

Date Received: _____

LAND MANAGEMENT DIVISION



**TYPE I - LAND USE APPLICATION
Access Verification**

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97408 Planning: 682-3577

For Office Use Only: FILE # _____ FEE: _____

Applicant (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Applicant Signature: _____

Agent (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Agent Signature: _____

Land Owner (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Through applying for this application I authorize the Lane County Planning Director, designee, or hearings official to enter upon the property subject of the application to conduct a site visit necessary for processing the requested application. Lane County shall contact the Land Owner prior to the site visit to arrange an appropriate time for the site visit.

Land Owner Signature: _____

LOCATION

Township _____ Range _____ Section _____ Taxlot _____

Site address _____

If your property does not have frontage to a road, you may need an Access Verification. By submitting this application, you are requesting that the Land Management Division review an existing or proposed easement to verify it complies with LC 15.055.

NOTICE: The Applicant is responsible for providing enough information in this application for staff to make reasonable findings.

REQUIRED SUBMITTALS

You must submit the following documents:

- **TAX MAP for the subject property and all properties that are crossed by the easement.**
- **A COPY OF THE EASEMENT DOCUMENT.**
- **A COPY OF THE MAINTENANCE AGREEMENT if separate from the easement document.**
- **CURRENT DEED for the subject property and all properties that are crossed by the easement.**

This application will not be processed unless you have submitted either a Legal Lot Verification or a Building Permit.

LEGAL LOT VERIFICATION. Have you submitted a legal lot verification? Yes No

PA#: _____

Subdivision (if applicable): _____

Partition (if applicable): _____

BUILDING PERMIT. Have you submitted a building permit? Yes No

BP# _____

ADJOINING OWNERSHIP Is any adjacent property under the same ownership as the subject property? List the map and tax lot(s).

ZONING: _____

ACREAGE: _____

EXISTING IMPROVEMENTS Describe any improvements to the property such as any roads, structures, etc.

APPROVAL CRITERIA:

PRIVATE ACCESS EASEMENTS

15.055 Minimum Requirements for Private Access Easements.

The following minimum requirements shall apply to Private Access Easements as defined in LC 15.010(35) when new development is proposed to ensure that such roads will reasonably conform to the stated purpose of this chapter.

LC 15.055(2)(a) through (b) apply only to lands that are NOT zoned F1 or F2. Lands that are zoned F1 or F2 shall be governed by the siting and development standards of the applicable zoning district.

2. When a Private Access Easement is used to provide access to a vacant lot or parcel where development is proposed, prior to land use and zoning authorization for the proposed development the following shall apply:

(a) The applicant for the proposed development shall provide written certification from the applicable Fire District, on a form prepared by Lane County, that the Private Access Easement meets minimum Fire District requirements to provide emergency services to the property.

(b) If the applicant is unable to obtain the written certification specified in LC 15.055(2)(a), the property owner shall record a Covenant and Hold Harmless Declaration to run with the land and in a form acceptable to Lane County that includes the following information and provisions:

- ___ (i) a legal description of the lot or parcel where development is proposed;
- ___ (ii) the name(s) of the owner(s) of the property;
- ___ (iii) a declaration and agreement that the property owner(s), successors, and assigns hold Lane County, its agents and employees harmless from any and all claims, losses, liability or damages that the owner(s) may incur as a result of failure to improve the Private Access Easement to the minimum Fire District requirements for providing emergency services to the property;
- ___ (iv) reasons why the fire district certification cannot be obtained. An applicant's refusal to obtain the certification shall not in itself be an allowable reason;
- ___ (v) a statement that the property owner was advised and understands that the road may be inadequate for emergency vehicles;
- ___ (vi) a statement that the property owner declares and agrees that he and/or she has read the Covenant and Hold Harmless Declaration and has signed it of his or her own free will.

Private Access Easements that have previously been fully inspected and approved by Lane County as part of a land division final plat approval, for plats that were recorded after January 1, 1990 shall not be subject to fire district certification requirements of LC 15.055(2)(a) through (b).

