

1 WHEREAS after notice as required by the County Code, the Board of Commissioners
2 held a hearing on September 24, 2008 to consider adoption of the Plan and Ordinance this
3 Ordinance implementing changes to the Lincoln County Code Chapter 1, Land Use Planning.
4 At the conclusion of the hearing the Board unanimously agreed to move forward with adoption
5 of the plan and implementing ordinance; therefore,

6 The Lincoln County Board of Commissioners ordains as follows:

7 **SECTION 1.** LCC 1.0005 is amended to read:

8 1.0005 Introduction

9 The comprehensive plan is a statement of Lincoln County's overall policies regarding
10 the nature of future growth and development in the County. This policy reflects a
11 consideration of the County's problems and needs as well as its social, environmental and
12 economic values. The purpose of comprehensive planning is to allow the public to make
13 decisions in advance about the development of the County and the use and conservation of its
14 resources. The resulting plan is a document upon which public agencies and private firms and
15 individuals can rely so their decisions and investments can be made with confidence. People
16 buying homes can do so, assured that their community will grow and develop in an orderly
17 fashion. Businesses can invest in new sites, confident that they can be used for their intended
18 purpose and that needed services will be provided. Public investments in water systems, sewer
19 systems, schools, roads, etc., can be made in an orderly and cost effective manner. At the same
20 time, the comprehensive plan is not intended to be a static document; rather it is intended to be
21 dynamic in nature. Periodic review and revision is a necessary part of the planning process in
22 order to respond to changing social and economic needs and circumstances. The Lincoln
23 County Comprehensive Plan consists of *[three]* **four** primary elements: The Comprehensive
24 Plan Inventory; the Comprehensive Plan Policies; *[and]* the Comprehensive Plan Maps; **and**
25 **the Lincoln County Transportation System Plan adopted pursuant to LCC 1.0138.** The
26 Comprehensive Plan Inventory provides the background information, data and other factual
27 base material concerning the social, economic and environmental resources of the County. The

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NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 Comprehensive Plan Policies are the formal binding policy statements which direct future
2 growth and development and which are derived from the problems and needs identified in the
3 Comprehensive Plan Inventory. The Comprehensive Plan Maps assign land use designations
4 to all areas of the County in accordance with the requirements of the Comprehensive Plan
5 Policies. It should be emphasized that these three elements of the County Comprehensive Plan
6 must be considered together in analyzing a specific application of the plan. For example, the
7 policy provisions for Forest Lands are in response to resources and conflicts identified in the
8 inventory, and are in turn applicable to those resources defined in the inventory and delineated
9 on the plan maps. In order to provide a better understanding of this linkage between the
10 inventory and policy elements of the Comprehensive Plan, the relevant conclusions of the
11 various inventory sections have been summarized below:

12 (1) Urbanization:

13 The County's urbanization policies are based on factual base material contained in the
14 relevant cities' comprehensive plan. This material includes information on population
15 projections, housing needs and projections, and overall urban land needs. Based on the
16 information, policies establishing urban growth boundaries and joint management procedures
17 have been adopted. For detailed information on particular urban growth boundaries, the
18 appropriate city plans should be consulted.

19 (2) Air, Land and Water Quality:

20 The air, land and water quality inventory details existing and potential sources of
21 pollution in Lincoln County. Air quality in Lincoln County exceeds minimum standards set by
22 the EPA. There are some waste discharges in Lincoln County affecting air quality; however air
23 quality is remaining the same or improving slightly. Water quality in Lincoln County is
24 described as generally good. Some moderate sedimentation problems exist on portions of
25 some watersheds; in addition some periodic non-compliance with temperature standards occurs
26 as a result of low summer flows and over appropriation. According to the inventory, air, land

1 and water quality problems in the County are relatively minor and are currently adequately
2 regulated by existing state and federal pollution control programs.

3 (3) Natural Hazards:

4 A variety of natural hazards are identified and detailed in the inventory. They include
5 steep slopes, landslide areas, high water table, weak foundation soils, active sand areas, stream
6 and ocean flooding and coastal erosion. Most natural hazards common to Lincoln County are
7 of such a nature and scale that large scale engineering or structural solutions are not practical.
8 Zoning and performance standard requirements are the primary techniques available for hazard
9 mitigation.

10 (4) Forest Lands:

11 Approximately 87 percent of the total land area of Lincoln County is forest land. Of
12 this 550,000 acres, roughly 80 percent is in either industrial or public ownership. The primary
13 use of the majority of these forest lands is commercial wood fiber production. Secondary uses
14 include wildlife production, outdoor recreation, domestic watersheds and livestock grazing.
15 Existing ownership patterns, historical use trends, and past and current management practices
16 for private non-industrial forest lands indicates that parcels of 40 to 50 acres comprise the large
17 majority of ownerships and that parcels in this size range are compatible with the conservation
18 of forest lands for forest uses.

19 (5) Agricultural Lands:

20 The analysis considers available sources of data on farms in Lincoln County including
21 the 1979 Census of Agriculture, the S.C.S. Farm Plans, and the Farm Deferral Information.
22 Comparisons are made of all these sources and they are found to be representative samples of
23 agriculture and commercial agriculture in the County. These sources indicate that different
24 size parcels may be appropriate for different types of activities. Average acreages of com-
25 mercial farm uses were as follows: crops, 28 acres; pasture, 55 acres; wooded pastures, 34
26 acres; farm wood lots, 41 acres; overall average, 81 acres. The diversity of these averages
27 precludes a county-wide minimum lot size. The two-step approach is suggested using the

1 above information as a guideline and more detailed information applied to the guideline area
2 which is mapped and determined in the study. Use of a Commercial Viability Rating System
3 is proposed as a system to provide for the continuation of the commercial agriculture if the
4 person is able to have similar types and averages of activities as 75 percent of the surrounding
5 farms on Farm Deferral within the guideline area. This result is obtained when a minimum
6 rating of 36 points is achieved.

