interested community groups in integration of adopted plans for alternative transportation modes. The Department will 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 must, whenever feasible, incorporate into the road improvement projects additional features necessary to provide for travel of bicyclists and pedestrians.

(Order 89-3-1-18, 3.1.89; Order 04-5-5-8, 6.4.04)

15.045.540 – Mailboxes.

Mailboxes placed within public rights of way must 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 must be of a type that will not constitute a hazard to the traveling public. The provisions of LC Chapter 15 with regard to facilities within public rights-of-way are applicable to mailboxes and mailbox supports. Mailbox supports provided by the County on road improvement projects will be constructed according to current safety design standards.

(Order 00-9-6-11, 9.6.00; Order 04-5-5-8, 6.4.04)

15.045.545 – Dangerous Trees.

The Department may remove any trees, snags or stumps from public rights of way that may endanger the traveling public. Should trees or other objects that threaten to fall on public rights of way be located on private property, the Director will notify the property owner of the hazard and request that the hazard be
removed. The Department will remove the hazard for the property owner if a permit of entry is granted to do so.

(Order 00-9-6-11, 9.6.00; Order 04-5-5-8, 6.4.04)

15.045.550 – Merchantable Trees.

All merchantable trees to be removed from rights of way must 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 thirty (30) days from the date of notification, the Department may remove the trees and retain any revenue that may be generated.

(Order 00-9-6-11, 9.6.00; Order 04-5-5-8, 6.4.04)

15.050 – COUNTY IMPROVEMENTS/CITIZEN INVOLVEMENT

15.050.575 – Improvement of the County Road System.

Major improvements to the County road system must be scheduled through a Five (5) Year Capital Improvement Program to be reviewed and adopted biennially by the Board. Two (2) primary purposes are identified for an established Public Works Capital Improvement Program:

A. To allocate the County’s limited financial resources to those projects which will provide the greatest return in moving people and goods safely and efficiently throughout the County, and

B. To provide for the most efficient scheduling and allocation of staff and other resources.

A draft plan must be submitted to the Board by the Director through the Roads Advisory Committee. Public hearings may be conducted by the Roads Advisory Committee and the Board in adoption of the Capital Improvement Program.

(Order 83-1-4-9, 1.4.83; Order 04-5-5-8, 6.4.04; Order 14-04-29-08, 4.29.14)

15.050.580 – 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 must be approved by the Board. Prior to Board action, the Roads Advisory Committee must consider staff recommendations on the design concept and adopt a recommendation for the Board’s consideration.

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

In deciding whether or not a stakeholder group should be formed or a Roads Advisory Committee hearing should be conducted, considerations include, but are not limited to: potential impacts on adjacent properties, whether significant alteration of the road or surrounding terrain is involved, such as in major realignment or widening, and whether appreciable impact to surrounding landscape or historical structures might be experienced.
B. Stakeholder Group. If the Board directs staff to form a stakeholder group the following general guidelines will be used:

1. 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 must be contacted for this purpose:
   a. Local neighborhood association, if applicable.
   b. State and local agencies having jurisdiction for the project area, including but not limited to the fire protection district, school district, and transit district.
   c. Property owners adjacent to the project.
   d. Other private entities that may be appropriate.

2. Stakeholder Group Composition.
   a. The list of parties who were contacted and who responded with a request to be included in the stakeholder group will be reviewed in a regular meeting by the Board, and the stakeholder group will be appointed by Board Order. The Commissioner in whose district the project area is located, and at least one (1) Roads Advisory Committee member, may serve as ex officio members of the stakeholder group.
   b. The group will generally include a maximum of twelve (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.

3. Stakeholder Group Responsibilities. The stakeholder group will meet at least once (1) per month, for no more than six (6) months, to review the project design. Engineering Division staff will facilitate stakeholder meetings.

