

## CHAPTER 12.28 DRIVEWAYS AND ACCESS TO PUBLIC ROADS

### 12.28.010 Authority

### 12.28.015 Definition; Apron

### 12.28.020 Definition; Curbline

### 12.28.020 Implementation Of Requirements

### 12.28.025 Definition; Curb Return

### 12.28.030 Definition; Driveway

### 12.28.035 Definition; Driveway Approach

### 12.28.040 Definition; End Slopes

### 12.28.045 Definition; Sidewalk Section

### 12.28.050 Permit; Required

### 12.28.060 Permit; Application

### 12.28.070 Permit; Approval And Issuance

### 12.28.080 Public Property Use Restrictions

### 12.28.090 Prohibited Locations

### 12.28.100 Width Of Driveway Approach Apron

### 12.28.100 Property Frontage

### 12.28.110 Driveway Approaches Near Alleys

### 12.28.110 Residential Driveway Approaches

### 12.28.120 Driveways In Areas Of Limited Street Improvements

### 12.28.120 Commercial and Industrial Driveway Approaches

### 12.28.130 Agricultural Driveway Approaches (Field Access)

### 12.28.140 Drainage

### 12.28.~~130-150~~ Construction Details

### 12.28.~~140-160~~ Variances ~~Permitted When~~

### 12.28.~~150-170~~ Violation; Civil Remedies

### 12.28.~~160-180~~ Violation

## HISTORY

Amended by Ord. [2020-005](#) §1 on 1/1/2021

### ~~12.28.010 Definitions~~

~~For the purposes of DCC 12.28, unless otherwise apparent from the context, certain words and phrases used in DCC 12.28 are defined as set forth in DCC 12.28.015-045.~~

## ~~HISTORY~~

~~Adopted by Ord. [203-6](#) §1 on 10/1/1975~~

~~Amended by Ord. [95-035](#) §1 on 5/17/1995~~

### 12.28.10 Authority

The Board is authorized by ORS 374.305, 374.307, 374.309, 374.315, and 374.320 to adopt reasonable rules and regulations and may issue permits for the control of access to public roads under the County's jurisdiction.

#### **12.28.015 Definition; Apron**

"Apron" means the portion of the driveway approach extending from the property side of the curb to the sidewalk section and lying between the end slopes of the driveway approach.

#### **HISTORY**

*Adopted by Ord. 203-6 §1 on 10/1/1975*

#### **12.28.020 Definition; Curbline**

"Curbline" means the inside edge of the top of the curb. In areas where no curb is required, it is the edge of the pavement.

#### **HISTORY**

*Adopted by Ord. 203-6 §1 on 10/1/1975*

#### **12.28.020 Implementation of Requirements**

- A. It is the duty of the Road Department Director ("Director"), or the Director's authorized representative, to implement the provisions and requirements of these standards in such a way as to carry out their intent and purpose.
- B. For purposes of this chapter, all references to "Road Department Director" shall include the County Engineer.

#### **12.28.025 Definition; Curb Return**

"Curb return" means the curved portion of a street curb at street intersections or the curved portion of a curb in the end slopes of a driveway approach.

#### **HISTORY**

*Adopted by Ord. 203-6 §1 on 10/1/1975*

#### **12.28.030 Definition; Driveway**

"Driveway" means an area on private property where automobiles and other vehicles are operated or allowed to stand.

#### **HISTORY**

*Adopted by Ord. 203-6 §1 on 10/1/1975*

#### **12.28.035 Definition; Driveway Approach**

"Driveway approach" means an area, construction or improvement between the roadway of a public street and private property at least seven feet wide, intended and used for ingress and egress of vehicles from the roadway of a public street to a definite area of the private property, such as a parking area, a

driveway or a door. The component parts of the driveway approach are termed the apron, the end slopes or the curb return, and the sidewalk section.

#### HISTORY

*Adopted by Ord. 203-6 §1 on 10/1/1975*

*Amended by Ord. 2011-026 §4 on 1/30/2012*

#### **12.28.040 Definition; End Slopes**

"End slopes" means the portions of the driveway approach which provide a transition from the normal curb and sidewalk elevations to the grade of the apron, either by means of a sloping surface or by means of a curb return together with the area between the projected tangents of the curb return.

#### HISTORY

*Adopted by Ord. 203-6 §1 on 10/1/1975*

#### **12.28.045 Definition; Sidewalk Section**

"Sidewalk section" means the portion of the driveway approach lying between the back, or property edge of the sidewalk and the end slopes measured at the front, or street, edge of the sidewalk.