7 (6) Estuarine Resources:

8 In terms of both economic and social value, estuaries are among the most valuable of
9 the County's natural resources. Among their many valuable functions, estuaries serve as a nur-
10 sery for many commercially important ocean fish and as a migration route for anadromous fish
11 (steelhead and salmon). Crustaceans occur in immense numbers and are important in the diet
12 of young fish which in turn are food for higher carnivores. Open water, eel grass and tide flats
13 provide the food and shelter requirements of a significant portion of the migratory birds using
14 the coastal portion of the Pacific Flyway. Of particular importance are the estuarine marsh and
15 tide flat communities which, through their role in nutrient regeneration and cycling of organic
16 matter, provide a significant portion of the primary productivity upon which many major
17 marine food webs are based. These estuarine wetlands serve a number of other important
18 functions including: providing water storage capacity that counteracts tidal surges and
19 upstream flood runoff; serving as settling and filtering basins for silt, organic material and
20 other pollutants; providing breeding, resting and feeding grounds and escape cover for many
21 forms of fish and wildlife. Estuaries are also extremely important for navigation and shipping,
22 commercial fishery support facilities, commercial aqua culture operations, recreational boating
23 and fishing and other economically important activities which require some alteration of the
24 estuary. Because the delicate balance and operation of an estuary is dependent on the
25 interrelationships of complex natural processes, estuaries represent a very fragile environment.
26 Seemingly modest alterations to the processes that govern them can cause major changes in
27 their biophysical character. For this reason, the potential for resource degradation as a result of

1 competing uses is high. Since estuaries have such high economic and social values, it is of
2 critical importance to establish estuarine management practices that will provide for
3 development of estuarine-dependent resources in a manner compatible with conservation and
4 enhancement of estuarine environments.

5 (7) Coastal Shorelands:

6 The coastal shorelands planning area includes lands contiguous to the Pacific Ocean
7 and tidal rivers and streams. While the interior portions of the County are largely devoted to
8 public and private commercial timber production, those parts of the land mass adjacent to the
9 ocean and major rivers are devoted to a variety of uses, many of which are unique. Many of
10 the principal economic activities in Lincoln County are directly dependent on sound
11 management of shore land areas. Tourism flourishes in the County almost solely because of
12 the appeal of the ocean, the beaches and the estuaries. Preservation of the scenic qualities of
13 these resources as well as public shore land access is obviously crucial if tourists are to
14 continue to be attracted to the area. The fishing industry is dependent on sound management of
15 shoreline areas. Industrial needs such as processing, moorage, boat repair and construction
16 must be provided for in the limited shore land area. At the same time, areas of coastal waters
17 and adjacent lands which are crucial for the maintenance of marine food webs must be soundly
18 managed. Other features unique to the shore lands such as coastal hazard areas and significant
19 coastal habitat areas also require special management provisions.

20 (8) Beaches and Dunes:

21 Lincoln County has extensive ocean beaches, as well as several smaller areas of dunes.
22 Numerous dune forms are present, including areas of older stabilized dunes, conditionally
23 stable dune forms, active fore dunes and inter dune areas (deflation plains). Lincoln County's
24 dune areas are relatively small, and other dune resources such as dune habitats and dune
25 aquifers are present, but not substantial. Major portions of Lincoln County's dune areas, such
26 as Bayshore and Salishan spits, are committed to residential development.

27 (9) Open Space:

1 The inventory concludes that a more than ample supply of open space exists in the
2 planning area. Because the plan restricts residential densities on forest, agricultural and other
3 rural lands, and maintains existing parks and public open space, no conflicts exist for lands
4 needed and desirable for open space.

5 (10) Mineral and Aggregate Resources:

6 The large majority of the County's known aggregate reserves occur on forest or
7 agricultural lands, where no significant conflicts exist. Some deposits do occur in areas where
8 potential conflicts from other uses could arise. These have been analyzed, consequences have
9 been assessed and conflicts resolved. This resolution has generally taken the form of either
10 permitting in full or prohibiting the conflicting use.

11 (11) Energy Sources:

12 Energy sources in Lincoln County are confined to some potential low-head
13 hydro-electric sites and some potential wind power generating sites. These sites all occur in
14 areas where no conflicting uses exist.

15 (12) Fish and Wildlife Habitats:

16 Fish and wildlife habitats of various types occur throughout the County. Many of these
17 habitat areas occur on forest or agricultural lands. Normal forestry and farming activities
18 conducted in accordance with existing regulatory authorities do not conflict with these habitats.
19 Some significant habitats do occur in areas designated for higher intensity developments, and
20 potential conflicts exist. The inventory examines these conflicts and their consequences and
21 concludes that such conflicting uses should be specifically limited through the use of clear and
22 objective standards.

23 (13) Significant Natural Areas:

24 The Nature Conservancy Data Summary for Lincoln County identified some 52 sites
25 which might be considered for designation as significant natural areas. Through a process of
26 further detailed evaluation, this original inventory was refined to a list of 15 candidate natural
27 areas. Each of these 15 sites has been assessed in detail in terms of location, quality and

1 quantity of resource potential conflicts, etc. Specific programs to resolve conflicts have been
2 proposed on a site-by-site basis.

3 (14) Outstanding Scenic Views and Sites:

4 Areas of outstanding scenic value have been identified through the use of historic
5 documents, citizen recommendations, and field surveys. Some of these areas are in portions of
6 the County designated for forest and agricultural uses which would not conflict with scenic
7 qualities. Other scenic resources are in areas with potential land use conflicts. The analysis of
8 consequences for these areas suggests that these conflicts should be limited through the use of
9 implementing standards.

10 (15) Water Resources:

11 Water resources are among Lincoln County's most abundant natural resources. These
12 resources occur throughout the County; potential conflicts are numerous and varied. However,
13 existing regulatory programs which control point and nonpoint source pollution, wetland
14 alterations and other conflicting uses are adequate to resolve conflicts.

15 (16) Historic and Cultural Areas and Sites:

16 Historic and cultural sites have been inventoried on a site by site basis, and the nature
17 of the historic or cultural values of each site has been analyzed. Numerous sites have been
18 identified for which potential conflicting uses exist. Based on an analysis of the consequences
19 of alternative courses of action, the inventory concludes that it is not desirable to either fully
20 permit or totally prohibit these uses, but rather programs should be developed to in some way
21 limit conflicting uses.

22 (17) Potential and Approved Oregon Recreation Trails:

23 Lincoln County has only two formally recognized potential state recreation trails (trails
24 for which specific routes have been selected) and no formally approved trails. The Oregon
25 Coast Hiking Trail follows the Lincoln County beaches, with some overland portions around
26 sections of coastal headland areas. Some conflicts have been identified with this trail route in
27 certain areas designated for residential use. The Oregon Coast Bicycle Route follows public

1 right-of-ways for its entire length in Lincoln County, and no conflicts have been identified with
2 this trail route.

3 (18) Scenic Waterways:

4 The Alsea and Siletz Rivers in Lincoln County are on both the State and Federal lists of
5 potential scenic waterways, but neither has been studied for formal designation. While no
6 conflicting uses exist in terms of consideration for scenic waterway status, conflicts have been
7 identified for portions of the scenic corridor areas along each of these rivers. Implementary
8 measures to limit these conflicts have been recommended.