4. At the conclusion of the stakeholder group meetings, staff must 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 must demonstrate consideration for stakeholder comments and other factors normally considered in project design, including Lane Code and Lane Manual requirements, engineering practices and standards, safety, budget, timing, efficiencies of scale, and maintenance.

5. 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 15.050.580C, or may adopt findings and a recommendation to forward to the Board. While stakeholder group comments, concerns, and outcomes must be considered, the Roads Advisory Committee has final authority as to the design concept recommendation forwarded to the Board.

C. Roads Advisory Committee Hearing Procedures.

1. Pursuant to LM 15.050.580A, the Roads Advisory Committee may elect to set one or more public hearings before adopting a Board recommendation on a preferred project design alternative. The hearings may be conducted before the Roads Advisory Committee, or before staff if so delegated by the Roads Advisory Committee.

2. If a petition is filed pursuant to LM 15.050.580E, a hearing will be set and conducted by the Roads Advisory Committee pursuant to LM 15.050.580C.3.
3. Notice of the hearing will be mailed to adjacent property owners of record at least ten (10) days in advance. Any hearing will deal with design concept of the proposed project only. Time for testimony may be limited to permit all interested parties to be heard.

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

E. Petitions. If the Roads Advisory Committee has adopted findings without a public hearing pursuant to LM 15.050.580A, a hearing must be conducted by the Committee on petition of one-third (1/3) of the adjacent property owners of record for reconsideration of the decision. The petition must be presented to the Department within thirty (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 thirty (30) days, the findings of the Roads Advisory Committee must be forwarded to the Board.

F. Roads Advisory Committee Action.

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

2. Staff must present the Roads Advisory Committee’s 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 must be included in the information presented to the Board.

G. Board Hearing Procedures.

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

2. In the event that the Roads Advisory Committee adopted findings after holding a public hearing pursuant to LM 15.050.580A, and property owners disagree with those findings, an appeal may be made to the Board for further consideration on petition of at least fifty percent (50%) of the adjacent landowners of record along the proposed road improvement project, provided that such appeal is filed within thirty (30) days of the date of the Roads Advisory Committee findings.

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

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

I. Assessments. In the event that the project includes assessments, statutory procedures of ORS 371.605 through ORS 371.660 will apply in addition to the procedures listed above. The appeal procedures outlined in LM 15.050.580G do not apply to assessments.

(Order 83-1-4-9, 1.4.83; Order 04-5-5-8, 6.4.04)

15.055 – COMMUNITY DEVELOPMENT ROAD IMPROVEMENT ASSISTANCE PROGRAM

15.055.800 – 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, in combination with other funding sources, to administer and finance eligible public road projects connected with expansion or new construction of community development projects.

(Order 00-5-16-5, 5.16.00)

15.055.805 – 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.

(Order 00-5-16-5, 5.16.00)

15.055.808 – Definitions.

In this subchapter, “Municipality” or “Municipalities” means 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.

(Order 00-5-16-5, 5.16.00)

15.055.810 – Eligible Applicants and Application for Funds.

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

B. Municipalities or entities that desire to receive funds under this program may make application or suggest a project through a letter directed to the Director. The letter should follow the application guidelines and selection criteria, attached as Exhibit A to LM 15.055.810B, and describe in detail the request for funds and the community development benefits that will be gained by the project.

(Order 00-5-16-5, 5.16.00; Order 04-5-5-8, 6.4.04)

Exhibit "A" TO LM 15.055.810B

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

The Community Development Road Improvement Assistance Program described in LM 15.055.800 through LM 15.055.826 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 must 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 15.055.825 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.

0    (H)   If project is within city, has city agreed to accept jurisdiction of road improvements upon completion of project?  (See Footnote 2)

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 15.055.826, may waive Community Development criteria.

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

Exhibit "A" to LM 15.055.810B

(Order 01-31-5, 1.31.01; Order 04-5-5-8, 6.4.04)

15.055.815 – Funding of Projects.

