

**APPENDIX B2. "Draft¹" STANDARDS & CRITERIA
JO CO RURAL LAND DEVELOPMENT CODE (RLDC), Article 81
Josephine County Rural Land Development Code (RLDC)**

http://www.co.josephine.or.us/Files/complete_code_2005.pdf
for Don Marvin Land Use Request (LUR) for Comprehensive Plan (CP) Amendment and
Zone Change (ZC) From Forest to Residential and WR to RR-5, Subject: 35-06-11.00/1600;
Proposed Density & Uses A New Subdivision to Create Eight 5 Acre Parcels for Homesites

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Hugo Neighborhood Association & Historical Society
Web Published at Neely & Trimble Historic Cemeteries Plan
<http://hugoneighborhood.org/hugohomegraves.htm>

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RLDC Standards & Criteria: Article 81

for Don Marvin Land Use Request (LUR) for Comprehensive Plan (CP) Amendment and Zone Change (ZC) From Forest to Residential and WR to RR-5; Proposed Density & Uses A New Subdivision to Create Eight 5 Acre Parcels for Homesites

RLDC ARTICLE 81 - ACCESS STANDARDS

RLDC 81.010 - PURPOSE

The purpose of these standards is to ensure safe ingress and egress to and from properties; to minimize street congestion and traffic hazards, to protect the future operation of transportation facilities, to provide safe and convenient access to businesses, public services, and places of public assembly; and to make vehicular circulation more compatible with surrounding land uses.

RLDC 81.020 - ACCESS STANDARDS

A. Every lot or parcel created by a new land division shall abut a maintained county road or street for at least 25 feet, or shall abut a state highway where the Oregon Department of Transportation has issued an access permit to each lot or parcel. Lots or parcels that do not abut such a road or highway may be approved by the review body when the following conditions exist:

1. When a parcel of land is an isolated ownership, where not more than 2 lots can be developed from the original parcel or from adjoining lands, and where access is by easement which has been created prior to June 29, 1973, the existence of an easement to the property line shall be deemed to continue to the proposed parcel;
2. When a parcel of land receives access by a public usage road declared by a court of competent jurisdiction or by a non-maintained county road, and where the review body finds that acceptance of such road for partitioning purposes is in the public interest, any partitioning using those roads shall be conditioned upon the dedication of additional right-of-way and improvement as required by the review body.

B. No partitioning or subdivision of land shall be authorized using any special purpose roads, including ways of necessity, special access roads under the permit control of the Secretaries of Agriculture or the Interior, timber access roads, or other roads in which the rights of the public for access may be restricted.

RLDC 81.030 - GENERAL ROADWAY DESIGN CRITERIA & STANDARDS

The location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public safety, and to the proposed use of the land to be served by the street.

RLDC 81.040 - STREET CREATION WITHIN A LAND DIVISION

The creation of a street within a subdivision, partition, replat, or planned unit development, shall be in full compliance with the platting requirements contained in this code and applicable state

regulations. No person shall create a street or road for the purpose of subdividing, partitioning, replatting, or creating a planned unit development, on an area or tract of land without county approval.

RLDC 81.050 - STREET CREATION OUTSIDE A LAND DIVISION

A. The provision of right-of-way for creation of streets outside of a subdivision, partition, replat, or planned unit development, where streets are not shown on an adopted transportation plan shall be in **conformance with the county road standards** [emphasis added], except the review body may approve the creation of a street by deed without full compliance with platting regulations provided any of the following conditions exist:

1. The establishment of the street is initiated by the Board of County Commissioners and is declared essential for the general traffic circulation;
2. The street is to provide access to parcels that were created prior to the enactment of this code;
3. The street is necessary to provide access intervening between a proposed subdivision, partition, replat, or planned unit development and a public road;
4. The street may be established as a condition of site plan review to facilitate the safe ingress and egress of a particular use.

B. In all cases, the creation of a street shall be consistent with the elements of the comprehensive plan; shall not disrupt the stability of the land use pattern in the area; and will promote and conserve the public health, safety, and welfare. The review body may deny the request or refer the request for the creation of a street to a public hearing where, in the opinion of the review body, the request would be in conflict with the provisions in Section 81.050.A.

RLDC 81.060 - SUBMISSION OF PROPOSED DEED

A. In those cases where approval of a street is to be without full compliance with the regulations applicable to subdivisions, partitions, replats, property line adjustments, or planned unit developments, a copy of the proposed deed shall be submitted to the review body.

B. The deed and any information which may be submitted, shall be reviewed by the review body and the County Engineer, and, if not in conflict with the design standards of this code, may be approved with any conditions necessary to comply with these standards.

C. Requirements for the creation of a street by deed must include engineering data, plan and profile, and the construction of the street to the appropriate standards.

RLDC 81.070 - EASEMENTS

Easements for public facilities, public or private utilities, slopes, drainage, etc., shall be dedicated wherever necessary. The review body may require the developer to acquire and dedicate easements on adjoining property when necessary to protect the public health, safety, and general welfare.

