

IN THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

BOOK 158 PAGE 2340

ORDINANCE NO. 5-97

FILED

MAY 05 1997

COUNTY CLERK

BY Ann DeWille

) IN THE MATTER OF AMENDING LANE
) CODE CHAPTER 15 TO ADD PROVISIONS
) FOR ECONOMIC DEVELOPMENT
) ASSISTANCE PROGRAM (EDAP) IMPROVE-
) MENT ASSESSMENTS (LC 15.642), TO
) MAKE RELATED HOUSEKEEPING REVI-
) SIONS AND TO ADOPT A SEVERABILITY
) CLAUSE

The Board of County Commissioners of Lane County ordains as follow s:

Chapter 15 of Lane Code is hereby amended by removing and substituting the following pages:

REMOVE THESE PAGES

15.600 - 15.610 to
15.636(3) - 15.645,
i.e. 15-62 to 15-65
(a total of 4 pages)

INSERT THESE PAGES

15.600 - 15.610 to
15.636(3) - 15.645,
i.e. 15-62 to 15-65
(a total of 4 pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to add provisions for Economic Development Assistance Program (EDAP) improvement assessments (LC 15.642), to make related housekeeping revisions and to adopt a severability clause.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by the court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Enacted this 16 day of April, 1997.

Cindy Wealdreyer

Chair, Lane County Board of Commissioners

Debra Kay

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM
DATE 3-24-97
Stephen L. ...
CENTRAL CLERK

15.600

Lane Code

15.610

LEVYING, COLLECTING AND ENFORCING SPECIAL ASSESSMENTS

15.600 Authority. The following provisions relating to the application of a special assessment policy for public improvements are hereby adopted pursuant to the authority granted to Lane County by the Lane County Home Rule Charter. Except as expressly modified in this subchapter, the provisions of ORS Chapter 371 are applicable in Lane County.

15.605 Purpose. The requirements set forth herein are for the purpose of defining policies, conditions and procedures whereby specially benefited property owners shall be assessed for the costs of road improvements. Remonstrance procedures included in Section 9 of the Lane County Home Rule Charter are not repeated herein, but apply in full. The procedures set forth in this subchapter shall constitute a determination by the Board of County Commissioners, absent the express determination inconsistent with these procedures, of the extent to which the cost of road improvements in Lane County is to be defrayed by special assessments on property to be specially benefited.

15.610 Definitions. (For LC 15.600 to 15.645).

Direct Cost. All costs, including design costs and engineering costs, associated with installation of improvements specified.

Local Road or Street. A road or street which is used primarily for access to abutting properties.

Major Collector. A road or street which is used primarily as a connector from neighborhood areas to commercial or industrial districts; should carry traffic to one or more arterials.

Minor Arterial. A route which provides for intra-community traffic and serves as a direct connection from communities to principal arterials.

Minor Collector. A road or street which collects traffic from local residential roads or streets and channels it into the major collector or minor arterial system.

Principal Arterial. A route which provides for through traffic between major centers of activity in the urban, suburban and rural areas.

Reconstruct. The action taken to alter or change the physical characteristics of the existing facility, but not including general maintenance or minor betterment.

Rural. All areas in Lane County not encompassed within an Urban Service Boundary.

Urban Service Boundary. The boundary described in the adopted City Comprehensive Plan to which urban services may be extended.

15.615 Lane Code 15.636(1)

15.615 Application. The provisions herein apply to all County roads, dedicated public roads and platted streets within the unincorporated areas of Lane County and under the jurisdiction of Lane County. These provisions shall also apply to the following County roads within the limits of incorporated cities:

- (1) Connecting roads maintained under the authority of ORS Chapter 373.
- (2) County roads subject to an intergovernmental agreement under the authority of ORS 373.260.
- (3) County roads within the limits of incorporated cities not covered by LC 15.615(1) and (2) above and for which the city involved has not requested surrender in accordance with ORS 373.270.

15.620 Initiation of Improvements. Proceedings to construct a new road improvement or reconstruct an existing road may be initiated by:

- (1) Resolution of the Board when it is deemed necessary in order to provide for public safety and to promote the common welfare of the general public.
- (2) Petition signed by not less than 60 percent of the owners of the land representing not less than 60 percent of the land abutting the proposed improvements.

15.625 Procedures. When a resolution has been adopted or a petition has been filed for the reconstruction of an existing road, the procedures outlined in ORS Chapter 371 pertaining to an engineer's report, notice to owners, filing of objections, etc., shall be followed.

15.630 Priority System. All proposed projects shall be consistent with a road improvement priority system as may be adopted by Lane County. Any road proposed for reconstruction by petition, which, in the judgment of the Director of the Department of Public Works is in conflict with said priority system, may proceed according to the provisions of ORS Chapter 371, but with financial assistance only as separately determined by the Board.

