

ORDINANCE NO. 117

AN ORDINANCE AMENDING ORDINANCE NO. 111, WHICH IS AN ORDINANCE AMENDING ORDINANCE NO. 60. THE LAND SUBDIVISION ORDINANCE AND THIS ORDINANCE SETS FORTH REQUIREMENTS OF INGRESS AND EGRESS.

WHEREAS, it has been suggested that the city of Dunes City make certain alterations in its subdivision ordinance consisting of ingress and egress requirements, and

WHEREAS, the City Council has concluded these suggestions have merit, and


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

Section 1. Appendix A attached hereto and incorporated herein by reference as though fully set forth herein is adopted as an ordinance of the city of Dunes City, and as an addition to Ordinance 111, which modifies Ordinance 60.


9th Passed by the Dunes City Council of Lane County, Oregon this day of April, 1987, by the following votes:

Ayes 7 Nays 0 Absents 0

Approved by the mayor this 8th day of May, 1987.


NANCY L. M. JOHNSON
Dunes City Mayor

ATTEST:


BETTY STOCKING
Dunes City Recorder

APPENDIX 'A'

Suggested Amendments for Subdivision and 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) **Easement.** A permanent interest in land created by express grant, memorialized by written document, and executed without requisite formalities that clearly shows an intent to grant to the grantee the right to use and enjoy a certain portion of a larger parcel of land for limited purposes, without conveying title to the grantee.

(7) **Roadway Easement.** An easement granted for the purpose of providing vehicular ingress and egress across a particular parcel of land, serving another separate and specified parcel of land.

(8) **Walkway Easement.** An easement granted for the purpose of providing foot and/or bicycle ingress and egress from one parcel across another and separate parcel to a road, body of water, facility or other similar benefit.

(9) **Utility Easement.** An easement granted by one parcel of land (grantor), in favor of a second parcel of land (grantee) which allows the grantee the right to install upon the grantor's parcel, above or below ground or both, sewer lines, electrical lines, cable TV lines, water lines, and telephone lines which will serve the grantee's parcel of land.

(10) **Temporary Easement.** Any easement that does not confer upon the grantee a permanent right to use the grantor's property. For purposes of this Ordinance, a temporary easement will not be considered an easement unless specifically accepted by the city council.

(11) **Easement not Recognized.** Gateway roads, implied easements, statutory ways of necessity, easements by estoppel, easement by custom, easement of prescription. Way of necessity will not be recognized as an easement by the City for purposes of this ordinance unless established by court judgment or decree or other appropriate ordinance from which appeal may not be taken.

(12) **License.** Is a privilege granted to an individual to do certain acts upon a portion, or the entirety of a parcel of land, but the privilege does not create an interest in the grantee in the land, and the right is personal to the grantee. For purposes of this ordinance, a license will not ordinarily suffice for an easement.

Section 2 Restrictions with Regard to Access Points.

- (1) Each property is entitled to access to a street.
- (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 may be required.
- (4) 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.
- (5) The City reserves the right to make or require such changes, additions, and repairs 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.

- (1) **Redevelopment Plan.** Redevelopment plans may be required to show compliance with Section 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 60 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 judgment 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 and easements 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 three lots, parcels, or unsubdivided or unpartitioned tracts of land accessed by any portion of the easement.

(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 of public road in the normal development of the area.

(c) The minimum width of roadway easements shall be 50 feet.

(d) All approved documents creating a roadway easement shall provide for the installation, construction, and maintenance thereof and provide access for all public utilities and facilities which are now or may in the future be needed for the area abutting the roadway easement 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 roadway easement approved 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 roadway easements shall be recorded in the title of the affected properties and recorded with Lane County.

(i) If the City determines that the access and transportation needs of the public would be better served if the roadway 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.