RLDC 81.080 - RELATION TO ADJOINING STREET SYSTEM

A. Applicants for a subdivision, partition, replat, property line adjustment, planned unit development or site plan review **shall provide for the continuation of the principal streets existing in adjoining subdivisions or of their proper projection when the adjoining property is not subdivided. The streets shall be a width not less than the minimum requirements for streets set out in Sections 81.130.A and 81.200.F.** [emphasis added]

B. Where, in the opinion of the review body, topographic conditions make the continuation or conformity impractical with the existing, principal streets, an exception may be made.

C. Where an adopted neighborhood, area, or rural community plan is in place, the subdivision partition, replat, property line adjustment, or planned unit development shall conform to the adopted plan.

D. Where the plat submitted covers only a part of the developer's tract, a drawing of the prospective future street system on the part submitted shall be considered in light of its conformity to the street system of the entire tract. (emphasis added)

E. Loop road systems are to be provided where possible in order to provide more than one route for traffic in the case of an emergency. Cul-de-sac roads are to be kept as short as practical to facilitate better emergency access.

RLDC 81.090 - FUTURE EXTENSION OF STREETS

A. Where necessary to give access to, or permit a satisfactory future subdivision, partition, replat, or planned unit development, on adjoining land, the review body may require that streets be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a turnaround.

B. Street plugs may be required to preserve the objectives of street extensions, the control of which shall rest with the Board of County Commissioners according to their sole discretion.

RLDC 81.100 - HALF STREETS

A. While generally not acceptable, half streets may be approved where they can be shown to be essential to the reasonable development of the subdivision, partition, replat, or planned unit development. The use of half streets must be in conformity with any other requirements of this code, and when possible, shall require the dedication for construction of the other half, at the time any adjoining property is subdivided, partitioned, replatted, or a planned unit development is created.

B. Whenever an existing half street is adjacent to land to be subdivided, the remaining half of the street shall be dedicated and constructed within the subdivision, partition, replat, or planned unit development. Street plugs may be required to ensure the objectives of obtaining full-width streets.

RLDC 81.110 - ALIGNMENT AT INTERSECTIONS

As far as practical, streets shall be in alignment with existing streets by continuing the center lines. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a

minimum distance of 260 feet between the center lines of streets having approximately the same direction.

RLDC 81.120 - STREETS ABUTTING A LAND DIVISION

A. At a minimum, applicants for subdivisions, partitions, replats, property line adjustments, planned unit developments and site plan review, shall provide streets, of the appropriate standards, connecting directly to an existing publicly maintained street.

B. Where the right-of-way of an existing street, which directly abuts any land division, does not meet the appropriate rural standard, the applicant shall dedicate the right-of-way required to meet the standard unless exempted by another section of this code.

C. At county discretion, street improvements shall be constructed to an equivalent dollar amount of the half-width rural standard. Design standards for rural roads shall be in conformance with this code, the county's Roadway and Traffic Management Plan, the Standards and Specifications for Design and Construction of County Roads, **AASHTO standards, and any technical manuals used by the Public Works Department in road development and as provided in Section 81.130.A.** (emphasis added)

RLDC 81.130 - ROAD DESIGN, CONSTRUCTION & IMPROVEMENT STANDARDS

A. Road Design and Construction Standards. Road design and construction standards shall be established and maintained under the authority of the Director of Public Works pursuant to order of the Josephine County Board of Commissioners. **A separate publication of current road design and construction standards can be obtained from the Josephine County Public Works Department or the Planning Office. Users should exercise appropriate caution in using these standards outside of formal application review.** (emphasis added)

B. Road Construction Improvements. Road construction improvements shall be made by the developer prior to submission of the final plat or by an agreement to improve roadways which shall be executed as provided in **Article 14** (emphasis added) of this code. Roads proposed for construction will be categorized by location.

RLDC 81.140 - BLOCKS

The length, width, and shape of blocks shall be designed to provide adequate building sites suitable for the proposed uses, to satisfy any need for convenient access, circulation, control, and safety of street traffic, and the limitations and opportunities of the topography of the site.

RLDC 81.150 - BICYCLE LANES

The review body may require the installation of separate bicycle lanes within arterial and collector streets and/or separate bicycle paths, if necessary to extend an existing or planned system of bicycle routes, shown on the adopted bicycle route plan, or if a need is otherwise indicated. Such paths shall meet the standards of the state of Oregon.

RLDC 81.160 - ALLEYS

The minimum width of alleys, when provided in residential blocks, shall be 20 feet. Alleys shall be provided in commercial and industrial zones and shall not be less than 20 feet in width.

RLDC 81.170 - CUL-DE-SACS

Dead-end streets shall terminate in a cul-de-sac turnaround with a minimum radius as listed in the road standards adopted by the Board of County Commissioners or standards adopted by AASHTO.

RLDC 81.180 - STREET INTERSECTIONS

A. All streets shall intersect at right angles (90 degrees); where an intersection of 90 degrees cannot be secured because of physical constraints of the site, an angular intersection of not less than 60 degrees may be permitted.