15.636 Assessments. Improvement costs of new road improvements or the reconstruction of existing roads shall be assessed in the following manner:

- (1) By Petition.
 - (a) Local Streets and Roads and Minor Collectors. The direct cost of the complete street improvements up to and including 36 feet in width curbs, gutters and sidewalks within Urban Service Boundaries; and the direct cost of improvements up to and including 24 feet in width in the rural areas shall be assessed to the abutting property on a cost per front foot basis.

15.636(1)

Lane Code

15.636(2)

(b) Major Collectors, Minor Arterials and Principal Arterials.

The direct cost of constructing the curbs, gutters and sidewalks within Urban Service Boundaries, unincorporated rural communities and exception areas adjacent to urban service boundaries as designated in an acknowledged comprehensive plan shall be assessed to the abutting property on a cost per front foot basis. All other costs within those described areas and all costs in the rural areas shall be paid by Lane County.

If the abutting property does not take access from the road when the improvement project is completed, whether by choice of the owner or denial by Lane County, the assessment for curbs, gutters and sidewalks shall be deferred. Abutting property taking access from the road over other abutting property shall not be eligible for assessment deferral under this section. Any deferred assessment shall be a lien against the abutting property which may be removed and access granted in the future, provided that a) Lane County (or the government with jurisdiction over the road) finds that the new access does not pose a traffic congestion or safety problem and b) the owner of the property pays to Lane County the full amount of the original deferred assessment, plus accrued interest. Interest shall be calculated from the date the original assessments on the project became due, at the rate established by the Board of County Commissioners for those assessments. Lane County (or the government with jurisdiction over the road) may grant access without requiring payment of the deferred assessment and interest if twenty years has elapsed since the date the original deferred assessment was certified. Any assessment deferred under this section shall be waived and the lien shall be extinguished twenty years from the date of certification. Notwithstanding waiver of the deferred assessment and extinguishment of the lien, Lane County (or the government with jurisdiction over the road) shall control access as provided by law.

(2) By Resolution.

(a) Local Streets and Roads. The direct cost of constructing curbs, gutters and sidewalks within Urban Service Boundaries, unincorporated rural communities and exception areas adjacent to urban service boundaries as designated in an acknowledged comprehensive plan shall be assessed to the abutting property on a cost per front foot basis. All other costs within those described areas and all costs in the rural areas shall be paid by Lane County.

(b) Minor Collectors, Major Collectors, Minor Arterials and Principal Arterials. The same as defined in LC 15.636(1)(b) above.

11-73; 9.28.73
7-82; 7.9.82
20-87; 10.14.87
8-94; 11.25.94

15-64

WP 1/co/00037/T
WP 1/cr/97003/T

15.636(3)

Lane Code

15.645

(3) By Petition or Resolution-Bridges. When the Board of County Commissioners determines the public interest requires improvement to bridges on a local access road, the direct cost of bridge improvement or replacement shall be assessed to the specially benefiting property owners on a uniform basis as determined by the Board.

15.640 Intersections. The cost of street improvements located within street intersections and railroad intersections shall be paid by Lane County on projects where there is joint participation in the improvement costs.

15.642 EDAP Improvement Assessments. Notwithstanding LC 15.636 above, when the Board of County Commissioners receives a petition for public improvements to benefit property which qualifies for the Economic Development Assistance Program (EDAP) as provided in Lane Manual 15.800 to 15.825, the County may initiate proceedings to assess the benefitted property consistent with authority granted to Lane County by the Lane County Home Rule Charter, ORS Chapter 371 and this Chapter. The provisions of the Lane County Home Rule Charter, ORS Chapter 371 and LC 15.600 through 15.645, except as modified by LC 15.642, are applicable to EDAP improvement assessments in Lane County.

(1) Petitions for EDAP improvement assessments shall be signed by 100% of the owners of the land abutting the proposed improvement and shall include an agreement to waive remonstrances from each owner.

(2) Assessed improvement costs shall include the direct cost of the complete street improvements for the entire width, curbs, gutters, sidewalks, design and construction engineering costs and all related administrative costs.

(3) Assessments shall be based upon a cost per front foot basis.

15.645 Foreclosure. The Director of the Department of Assessment and Taxation shall have the duties and responsibility of the County Court in ORS 371.650(3) and ORS 371.660 and shall have the general responsibility for record keeping and collection of ORS Chapter 371 assessments made under the authority of ORS 371 and this subchapter.

11-73; 9.28.73
7-82; 7.9.82
20-87; 10.14.87
8-94; 11.25.94

15-65

WP I/co/00037/T
WP I/cr/97003/T