9 (19) Economy:

10 All the evidence examined suggests strongly that Lincoln County's economy will grow
11 relatively rapidly through 2000 and beyond. Specifically, it is projected that the County's total
12 employment will increase at an average compound annual growth rate between 3.9 and 4.4
13 percent, or from 13,259 in 1977 to a low of about 32,000 and a high of about 35,000 in 2000.
14 The analysis showed that the County's total employment increased at an average compound
15 annual growth rate of about 4.8 percent from 9,560 to 13,250 during the 1970-1977 period.
16 Three major assumptions underlie these conclusions. First, it is projected that a mild increase
17 and then a mild decrease in employment in forest-related industries will occur. For example, it
18 is expected that Lincoln County's employment in lumber and wood products in 2000 will be
19 slightly over 1,000 employees compared to 920 employees in 1977. Second, the County's
20 employment in fish-related employment will increase between 270 percent and 459 percent by
21 2000, with the largest increase stemming from the on-shore impacts of the new 200-mile
22 fishing zone. Third, the County's employment in tourist and recreation related employment
23 should increase between 300 percent and 340 percent by 2000, thus contributing roughly 68
24 percent of the total increase in employment in Lincoln County during the 1977 to 2000 period.
25 The analysis suggests this increase will stem largely from growth in the Willamette Valley's
26 employment increasing at an average annual compound growth rate greater than 3.0 percent
27 during the 1977 to 2000 period.

1 (20) Transportation:

2 Transportation in Lincoln County centers primarily on the use of the private
3 automobile. It is anticipated that this reliance will continue, and the focus of transportation
4 planning for the planning period will be on design, improvement and maintenance of public
5 roads and highways. Mass transit opportunities in Lincoln County appear to be extremely
6 limited during the planning period. The small number of potential users and their low
7 concentration combine to make any such project economically unsound. It is likely that the
8 importance of air travel will increase during the planning period, commensurate with projected
9 population increases. The probability of commercial air service to the Newport area is
10 anticipated and plans for significant improvements at the airport are being formulated. Rail
11 service and commercial shipping activities are both confined to serving industrial wood
12 products operations in the Newport-Toledo area.

13 (21) Energy:

14 Increasing population coupled with reliance on increasingly scarce energy resources
15 necessitates expanded efforts for conservation and more efficient use of energy. Local
16 governments can encourage efficient energy use and conservation through a variety of methods
17 including seeking funding sources for alternative energy development, encouraging residents to
18 utilize conservation programs, providing public information and education on energy related
19 matters and encouraging energy efficient design in housing and other types of developments.

20 (22) Housing:

21 The problem of providing both adequate and affordable housing has become an issue
22 of national concern. Housing problems in Lincoln County largely parallel national trends.
23 Overall vacancy rates in the County are very low; this coupled with rapidly escalating building
24 costs and interest rates has driven acreage housing costs to levels beyond the income
25 capabilities of many County residents. Fewer and fewer families are able to afford ownership
26 of a single family residence, still the overwhelming preference of most households. The
27 County's role in providing areas for needed housing is projected to be relatively small during

1 the planning period (as compared to areas within incorporated cities). However, in existing
2 rural communities and other rural residential areas, the provision of opportunities for
3 affordable housing will be emphasized.

4 (23) Recreation:

5 The physical setting of Lincoln County holds a great deal of potential for outdoor
6 oriented recreation. An extensive network of state, federal and locally managed outdoor
7 recreation facilities are available. They provide access to the larger water bodies and dramatic
8 scenery for tourists and residents alike. The potential for year round recreation is limited
9 somewhat by climate, topography and drainage conditions. Needs for all-weather or indoor
10 recreation facilities are apparent to satisfy recreational demand in cooler winter months.

11 (24) Public Facilities:

12 Historically, few if any public facilities were available in the rural areas of Lincoln
13 County. As demand for recreational development increased, various services have developed
14 in the unincorporated areas. Through the formation of special districts, water, fire protection
15 and in some cases, sanitary sewer services has been provided. The delivery of these services
16 has been localized, and the networks have developed in a largely uncoordinated fashion. In
17 some cases, levels of development have exceeded service capabilities and attendant problems
18 have ensued. The need for overall comprehensive plan policies to guide the future
19 development and delivery of services in these rural areas is identified.

20 **SECTION 2.**

21 Section 3 of this Ordinance is added to and made a part of LCC Chapter 1, as
22 indicated.

23 **SECTION 3.**

24 **1.0138 Adoption of Lincoln County Transportation System Plan**

25 **(1) The Lincoln County Transportation System Plan, consisting of Volume 1**
26 **(Plan) and Volume 2 (Appendixes, Tables and Figures), is hereby adopted and made a**
27 **part of the Lincoln County Comprehensive Plan. The Plan, Volumes 1 and 2, are**

1 incorporated herein as if fully set forth. Copies of the Plan, Volumes 1 and 2, shall be
2 placed in the Lincoln County Clerk's Office and kept in the Department of Planning and
3 Development's offices.

4 (2) To the extent that provisions in the Lincoln County Transportation System
5 Plan diverge from this Chapter or subsequent amendments to the Comprehensive Plan,
6 this Chapter or subsequent amendments to the Comprehensive Plan shall supersede
7 those inconsistent provisions.

8 **SECTION 4.** LCC 1.0015 is amended to read:

9 1.0015 Land Use Planning Policies

10 Land use planning policies:

11 (1) The Comprehensive Plan for Lincoln County shall be filed in the office of the
12 County Clerk and available in the County Planning Department and may be available at city
13 halls and libraries throughout the County.

14 (2) The inventory information shall be referenced in the plan and shall be available for
15 use and inspection in the Planning Department, Additional copies of inventory information
16 may be distributed to city halls and libraries throughout the County.

17 (3) Lincoln County shall maintain a planning process to coordinate federal agency,
18 state agency, county, city and special district plans which are to be consistent with this
19 comprehensive plan.

20 (4) All departments of county government shall work together to encourage orderly and
21 efficient patterns of growth,

22 (5) The County shall review the entire plan at least every five years to determine the
23 need for revision and updating.

24 (6) If revisions are required as a part of the overall review and update process, the
25 comprehensive plan text and/or map shall be amended by ordinance using the following
26 procedure:

1 (a) All plan revisions shall be reviewed by the appropriate citizen committees. The
2 committees shall be notified of the proposed plan revisions by the County and shall be given
3 the opportunity to submit committee reports containing findings, recommendations and
4 possible alternatives, and invited to attend public hearings.

5 (b) Proposed plan revisions shall then be presented to the Planning Commission for a
6 public hearing, after which a recommendation shall be made to the Board of County
7 Commissioners.

8 (c) The Board of County Commissioners may affirm, deny or table matters or refer
9 matters back to the Planning Commission for further action.

10 (7) Lincoln County plan designations would allow for less intensive uses which do not
11 preclude future planned land uses.

12 (8) Lincoln County shall develop and adopt standards to buffer incompatible land uses.

