

ORDINANCE NO. 111

An ordinance amending Ordinance 60, the Dunes City Subdivision Ordinance, providing ingress, egress, driveway, and access point for future subdivision in Dunes City.

WHEREAS, Dunes City has been contacted by Lane County's Planning Department, and

WHEREAS, said Planning Department has recommended improvements in Ordinance 60, and those suggestions have been provided to Dunes City in Appendix A, and

WHEREAS, the Planning Commission has reviewed these recommendations and recommends these suggestions be incorporated in Ordinance 60, and

WHEREAS, the City Council having held public hearings in regard to this ordinance, and further having deliberated this matter amongst the members of the City Council,

THEREFORE, THE CITY OF DUNES CITY DOES ORDAIN AS FOLLOWS:

1. The language contained in Appendix A, attached hereto and incorporated herein as though fully set forth below will be added to Ordinance 60 as indicated therein.

2. Section 1 of Appendix A shall be further supplemented with the following subparagraphs, they being:

Subparagraph 7 - Arterial streets in Dunes City are defined as Canary Road, Clear Lake Road, Highway 101.

Subparagraph 8 - Collector streets are defined in Dunes City as a street which deposits traffic onto an arterial street, and receives traffic from two or more side streets.

Passed by the City Council of Dunes City this 12th day of February, 1987.

Ayes 6 Nays 0 Abstains 0 Absent 0

Approved by the Mayor this 12th day of February, 1987.

  
NANCY L. M. JOHNSON, Mayor

ATTEST:

  
BETTY STOCKING, City Recorder

APPENDIX 'A'

**Suggested Amendments for Subdivision & Partition Access  
Dunes City**

**Section 1**        **Definitions.** The following definitions apply to the Dunes City Land Subdivision Ordinance.

(1) **Access.** The vehicular movement to and from an abutting property to a roadway. Includes only that part of the driveway that lies within the established right-of-way limits of the roadway.

(2) **Access Point.** The connection of a driveway at the right-of-way line to the roadway.

(3) **Driveway.** Every entrance or exit used by vehicular traffic to or from properties abutting a roadway.

(4) **Egress.** The exit of vehicular traffic from abutting properties to a roadway.

(5) **Ingress.** The entrance of vehicular traffic to abutting properties from a roadway.

(6) **Throughway.** A highway or street especially designed for through traffic, over, from or to which owners or occupants of abutting land or other persons have no easement of access or only a limited easement of access, light, air or view, by reason of the fact that their property abuts upon the throughway or for any other reason.

**Section 2**        **Restrictions with Regard to Access Points.**

(1) Each property is entitled to access to a public street or alley, either through direct access or indirectly through easements or shared driveways, except when the street has been designated a throughway, and access rights obtained.

(2) Direct driveway access to collector and arterial streets shall be avoided where possible. On a corner lot or parcel adjacent to two public roads, the applicant may be required to take access from only one road. Access shall normally be taken on the minor of two intersecting streets.

(3) When appropriate, the use of joint driveways for adjoining properties shall be required.

(4) During reconstruction of arterial and collector streets, existing access points shall be reduced as much as possible, in accordance with (2) and (3) above.

(5) Exceptions to these access control standards may be permitted by the City Council or their designee in the interest of traffic safety and good engineering and planning practice. Such exceptions may require further restrictions on the use of the driveway.

(6) The City reserves the right to make or require such changes, additions, repairs, and relocation to the driveway or its appurtenances in the right-of-way that at any time are considered necessary to permit relocation, reconstruction, widening, or maintenance of the roadway or to provide proper protection of life or property on or adjacent to the roadway.

**Section 3**      **Relation to Adjoining Road System.** A subdivision or partition shall provide for the continuation of major and secondary roads existing in adjoining subdivisions or partitions, or for their proper projection when adjoining property is not subdivided or partitioned, and such streets shall be of a width not less than the minimum requirements for roads set forth in the Dunes City Land Subdivision Ordinance. Where the Approving Authority determines that topographic conditions make such continuation or conformance impractical, exceptions may be made as provided in modification and appeals procedures.

**Redevelopment Plan.** Redevelopment plans may be required to show compliance with Sec. 2(B) of the Dunes City Land Subdivision Ordinance.

**Section 4**      **Access.**

(1) Lots or parcels shall have verifiable access by way of a street, either County, local access - public or an easement. Verifiable access shall meet the following criteria:

(a) Each lot or parcel abuts on the roadway for a distance of at least 20 feet.

(b) There is a legal right appurtenant to the lots or parcels to use the road for ingress and egress. A legal right to use an easement may be evidenced by: 1) an express grant or reservation of an easement in a document recorded with the County Recorder, 2) a decree or judgement issued by a court of competent jurisdiction, 3) an order of the Court establishing a statutory way of necessity or gateway road, or 4) an express easement set forth in an approved and recorded subdivision or partition.

(c) The roadway provides actual physical access to the lots or parcels.

(2) Public roadways used as access to lots or parcels shall be designed and developed according to the standards of the Dunes City Land Subdivision Ordinance.

(3) Easements used as access to lots or parcels shall meet the following criteria:

(a) There shall be no more than four lots, parcels, or unsubdivided or unpartitioned tracts of land accessed by any portion of the easement. This restriction may be modified through compliance with exceptions as provided in modification and appeal procedures.

(b) Easements shall not be approved if the roadway is presently needed or is likely to be needed for access to adjacent properties or to be utilized for a County or public road in the normal development of the area.

(c) The minimum width of easements shall be 20 feet.

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

(e) The City may require such improvements as are reasonably necessary to provide safe and adequate access to the lot or parcel.

(f) A lot or parcel abutting a railroad or limited access road right-of-way may require special consideration with respect to its access requirements.

(g) Any easement approved as a private access easement shall be documented on a form acceptable to the City and shall contain

the minimum following information: grantor and grantee, description of dominant and servient tenements, description of the intent or purpose of the easement and a statement of maintenance responsibility.

(h) All approved easements shall be recorded.

(i) If the City determines that the access and transportation needs of the public would be better served if the private access easement being considered would be established as a public road it may require that a public road dedication be made to a length and width deemed sufficient by the City.

(4) For the portion of a panhandle tract used as access to the main portion of the tract, the City may require such road improvements and design as are necessary to provide safe and adequate access to the main portion of the tract.