A.  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.

B.  Funding of all projects is subject to the availability of County funds. Participation by the County may not always be in the full amount requested and may be adjusted by the Board at its desire.

C.  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, engineering, and construction costs including clearing, base work, paving, and road drainage.

1.  If the project involves an upgrade of existing County Roads, the County may participate in funding to the extent that the improvement conforms to the applicable Transportation System Plan and existing assessment policies.

2.  If the project involves improvements to Local Access Roads, the County may participate in the funding to the extent the improvements conform to applicable comprehensive plans and existing assessment policies.

D.  It is expected, but not required, that fifty percent (50%) of the Road Fund eligible project cost will be provided by the municipality or the developer.

(Order 00-5-16-5, 5.16.00; 04-5-5-8, 6.4.04)

15.055.820 – 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 15.055.810B 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.

(Order 00-5-16-5, 5.16.00)

15.055.825 – Implementation.
A. Rules and procedures for implementing the Community Development Road Improvement Assistance Program will be promulgated and administered at the direction of the County Administrator.
B. The County Roads Advisory Committee Community Development Subcommittee will review all applications received and the Roads Advisory Committee will recommend awards to the Board of County Commissioners for approval.
C. 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 will be owned by the city and become the city’s maintenance responsibility.
D. If requested by the County, municipalities must 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.
E. If the Board, acting as sponsor for a non-municipality sponsored project in an unincorporated area, approves funding for a project, the Board will direct staff to proceed with project implementation.

(Order 00-5-16-5, 5.16.00)

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

15.060 – PERFORMANCE AGREEMENT STANDARDS
15.060.850 – Purpose.
The following procedures and requirements are established to define acceptable Performance Agreement mechanisms to be utilized in the implementation of Lane Code provisions for development under LC Chapter 10, LC Chapter 13, LC Chapter 15, and LC Chapter 16.

(Order 86-1-29-22, Effective 1.29.86)

15.060.855 – Application and Review.
LC 16.090(175), LC 15.010(37), and LC 13.030(3)(x), define Performance Agreements, and LC 13.080(1)(n) authorizes using Performance Agreements to assure performance of developments in the Land Development process. LC 15.010(28) authorizes using Improvement Agreements to assure performance of work required by facility permits. The County Administrator is delegated authority to accept and execute the following instruments:
A. Performance bonds.
B. Irrevocable letters of credit.

C. Assignments of savings accounts.

D. Trust agreements, when the development meets the following criteria:
   1. Large-scale industrial, commercial or residential developments in excess of one hundred (100) lots.
   2. Development schedule is in excess of three (3) years.
   3. Public improvements must be phased so that, if not completed, the portion completed would result in logical public facility development.
   4. Construction of streets, structures, drainage and other development improvements will be provided in phases. Each phase must conform to the approved construction plans approved for the development. The phases must be of adequate size to be functional and be approved by the Director.

E. 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 in LM 15.060.855A through LM 15.060.855D to the Director.

(Order 86-1-29-22, 1.29.86; Order 04-5-5-8, 6.4.04; Order 20-11-10-04, 11.10.20)

15.060.860 – Alternate Performance Agreements.

Any Performance Agreements not specified in LM 15.060.855 must contain specified security rights for the benefit of Lane County that are equal to or better than those specified in LM 15.060.855. Such agreements must be submitted to the Board through the regular agenda process.

(Order 86-1-29-22, 1.29.86; Order 04-5-5-8, 6.4.04)

15.060.865 – Renewal of Performance Agreements.

A. 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.

B. Criteria for Approval of Renewals.
   1. The applicant must have made application for the renewal within the original time set for completion.
   2. The applicant has the burden of proof to demonstrate that the applicant has made a reasonable good faith effort and progress to meet the time for completion, and that the delay in meeting the condition could not have been reasonably avoided.
   3. The applicant must have the burden of proof to demonstrate either:
      a. That the uncompleted conditions can be met within a period of time not to exceed one (1) year beyond the original time set forth.
      b. That for reasons over which the applicant does not have control, certain items cannot be met within one (1) year beyond the original expiration date set forth, but can be met within a...
reasonable time. The reasonable time must be specified in any renewal granted by the Director or County Administrator. "Reasons over which the applicant does not have control" means circumstances that would reasonably prevent any applicant, as opposed to the particular applicant, from completing the items within two (2) years from the date of approval.