B. Right-of-way lines at street intersections shall be rounded with an arc parallel to the curb or shoulder arc.

C. Collector and arterial intersections shall have roadway curb or road shoulder radii of not less than 25 feet; all other street intersections shall have roadway curb radii of not less than 20 feet.

RLDC 81.190 - STANDARD DRIVE APPROACHES

Standard drive approaches shall be installed pursuant to design standards administered by the Director of Public Works.

RLDC 81.200 - RESTRICTED RESIDENTIAL ROADS

A. Design and construction standards for restricted residential roads shall be established and maintained under the authority of the Director of Public Works pursuant to order of the Josephine County Board of Commissioners. A separate publication of current restricted residential road design and construction standards can be obtained from the Josephine County Public Works Department or the Planning Office. Users should exercise appropriate caution in using these standards outside of formal application review.

B. **When 5 or fewer lots or parcels are to be served by a public road** [emphasis added], the developer may construct a restricted residential road. Restricted residential roads will be developed to design and construction standards as established and maintained under the authority of the Director of Public Works. Restricted residential roads will not be accepted for maintenance by the Board of County Commissioners unless improved to the specific maintenance standards and specifications for the appropriate county maintained rural.

C. **If the restricted residential road cannot ultimately be extended to serve more than 5 lots or parcels based on existing zoning** [emphasis added], the sub-grade may be constructed to a single lane width.

D. If the restricted residential road has the potential to serve more than 5 lots or parcels based on existing zoning, the sub-grade shall be constructed to a double lane width to allow future improvements to the appropriate county maintained road standards. [emphasis added]

E. Surfacing for restricted residential roads that may ultimately serve more than 5 lots or parcels may be limited to one lane with turnouts intervisible or 800 feet maximum, 50 feet in length plus 25 foot tapers until the road serves more than 5 lots or parcels, at which time the road shall be improved to the appropriate county maintained standard. [emphasis added]

F. If a road is developed to restricted residential road design and construction standards, the final plat shall contain covenants for a road maintenance agreement that binds the property owners for the lots or parcels that receive access from the road (and their successors and assignees) to maintain the road to restricted residential road standards, subject to all of the following specific requirements: [emphasis added]

1. The agreement shall provide for monetary contributions toward maintenance expenses that are equally divided, or proportionally divided based upon road frontage or acreage. The road maintenance agreement shall be enforceable by any property owner obligated under the agreement and by Josephine County. The agreement shall provide for the recovery of attorney fees and court expenses by prevailing party or parties to any civil action to enforce maintenance responsibilities.

2. Road maintenance shall be performed whenever deterioration results in exposure of the sub-grade, failure of the foundation, erosion of ditches or road shoulders, or blockage of culverts.

3. If the road includes a structure (such as a culvert or bridge), the agreement shall require that the structure(s) shall be continually maintained at the specified loading standard, and the structure shall be inspected at a minimum of every ten years by a registered professional engineer, who shall certify the structure loading standard continues to be met. A copy of the certificate shall be furnished to all parties to the agreement and to the Director of Public Works.

4. The road maintenance agreement shall not be required, but may be obtained, in the following situations:

a. Access is provided by a non-maintained county road that was established prior to the implementation of land division requirements, and no further land division is being proposed pursuant to this code;

b. Access is provided by a restricted residential road that was previously developed pursuant to an approved land division that did not require a road maintenance agreement, and no further land division is being proposed pursuant to this code; and

c. Access is provided by a new restricted residential road developed over a pre-existing private access, and the pre-existing access serves other lots or parcels that are not a part of the land division that creates the new road. In this case, a road maintenance agreement shall be required only for lots or parcels being created by the new land division, but owners of the other lots or parcels that use the road may also join the agreement.

5. In any case, future land divisions utilizing existing non-maintained county roads or restricted residential roads, may be required to improve these roads or obtain road maintenance agreements as a condition for land division approval.

G. The owner or developer may request that a gravel surface be constructed in lieu of the required oil mat surface. The review body may approve a request if all the following conditions exist:

1. **The road cannot be extended to serve more than five lots** [emphasis added], counting lots in and out of the proposed land division;
2. The road will be constructed over soils that are capable of supporting a gravel surface that will not deteriorate under normal weather and traffic conditions;
3. The parcels to be served are relatively isolated from a maintained county road;
4. The construction of an oil mat surface is not practical because terrain conditions at the site result in extraordinary construction costs or complications;
5. The gravel road will support orderly and efficient development of the subject property and surrounding properties

RLDC 81.210 - STREETS SHOWN ON MASTER TRANSPORTATION PLAN

A. Streets shown on the adopted master transportation plans are created at the time of adoption of the plans.

B. Improvements and engineering data necessary for the completion of roads shall be submitted as reasonably requested by the County Engineer.

C. The review and approval of documents shall be performed by the review body and County Engineer to assure compliance with street improvements standards. Decisions made by the review body and County Engineer may be appealed as part of the original application under the provisions of Article 33.

1. This “draft” identification of Josephine County Rural Land Development Code (RLDC) standards and criteria will be edited as the HGT learns the “final” RLDC standards and criteria.

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