13 **(9) Lincoln County supports incorporation of smart growth principles into**
14 **decision-making processes. Smart growth concepts include promoting transit-oriented**
15 **development, mixed-use development, minimum street connectivity standards,**
16 **minimum densities, and minimum floor-area ratios and parking standards.**

17 **SECTION 5.** LCC 1.0145 is amended to read:

18 1.0145 Transportation Policies

19 (1) Lincoln County shall coordinate its transportation plans with state transportation
20 plans, and the city comprehensive plans.

21 (2) The Lincoln County Road Committee shall recommend capital improvement plans
22 for road construction, major road improvements and maintenance. Priorities shall be
23 established on the basis of road condition, road capacity, traffic volume and effectiveness
24 toward reducing accidents.

25 (3) Lincoln County shall review improvements to the state highway system within the
26 county for consistency with this plan.

1 (4) Lincoln County shall classify roads as major and minor arterials, collectors and
2 residential streets and designate county and public roads.

3 (5) Major arterials shall provide regional access between communities and areas of the
4 county and state.

5 (6) Access to major arterials shall be via fully improved streets except where no
6 alternative exists. Developments adjacent to arterials shall provide through access via collector
7 or residential streets to adjacent developable lands.

8 (7) In response to applications for highway access permits for abutting properties from
9 the State of Oregon, Lincoln County shall respond with the following condition: "This highway
10 access permit shall be valid only as long as alternative access from a collector or local street is
11 not available. Upon development or improvement of a collector or local street, this permit shall
12 be terminated and the driveway shall be abandoned."

13 (8) Adequate setbacks from arterial and collector roads shall be required in order to
14 provide for future purchase of additional right-of-way.

15 (9) Existing rights-of-way shall be used where appropriate and future needed
16 rights-of-way shall be designated to improve the safety of vehicular circulation within the
17 county.

18 (10) Lincoln County shall work to preserve existing rights-of-way that have been
19 identified as having future potential as transportation corridors.

20 (11) Lincoln County shall adopt minimum standards for road construction,
21 improvements and maintenance for county and public roads.

22 (12) Lincoln County shall work with road districts through inter-governmental
23 agreements to provide programs for improvement and continual maintenance.

24 (13) Lincoln County shall work with existing road districts to ensure improvement of
25 public roads to minimum county standards.

1 (14) Lincoln County may share in public road maintenance and improvement with
2 abutting property owners. The County share shall be based upon benefit, road use,
3 classification and priority of the County road capital improvement plan.

4 (15) A condition of final development approval shall be that public roads providing
5 access to proposed development be improved to minimum County standards.

6 (16) Lincoln County shall initiate vacation or closure of county or public roads which
7 are no longer necessary for access or which cannot be maintained as determined by the County
8 Engineer except where such roads abut the ocean.

9 (17) Lincoln County may reduce county roads to public road status.

10 (18) Set-backs for development shall provide for the planned right-of-way width.

11 (19) The establishment of private road rights-of-way to accommodate land partitioning
12 shall be to minimum county road standards except when no further partitioning or subdividing
13 is possible.

14 (20) Lincoln County shall encourage the improvement of existing airports.

15 (21) Lincoln County shall work with citizens, the Department of Transportation
16 Aeronautics Division, and cities to develop zones which designate surrounding land uses
17 compatible with airports.

18 (22) Development of heliports, except for emergency use, shall be restricted to
19 commercial, industrial, forest, and agricultural areas and residential areas where the approach
20 and departure occur over areas where there is no potential for residential use.

21 (23) The Lincoln County Airport Advisory Committee shall advise the County on all
22 land use matters pertinent to airport and aircraft safety.

23 (24) Lincoln County shall encourage:

24 (a) Improved transportation choices including opportunities for those who are aged or
25 incapable due to physical or mental disorder;

26 (b) Establishment of a commuter airline service;

1 (c) Improvement and maintenance of marine facilities, where appropriate, such as
2 docks, jetties and channels; and

3 (d) Designation and improvement of pedestrian and bicycle routes.

4 (25) Lincoln County shall promote the expansion of the railway system capability.

5 (26) Lincoln County shall review proposals to locate high voltage electrical
6 transmission lines and high volume natural gas or oil pipelines. The review shall take into
7 consideration land uses along and adjacent to these transmission corridors, weighing public
8 benefit, environmental safety and the economics of alternative proposals.

9 (27) Transmission lines and pipelines serving and linking residential, commercial, and
10 industrial users shall be located along common corridors where feasible

11 (28) Lincoln County shall encourage the licensing of bicycles by State of Oregon to
12 increase revenues for bike way facilities.

13 (29) Lincoln County shall encourage the Oregon Department of Transportation to
14 widen and improve valley access highways.

15 (30) Lincoln County shall require designation of car pool parking areas as part of
16 access management plan for intersections near major collectors.

17 (31) Permanent access to that portion of NE Harney Street between NE 32nd Street and
18 NE 36th Street shall be limited to lands within the City of Newport Urban Growth Boundary.
19 Access to lands outside the Urban Growth Boundary shall be limited to temporary access for
20 forest management purposes.

21 **(32) Lincoln County shall support programs providing transportation choices**
22 **and reduction of single-occupancy vehicle trips.**

23 **(33) Lincoln County shall work to improve mass transit and inter-city transit**
24 **links.**

1 **SECTION 6.** LCC 1.0045 is amended to read:

2 1.0045 Air, Land, and Water Quality Policies

3 (1) Lincoln County shall work to solve identified air, land, and water quality problems,
4 with other counties and with:

5 (a) The Lincoln County Soil and Water Conservation District in coordinating land and
6 water management.

7 (b) The Oregon Water Resources Department to determine water availability and its
8 allocation.

9 (c) The Department of Environmental Quality and the Environmental Protection
10 Agency to determine standards to monitor air noise, land and water quality.

11 (d) The Department of Forestry to enforce the Forest Practices Act.

12 (e) Local citizens and jurisdictions.

13 (2) Lincoln County shall work with state and federal agencies to assure that pesticides
14 and herbicides are not dispersed in quantities and in a manner so as to adversely affect human
15 health and property of its citizens.

16 (3) Lincoln County shall strongly discourage the siting of nuclear power generation
17 plants within the County due to the presence of high water tables, low water flows, and many
18 geologic faults within the County.

19 (4) Lincoln County shall strongly discourage the disposal of nuclear waste within the
20 County due to the presence of high water tables, low water flows, and many geologic faults
21 within the County.

22 (5) Lincoln County shall require that disposal of chemical waste dumps in the County
23 so as to assure that no future uses of such sites results in danger to human health, life and
24 property.