3. The County may determine that the access and transportation needs of the public would be better served if the private access easement being considered is established as a Public Road or County Road as defined in LC 15.010(35), and may require dedications and improvements pursuant to the requirements of LC 15.105.

4. The minimum width for private access easement shall be of a width determined by the County suitable for the intended use, but in no case less than 30 feet. Notwithstanding this requirement, a pre-existing easement of at least 20 feet in width and serving a lot or parcel created in its present configuration prior to April 28, 2004 is allowable provided it complies with other requirements of this chapter.

5. All approved documents creating a private access easement shall provide for the installation, construction and maintenance thereof of all utilities and facilities which are now or may in the future be needed for the area abutting the road and the surrounding area.

6. 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.

7. Any easement approved as a private access easement shall be an affirmative, perpetual easement appurtenant to the property that will be served by the easement, and contain at a minimum the names of grantor and grantee, the description of the land covered by the easement, a description of the lot(s) or parcel(s) to be served by the easement, a description of the intent or purpose of the easement and a statement of maintenance responsibility. All approved easements shall be recorded.

8. The County may require that at the entrance to a Private Access Easement road a sign be posted at private expense stating the name of the private road and the words "Private Road, Not Dedicated for Public Use or Maintained by Lane County."

GENERAL ACCESS REQUIREMENTS: Do not answer this section. It is for informational purposes only.

Lane Code 15.135. All lots, parcels, or building sites shall have reasonably safe and usable vehicular access either directly to a Public Road, County Road, State Road or an approved Private Access Easement. The access to the site must pass a two part test. First, the site must have legal access. Second, that access must be reasonably safe and useable.

First: (2) A lot or parcel shall be considered as having legal access for the purposes of development when the lot or parcel: (check the one that applies)

- (A) Was created in an approved and recorded land division; or
- (B) Is part of an unrecorded subdivision filed with the County as a survey recorded prior to January 1, 1955, and the roads in the unrecorded subdivision were dedicated to the County but may not have been accepted as Public Roads as defined in LC 15.010(35); or
- (C) Is adjacent to a Public Road or County Road, and meets the frontage requirements of LC 15.120; or
- (D) Is served by a Private Access Easement meeting the requirements of LC 15.055; or
- (E) Is adjacent to a state road and meets any applicable state access and permit requirements.

Second: (3) A lot or parcel shall be considered as having reasonably safe and usable vehicular access for purposes of development if the road providing access to the lot or parcel is: (check the one that applies)

- (A) a County-maintained road or State-maintained road; or
- (B) a Public Road, Local Access Road, or Private Access Easement physically constructed and maintained to the requirements specified in this chapter; and any applicable dedication and improvement requirements of this chapter are met.

LC 154.135(4) Lots in platted subdivisions shall take access from the adjacent platted road unless a Variance to Access Requirements is approved pursuant to LC 15.140. Such roads shall be adequate to serve the proposed development and shall be:

- (a) constructed at private expense to the requirements specified in this chapter; and
- (b) located within the platted road right-of-way. A survey to determine the location of the right-of-way may be required at the discretion of the Director.

LC 154.135(5) When an existing County Road is used to provide access to a vacant lot or parcel where development is proposed:

- (a) the approach for the driveway or private access easement serving the property shall meet the access management requirements and spacing and sizing requirements of LC 15.137 through LC 15.139 below; and
- (b) the County may require dedications of right-of-way or easements and improvements pursuant to LC 15.105; and
- (c) all work within the County Road right-of-way shall comply with the facility permit requirements of LC 15.205 through LC 15.210.

LC 154.135(6) When a lot or parcel is the site of an existing building, the lot or parcel shall be deemed to meet the access provisions of LC 15.135 through LC 15.139 when a building permit application is for the remodeling, alteration or replacement of an existing structure or the addition of an accessory building and no additional dwelling units or guest houses are created.