C. Application Requirements.

1. An application for renewal must be completed on the form provided by the Director and must contain any necessary supporting materials or documents.

2. The application for an extension must be accompanied by the required filing fee to help defray the costs of processing the application.

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

D. Notification of Decision on Application. The Director, after review of the application for a renewal, will give written notice of the Director’s decision and the reasons supporting that decision to the applicant. In denying an extension the Director may exercise the County’s rights under an applicable Performance Agreement.

(Order 93-3-31-7, 3.31.93; Order 04-5-5-8, 6.4.04)

15.065 – TOURIST-ORIENTED DIRECTIONAL SIGNS

15.065.900 – 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, ORS 374.310, and LC 15.205.

(Order 85-6-19-5, 6.19.85)

15.065.905 – 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.

(Order 85-6-19-5, 6.19.85)

15.065.910 – 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. Cultural Feature is included in the term "activity," as used in this subchapter.
“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. Historical Feature is included in the term "activity," as used in this subchapter.

“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.

(Order 85-6-19-5, 6.19.85; Order 04-5-5-8, 6.4.04)


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.

(Order 85-6-19-5, 6.19.85)

15.065.920 – 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 (1) mile, but not more than fifteen (15) miles, from the intersection where the sign will be placed. If, at any time, the ODOT 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.

(Order 85-6-19-5, 6.19.85; Order 04-5-5-8, 6.4.04)

15.065.925 – Application Process.

A. Original Application. An original application made on a form specified by the Department must 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 (1) 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 must 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 (1) 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.
B. Renewal Application. A renewal application:

1. Must be submitted each year prior to the anniversary date of the original application.
2. Is subject to reinvestigation by the Department.
3. 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.
4. Must be accompanied by the rental fee for each sign for one year.

Failure to submit a renewal application within thirty (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.

C. Waiver. The Director may waive the requirement that the tourist-oriented business or activity be located at least one (1) 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 fifteen (15) miles from the intersection where the sign is placed if:

1. Applicant can show that the business or activity is easily located from the intersection, and/or
2. No additional signs would be required to direct traffic to the business or activity.

D. Fees.

1. A fee must be paid upon submission of a new or renewal application.
2. The annual fee for each sign is seventy-five dollars ($75).
3. The fee will be waived if the historical or cultural feature is publicly owned and operated or is owned and operated by an entity with 501(c)(3) status under the Internal Revenue Service Code.
4. An additional fee of twenty-five dollars ($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.

(Order 85-6-19-5, 6.19.85; Order 04-5-5-8, 6.4.04)

15.065.930 – Signing Standards.

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

A. Location.

1. Signs must be located at intersections of County roads with state highways or other County roads.
2. Advance signs may be located between the previous intersection and must be at least five hundred (500) feet from the signed intersection.
3. Location is subject to a determination by the Director, or the Director’s designee, that the sign will not interfere with other traffic control devices and present a hazard to the traveling public.

B. Composition. Signs located at intersections must:
1. Be eighteen (18) inches in height and seventy-two (72) inches in width.

2. Contain no more than two (2) lines of legend limited to the name of the business or activity and may not contain any promotional material as determined by the Director.

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

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

C. Installation. All signs must be installed by the County in conjunction with its normal work schedule.

D. Maintenance. The County will do maintenance during its normal sign maintenance program.

E. Removal. Signs must be removed if it is determined by the Director that the applicant no longer meets the requirements of this subchapter.

(Order 85-6-19-5, 6.19.85; Order 04-5-5-8, 6.4.04)