25 (6) The Lincoln County Solid Waste Advisory Committee shall develop and maintain a
26 solid waste disposal management plan.

1 (7) Lincoln County shall recognize the authority and responsibility of the Oregon
2 Department of Environmental Quality to manage the waste and process discharges of all
3 existing and future development. Lincoln County shall require conformance with all
4 applicable state and federal regulations regarding waste and process discharges prior to
5 approval of any development.

6 (8) Lincoln County shall cooperate in the identification and monitoring of known
7 aquifers. The quality of aquifers capable of augmenting domestic water supplies shall be
8 protected.

9 **(9) Lincoln County shall consider participation in the Cool Counties Climate**
10 **Stabilization Declaration through the National Association of Counties.**

11 **SECTION 7.** LCC 1.1210 is amended to read:

12 1.1210 Review Procedures

13 The review of applications received under the provisions of this chapter shall be
14 conducted according to the following procedures:

15 (1) Procedure for action by the division on ministerial applications not subject to
16 notification requirements:

17 (a) The property owner or authorized agent shall submit an application to the division.

18 (b) Upon determination that the application is complete, the division may refer the
19 application to affected cities, districts, local, state or federal agencies for comments.

20 (c) Within 10 days of determining an application complete, or such longer period as
21 mutually agreed to by the division and the applicant, the division shall approve, deny or, at the
22 director's discretion, refer the application to the Planning Commission for consideration.

23 (d) The applicant shall be notified in writing of the division's action.

24 (e) All actions of the division may be appealed to the Planning Commission or other
25 hearings body designated by the Board of Commissioners pursuant to LCC 1.1267.

26 (2) Procedure for action by the division on applications for permits as defined in ORS
27 215.402(4):

1 (a) The property owner or authorized agent shall submit an application to the division.

2 (b) Upon determination that the application is complete, the division may refer the
3 application to affected cities, districts, and local, state or federal agencies for comments, **and**
4 **shall refer the application to the Oregon Department of Transportation other public**
5 **agencies providing transportation facilities and services that may be impacted by the**
6 **application.**

7 (c) Within 30 days of determining an application complete, or such longer period as
8 mutually agreed to by the division and the applicant, the division shall approve, deny or, at the
9 director's discretion, refer the application to the Planning Commission for consideration at a
10 public hearing.

11 (d) Notice of a decision of the division to approve or deny an application shall:

12 (A) Be provided to the applicant and the owners of record of property on the most
13 recent tax assessment roll of Lincoln County:

14 (i) Within 500 feet of the boundaries of the subject property in A-C and T-C zones.

15 (ii) Within 250 feet of the subject property in all other zones.

16 (B) Be provided to any neighborhood or community organization recognized by the
17 Board of Commissioners and whose boundaries include the subject property;

18 **(C) Be provided to the Oregon Department of Transportation if the Oregon**
19 **Department of Transportation has responded to the agency referral provided in**
20 **accordance with paragraph (b) of subsection (2) of this section;**

21 *[(C)]* **(D)** Explain the nature of the decision and the use or uses which could be
22 authorized;

23 *[(D)]* **(E)** List the applicable criteria from this chapter that apply to the subject
24 decision;

25 *[(E)]* **(F)** Set forth the street address or other easily understood information identifying
26 the location of the subject property;

1 *[(F)]* **(G)** State that a copy of the application, all documents relied upon by the
2 applicant, and the applicable criteria are available for inspection at the division office at no cost
3 and can be provided at a reasonable cost;

4 *[(G)]* **(H)** State that a copy of the division's staff report and record of decision is
5 available for inspection at no cost and can be provided at a reasonable cost;

6 *[(H)]* **(I)** Provide the name and telephone number of the division staff person to contact
7 for additional information; and

8 *[(I)]* **(J)** Provide an explanation of the procedure and deadline for appealing the
9 decision to the Planning Commission or designated hearings body for a public hearing.

10 (3) Procedure for action on applications or appeals subject to public hearing
11 requirements:

12 (a) The property owner, agent or other party shall submit an application or appeal to the
13 division.

14 (b) Within five days of determining the application or appeal complete, the division
15 shall schedule the matter for public hearing before the Planning Commission or designated
16 hearings body.

17 (c) Upon determination that the application or appeal is complete, the division may
18 refer the application to affected cities, districts, and local, state or federal agencies for
19 comments, **and shall refer the application to the Oregon Department of Transportation
20 and other public agencies providing transportation facilities and services that may be
21 impacted by the application.**

22 (d) Notice for, and conduct of, public hearings provided for in this section shall be in
23 accordance with LCC 1.1250 and 1.1255.

24 (e) Decisions of the Planning Commission or designated hearings body may be
25 appealed to the Board of Commissioners pursuant to LCC 1.1268.

1 **SECTION 8.**

2 Sections 9 through 12 of this Ordinance are added to and made a part of LCC
3 Chapter 1, as indicated.

4 **SECTION 9.**

5 **1.1530 Authorization of Transportation Facilities**

6 **Except as otherwise provided by LCC 1.1367 and 1.1381, the following**
7 **transportation facilities are permitted in all use zones:**

8 **(1) Operation, maintenance, and repair of existing transportation facilities**
9 **identified in the Lincoln County Transportation System Plan, such as road, bicycle,**
10 **pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.**

11 **(2) Facilities and improvements permitted outright under ORS 215.213(1)(m)**
12 **through (p) and 215.283(1)(k) through (n).**

13 **SECTION 10.**

14 **1.1955 Traffic Impact Mitigation**

15 **The following development guidelines shall apply to the review of development**
16 **proposals identified as creating substantial increases in traffic or creating other**
17 **potentially adverse impacts or burdens on transportation facilities:**

18 **(1) Purpose: The following development guidelines implement OAR 660-012-**
19 **0045(2)(e), which requires a process to apply conditions to development proposals in**
20 **order to protect and minimize adverse impacts to transportation facilities. This**
21 **section establishes the standards for when a proposal must be reviewed for potential**
22 **traffic impacts through a traffic impact study, the standards for approval or denial of**
23 **an application based on the level of traffic impacts identified in a traffic impact study,**
24 **and the authority to impose conditions or limitations on a proposed development as**
25 **needed to mitigate adverse traffic impacts.**

26 **(2) Standards: The following standards shall apply to any application filed**
27 **with the division pursuant to LCC 1.1210(2) or 1.1210(3):**

1 **(a) Applications Requiring Traffic Impact Study:** A traffic impact study is
2 required for any application identified in this section which the county engineer
3 determines may result in operational or safety problems or which will have one or
4 more of the following impacts:

5 **(A) An increase in site traffic generation of 500 or more average daily trips or**
6 **100 hourly vehicle trips as determined in accordance with the latest edition of the Trip**
7 **Generation manual, published by the Institute of Transportation Engineers;**

8 **(B) An increase in use of adjacent streets by 10 or more vehicles per day**
9 **exceeding 20,000 pound gross vehicle weight;**

10 **(C) A proposed approach location does not meet the standards set forth in LCC**
11 **6.025 or is located where vehicles entering or leaving the property are restricted; or**

12 **(D) A change in internal traffic patterns that may cause safety problems, such**
13 **as back up onto a highway or traffic crashes in the approach area.**

14 **(b) A required traffic impact study shall be prepared by a professional**
15 **engineer licensed in the State of Oregon in accordance with applicable Oregon**
16 **Administrative Rules.**

17 **(c) The study area for a required traffic impact study shall evaluate all**
18 **collector and arterial intersections impacted by 50 or more peak hour vehicle trips**
19 **generated by the proposed land use.**

20 **(d) A required traffic impact study for an amendment shall evaluate the use**
21 **with the highest trip generation potential that could be permitted by the proposed**
22 **amendment.**

23 **(e) For applications impacting a state highway, a required traffic impact study**
24 **shall be prepared in the manner set forth in OAR 734 division 051.**

25 **(f) Approval Criteria:** When a traffic impact study is required, approval of the
26 **subject application requires satisfaction of the following criteria:**

1 (A) Conditions resulting from the proposed development, including any
2 mitigation measures, will meet county's level-of-service standard of "D" or volume-to-
3 capacity ratio of 0.90 and, if a state highway is impacted, the standards of OAR 734-
4 051 for impacted state highways; and

5 (B) The proposed site design and traffic and circulation design and facilities, for
6 all transportation modes, including any mitigation measures, are designed to:

7 (i) Minimize negative impact on all applicable transportation facilities;

8 (ii) Accommodate and encourage non-motor vehicular modes of transportation
9 to the extent practicable; and

10 (iii) Provide the most direct, safe and convenient routes practicable between on-
11 site destinations, and between on-site and off-site destinations.

12 (g) Conditions of Approval: In approving any application subject to this
13 section, the director or commission may impose any conditions or requirements found
14 necessary to achieve compliance with the purpose and standards of this section,
15 including but not limited to:

16 (A) Dedication of land for streets, transit facilities, or other transportation
17 facilities; and

18 (B) Improvements such as paving, curbing, installation of or contribution to
19 turn lanes or traffic signals, or construction of streets that serve the proposed use.

20 **SECTION 11.**

21 **1.1417 Bicycle Parking Requirements**

22 (1) Required bicycle parking spaces shall be provided in designated areas
23 marked and reserved for bicycle parking only.

24 (2) Each required bicycle parking space shall be equipped with a rack designed
25 to permit secure bicycle locking.

26 (3) Required bicycle parking spaces shall be located no further from the
27 building or use served than the required off-street automobile parking.

- 1 **(4) Bicycle parking space requirements:**
- 2 **(a) Retail commercial, bank, office, restaurant, commercial amusement, church,**
3 **club or similar place of assembly, library: One space for each 10 automobile parking**
4 **spaces, with a minimum of one space.**
- 5 **(b) Public or private schools: One space for every 10 students.**
- 6 **(c) Multi-family dwellings: One space for each dwelling unit.**
- 7 **(d) Transit transfer station or park and ride lot: One space for each 10**
8 **automobile parking spaces.**

9 **SECTION 12.**

10 **1.1419 Pedestrian Circulation**

11 **Multi-family and commercial uses within urban growth boundaries and rural**
12 **community centers shall provide for safe and convenient pedestrian circulation in**
13 **accordance with the following standards:**

14 **(1) Accessways shall connect all building entrances.**

15 **(2) Accessways shall connect required off-street parking areas to building**
16 **entrances, to adjoining public streets, to adjoining transit stops, and to adjoining retail**
17 **or public uses.**

18 **(3) As used in this section, “accessway” means a hard surfaced path that**
19 **provides pedestrian and or bicycle passage either between streets or from a street to a**
20 **building or other destination such as a school, park, or transit stop. Accessways**
21 **include a walkway and additional land, if any, on either side of the walkway, in the**
22 **form of an easement or right-of-way, to provide clearance and separation between the**
23 **walkway and adjacent uses. Accessways through parking lots shall be physically**
24 **separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar**
25 **devices. Where accessways cross driveways, they shall be raised, paved or marked in a**
26 **manner which provides convenient access for pedestrians.**

1 **SECTION 13.** LCC 1.3230 is amended to read:

2 1.3230 General Requirements and Minimum Standards of Design and Development

3 The following are the minimum requirements and standards to which subdivisions,
4 partitions and replats must conform before approval.

5 (1) Conformity to the Comprehensive Plan:

6 All subdivisions, partitions and replats shall conform to the Comprehensive Plan, and
7 zoning regulations for Lincoln County. However, lawfully created lots or parcels which do not
8 conform to the current lot size, width to depth or other dimensional standards required by
9 zoning may be re-platted without regard to these standards, except that the degree to which
10 such lots or parcels do not conform to one or more applicable standards shall not be increased.

11 (2) Relation to Adjoining Street System:

12 (a) A subdivision or partition shall provide for the continuation of existing and
13 projected streets and roads. If, in the opinion of the Division or the Commission, topographic
14 or other site conditions make such continuation or conformity impractical, exceptions may be
15 made.

16 (b) When a tract is divided into lots or parcels of a size which could allow for further
17 re-division under current zoning, the Planning Division or Commission may require an
18 arrangement of lots and streets such as to permit a later redivision in conformance with the
19 street requirements and other requirements contained in this chapter.

20 **(c) Within urban growth boundaries and rural community centers, block lengths**
21 **between interconnecting streets shall not exceed 600 feet.**

22 (3) Access:

23 A subdivision, partition or replat shall provide each lot or parcel with not less than 25
24 feet of frontage on a public or private road or street, except that where necessitated by adverse
25 sight distances or other factors, greater frontage may be required.

26 (4) Private Streets:

1 (a) No street or road which connects existing public streets or which would serve as a
2 collector from existing public or private streets shall be approved as a private street.

3 (b) The establishment of a private street shall not be allowed if it will deny the public
4 access to public areas such as beaches or parks.

5 (c) No road or street shall be approved as a private road in a case where such a road or
6 street presently is or will in the future be needed to provide access to development on adjacent
7 properties or to serve as a collector for other subdivisions or partitions in the area.

8 (d) All private streets or roads established for the purpose of subdividing, partitioning
9 or replatting land shall be surveyed and monumented.

10 (e) Right-of-way widths and improvements on private roads serving two or *[three]*
11 **more lots or parcels** shall be the same as those for public roads providing access to similar
12 developments. Private roads serving only one parcel shall be exempt from standards for
13 improvements.

14 (5) Road Right-of-Way Requirements:

15 (a) <u>Type of Road</u>	<u>Right-of-Way Width</u>
16 Arterials and collectors	60 to 80 feet
17 Local roads and streets	50 feet
18 All other roads	50 feet

19 (b) Where topographical requirements necessitate either cuts or fills for the proper
20 grading of roads, additional right-of-way or slope easements may be required.

21 (6) Street Design and Improvements:

22 (a) All plans and specifications for street and road improvements shall be prepared by
23 an engineer licensed in the State of Oregon.

24 (b) The layout of streets shall give suitable recognition to surrounding topographical
25 conditions in accordance with the purpose of this chapter.

26 (c) Street improvements *[street grades, and centerline radii on curves shall meet]*
27 **shall conform to the following requirements:**

1 (A) **Width:** Outside of urban growth boundaries and rural community centers,
2 roads serving three or fewer dwellings shall have a 12 foot improved width and a 20 foot
3 horizontal clearance, and roads serving more than three dwellings shall have a 16 foot
4 improved width and a 20 foot horizontal clearance. Within urban growth boundaries
5 and rural community centers, roads with no on-street parking shall have a 20 foot
6 improved width, roads with parking provided on one side of the street shall have a 24
7 foot improved width, and roads with parking provided on both sides of the street shall
8 have a 28 foot improved width.

9 (B) **Construction:** Roads must be improved with an all weather surface in
10 accordance with generally accepted engineering practices. Roads, bridges and culverts
11 shall be designed and maintained to support a minimum gross vehicle weight of 50,000
12 pounds. If bridges or culverts are involved in the construction of a road or driveway,
13 written verification of compliance with the 50,000 pound gross vehicle weight standard
14 shall be provided by the designing engineer.

15 (C) **Vertical Clearance:** Roads shall have an unobstructed vertical clearance of
16 not less than 13.5 feet.

17 (D) **Turnarounds:** Dead end roads over 150 feet in length shall provide a
18 turnaround adequate for emergency vehicles.

19 (E) **Turnouts:** Roads with less than 20 feet of improved width and greater than
20 400 feet in length shall have turnouts at a maximum spacing of one-half the length of the
21 access road or 400 feet, whichever is less. Turnouts may be required more frequently
22 where visibility is limited. Turnouts shall be an all weather surface at least 10 feet wide
23 and 40 feet long.

24 (F) **Road Grade:** Road grades shall not exceed 12 percent, except that a
25 maximum of 15 percent may be permitted on pitches less than 200 feet long. Roads with
26 grades exceeding eight percent shall be surfaced with asphaltic concrete or other hard
27 surfacing approved by the Public Works Director. Variations from these standards may

1 be granted by the fire service having responsibility for the area when topographic
2 conditions make these standards impractical and where the local fire protection district
3 states that their fire fighting equipment can negotiate the proposed road grades.

4 (G) Curve Radii: Curve centerline radii shall be not less than 225 feet.

5 (H) The applicant shall provide an as-built certification stamped by a licensed
6 professional engineer registered in the State of Oregon verifying that road design
7 standards set forth in this section have been met.

8 (I) Applicants seeking modifications to the above standards in accordance with
9 subsection (18) of this section shall provide an alternative road design meeting the
10 standards set forth in the American Association of State Highway and Transportation Officials
11 (AASHTO) manual or other acceptable design principles and construction specifications
12 consistent with generally accepted engineering practices.

13 (d) All bridges shall have a 30 year minimum life expectancy and shall be constructed
14 to load limit standards approved by the County Director of Public Works.

15 (e) All roads proposed to be developed within a city's urban growth boundary shall be
16 developed to the standards of the city where such standards require greater levels of
17 improvements than the standards contained herein.

18 (f) Improvements to arterial and collector streets shall include sidewalks and
19 bikeways.

20 (7) Street Intersections:

21 (a) Streets shall intersect one another at an angle as near to a right angle as is practical
22 considering the topography of the area and previous adjacent layout.

23 (b) Intersections shall be designed so that no danger to the traveling public is created as
24 a result of staggered intersections; in no case shall intersections be offset less than 100 feet.

25 (8) Cul-de-Sacs and Turn-a-Rounds:

26 (a) In general, dead-end (cul-de-sac) streets in partitions or subdivisions with an
27 average lot size of under one acre shall not exceed 400 feet in length.

1 (b) Approved turn-a-rounds shall be provided on all dead-end streets.

2 (9) Utility Easements:

3 Where alleys are not provided, easements of not less than six feet in width may be
4 required on each side of the rear line or side line for necessary utility lines, wires, conduits,
5 storm and sanitary sewers, gas and water. Easements of the same or greater widths may be
6 required along boundary lines or across lots where necessary for the extension of utility lines,
7 waterways, and walkways and to provide necessary drainage ways or channels.

8 (10) Public Access Ways:

9 *[When necessary for public convenience and safety, the Planning Commission may*
10 *require]* **Within urban growth boundaries and rural community centers**, the land divider
11 [to] **shall** dedicate to the public access ways 10 to 20 feet in width to connect to cul-de-sacs, to
12 pass through oddly shaped or unusually long blocks, to provide for networks of public paths
13 according to adopted plans or to provide access to schools, parks, beaches, **shopping areas,**
14 **employment centers, transit stops** or other public areas, of such design and location as
15 reasonably required to facilitate public use **and provide safe and convenient pedestrian**
16 **access.**

17 (11) Lots and Parcels:

18 (a) Every lot or parcel shall front on a street and the frontage of each shall be not less
19 than 25 feet unless a greater frontage is necessitated by adverse sight distance or other
20 conditions.

21 (b) Each side line shall be as close to perpendicular to the adjacent street line or radial
22 to a curved street line as possible.

23 (c) Lots or parcels with double frontage shall not be permitted unless in the opinion of
24 the Director or the Commission, an odd shaped tract or existing topography makes such lots
25 unavoidable.

26 (d) Where lots are to be platted using a "flag lot" configuration, the staff of the flag
27 shall not be considered in computing the width to depth ratio.

1 (12) Parks and Open Space:

2 In a subdivision of 10 acres or more, the Planning Commission may require the
3 subdivider to provide up to five percent of the subdivision area for park and recreation
4 purposes. These areas shall be of a design and location acceptable to the Planning
5 Commission, based on the suitability of the area for park and recreation purposes.

6 (13) Partial Development:

7 If a proposed subdivision or partition area includes only part of the tract owned by the
8 subdivider, the Planning Commission or Division may require a sketch of the tentative layout
9 or streets in the remainder of that tract.

10 (14) Duplication of Names:

11 Subdivision plat names shall be subject to the approval of the County Surveyor. The
12 name of a tentative plan must not duplicate the name used in any other legally recorded
13 subdivision in Lincoln County, except for the words, "town", "city", "place", "court",
14 "addition", or similar words, unless the land platted is contiguous to and platted by the same
15 party that platted the subdivision bearing that name or unless the party files and records the
16 consent of the party that platted the subdivision bearing that name. All subdivision plats must
17 continue the lot numbers and, if used, the block numbers of the subdivision plat of the same
18 name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall
19 not use block numbers or letters unless such subdivision is a continued phase of a previously
20 recorded subdivision, bearing the same name that has previously used block numbers or letters.

21 (15) Water:

22 No partition, subdivision or replat shall receive final approval unless the county has
23 received and accepted:

24 (a) A certification by the owner or superintendent of a publicly or privately owned
25 domestic water supply system, that water is available to the boundary line of each and every lot
26 or parcel depicted in the proposed subdivision or partition;

1 (b) A performance agreement, bond, contract or other assurance that a domestic water
2 supply system will be installed to the boundary line of each and every lot or parcel depicted in
3 the proposed partition or subdivision; or

4 (c) Where a community or public water supply system is not available, a statement
5 signed by the applicant that water service will not be provided to any lot or parcel depicted in
6 the partition or subdivision. In a residential subdivision or partition, the proposed source of
7 domestic water to be developed by the buyer, whether off or on-site, spring, well, or other
8 source, shall be included in the statement.

9 (16) Sewer:

10 No partition or subdivision shall receive final approval unless the county has received
11 and accepted:

12 (a) A certification by the owner or superintendent of a publicly or privately owned
13 sewage disposal system that sewerage service is available to the boundary line of each and
14 every lot depicted in the proposed subdivision or partition;

15 (b) A performance agreement, bond, contract or other assurance that a sewage disposal
16 system will be installed by or on behalf of the developer to the boundary line of each and every
17 lot depicted in the proposed subdivision or partition; or

18 (c) Where no community sewerage service is available, the Department of
19 Environmental Quality or the Lincoln County On-Site Waste Management Division shall
20 approve the proposed methods of sewage disposal.

21 (17) Phase Development:

22 Subdivisions or partitions may be platted in phases. Plans for phase development shall
23 be set forth as a part of the tentative plan application. When submitted for final approval, each
24 phase must conform in all respects to the conditions of tentative approval.

25 (18) Modifications:

1 The Director or Commission may grant modifications to the standards contained in
2 LCC 1.3230. Modifications shall be requested by the applicant as part of the tentative plan
3 application. A modification may be granted provided that:

4 (a) There are practical difficulties in meeting the required standard or demonstrable
5 aesthetic advantages in modifying the required standard;

6 (b) The basic intent and purpose of the requirement to be modified would still be
7 served; and

8 (c) The granting of the modification would not be contrary to or conflict with any other
9 provision of the Lincoln County Code.

10 **SECTION 14.** LCC 6.025 is amended to read:

11 6.025 Location

12 (1) Approach roads shall be constructed only at the location approved by the engineer
13 in the permit.

14 (2) The number of approaches to a single property shall be limited to a minimum that
15 will allow the property to accommodate and service such traffic as may be reasonably
16 anticipated, commensurate with the safety of the traveling public. **In general, one approach**
17 **per lot or parcel is preferred, unless additional approaches are required to accommodate**
18 **anticipated traffic, as determined by the engineer.**

19 (3) Approaches shall be located [*where they do not create undue interference or*
20 *hazard to the free movement of normal road traffic. Locations on sharp curves, steep grades,*
21 *areas of restricted sight distance or at points which interfere with the placement and proper*
22 *functioning of traffic control apparatus are to be avoided.*] **in accordance with the following**
23 **standards:**

24 (a) **No approach shall be allowed where there is less than the minimum stopping**
25 **sight distance unless otherwise specified by the engineer.**

26 (b) **No approach shall be allowed at a point which would interfere with the**
27 **placement and proper functioning of traffic control apparatus.**

1 (c) Approaches shall intersect a county road at or as near as is practical to a 90
2 degree angle.

3 (d) Where there are several adjacent parcels with narrow frontage or where sight
4 distance is inadequate, a frontage road or combined approach may be required.

5 (e) Where two or more lots or parcels are created by partition or subdivision, one
6 common approach shall be preferred.

7 (f) Where property is located at an intersection of an arterial or collector and a
8 local public access road, the preferred approach shall be from the local public access
9 road.

10 (g) No portion of any approach shall be located within five feet of an adjacent
11 property line unless it is an approved joint approach

12 (h) No portion of any approach shall be located within five feet of a utility
13 structure such as a power pole, or a roadway structure such as a cross culvert or
14 guardrail.

15 (i) No portion of any approach shall be allowed within 50 feet of a bridge or
16 bridge guardrail.

17 (j) Approaches shall be located as far as is practicable from any intersection with
18 a state highway.

19 **SECTION 15.** LCC 6.030 is amended to read:

20 6.030 Design

21 (1) Road approaches shall be designed so as to allow movement on and off the road of
22 vehicles which can be expected reasonably to utilize the approach without undue conflict with
23 other traffic.

24 (2) The engineer may require engineering diagrams of the road approach when, in the
25 engineer's discretion, it is necessary for safety or maintenance of county roads.

1 (3) The engineer may condition a road approach permit by requiring any design, which
2 in the engineer's discretion, the engineer feels is necessary for safety or road maintenance,
3 including hard surfacing.

4 (4) Approach widths shall be a minimum of 24 feet with a flare radius of 10 feet.

5 (5) Approach surfacing shall be matched to the surface of the county road being
6 accessed. Surfacing specifications for gravel and asphalt concrete approaches shall be as
7 determined by the engineer.

8 (6) Approach slopes shall be as determined by the engineer and specified in the
9 permit.


10 (7) Where there are no curbs, culverts shall be placed under approaches as
11 specified in the permit. The location, type, length and size of culvert shall be as
12 determined by the engineer and specified in the permit.

13 **SECTION 16.**

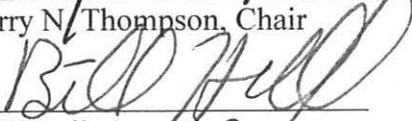
14 This Ordinance being necessary for the immediate preservation of the public peace,
15 health and safety, an emergency is declared to exist and this Ordinance shall take effect upon
16 its passage.

DATED this 8th day of October, 2008.

LINCOLN COUNTY BOARD OF COMMISSIONERS



Terry N. Thompson, Chair



Bill Hall, Commissioner



Don Lindly, Commissioner

ATTESTED TO:



Judy Eames, Recorder

APPROVED AS TO FORM:



Wayne Belmont, County Counsel

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.