#### HISTORY

*Adopted by Ord. 203-6 §1 on 10/1/1975*

#### **12.28.050 Permit; Required**

No person, firm or corporation shall remove, alter or construct any curb, sidewalk, driveway approach, gutter, pavement or other access related improvement in any public road, street, alley or other property owned by or dedicated to or used by the County and over which it has jurisdiction to regulate the matters covered by DCC 12.28, without first obtaining a permit from the County Road Department, ~~and no permit shall be granted until the applicant files with the County Road Department for its approval two copies of a drawing showing the location and size of all such proposed improvements to serve the property affected.~~

#### HISTORY

*Adopted by Ord. 203-6 §2 on 10/1/1975*

*Amended by Ord. 95-035 §1 on 5/17/1995*

*Amended by Ord. 2020-005 §1 on 1/1/2021*

#### **12.28.060 Permit; Application and Fees**

Application for driveway approach permits ~~to construct such improvements~~ shall be made to the County ~~Community Development~~ Road Department on forms provided for that purpose. Fees for driveway approach permits shall be published in the County fee schedule.

#### HISTORY

*Adopted by Ord. 203-6 §3 on 10/1/1975*

*Amended by Ord. 95-035 §1 on 5/17/1995*

#### 12.28.070 Permit; Approval ~~And~~ and Issuance

Before approving ~~the drawing of such improvement~~ and issuing a driveway approach~~the~~ permit, the County Road Department and Community Development Department shall establish that the proposed driveway approach~~improvement~~ is in conformance with the provisions and standards hereinafter set forth.

##### HISTORY

*Adopted by Ord. [203-6](#) §4 on 10/1/1975*

*Amended by Ord. [95-035](#) §1 on 5/17/1995*

#### 12.28.080 Public Property Use Restrictions

County road rights of way may not be used for private commercial purposes. A permit for the construction of driveway approaches shall not be issued unless vehicles to be served or serviced can be parked entirely within the private property lines.

##### HISTORY

*Adopted by Ord. [203-6](#) §10 on 10/1/1975*

*Amended by Ord. [95-035](#) §1 on 5/17/1995*

#### 12.28.090 Prohibited Locations

A. The creation of driveway access onto arterial and collector roads is prohibited unless there is no other possible means of accessing the parcel. In any event, residential access onto arterials and collectors shall not be permitted within 100 feet of an intersection or the maximum distance obtainable on the parcel, whichever is less.

B. When a property abuts two or more public roads with different functional classifications, access shall be taken from the road with the lower functional classification.

C. No driveway approach shall be permitted at locations that do not meet current American Association of State Highway and Transportation Officials (AASHTO) sight distance standards.

D. No driveway approach shall be permitted within delineated wetlands and waterways.

E. Driveway access that requires vehicle backing maneuvers within a public right of way for driveway ingress and egress is prohibited unless there is no other possible driveway access configuration to serve a parcel with reasonable access.

A-F. No driveway approach shall be permitted to interfere with any public utility facilities. Under the permit required by DCC 12.28, the applicant may be authorized to relocate any such utility, upon application to the subject utility provider and upon making suitable arrangements for financial reimbursement to the utility provider.

B-G. At street-road intersections no portion of any driveway approach, including end slopes, shall be permitted within the intersection ~~curb~~ return.

C.H. At street-road intersections in noncommercial or residential and rural areas, no portion of any driveway approach, including end slopes, shall be permitted within 50 feet of the intersection ~~curb~~ return.

#### HISTORY

Adopted by Ord. 203-6 §5 on 10/1/1975

Amended by Ord. 95-035 §1 on 5/17/1995

Amended by Ord. 2011-026 §4 on 1/30/2012

#### **12.28.100 Width Of Driveway Approach Apron**

The width of driveway approach aprons shall not exceed the following dimensions:

- ~~1.—For residential driveways, 14 feet for single driveways and 20 feet for double driveways and not more than one driveway approach shall be permitted per lot when such lot is 50 feet or less in width fronting on any street or avenue.~~
  - ~~1.—An additional driveway approach will be allowed when any particular lot has 50 feet or more of frontage on any street or avenue and the driveways can meet the spacing requirements listed in DCC 17.48.090 (B).~~
  - ~~2.—Sidelines of lots may also have driveway approaches in conformity with the provisions of DCC 12.28.100(A); notwithstanding that such lots have driveway approaches on their frontage area.~~
- ~~2.—For commercial driveways, when one or more driveway approaches serve a given property frontage, no single apron shall exceed 35 feet in width, but when such establishment controls 50 feet or more of street frontage the number of driveway aprons shall be limited to two for the first 100 feet or part thereof and not more than 35 percent of the frontage exceeding the initial 100 feet thereafter. A safety island of not less than 16 feet of full height curb shall in all cases be provided between driveway approaches serving any one property frontage.~~
- ~~3.—Property frontage referred to in DCC 12.28 includes approach areas directly in front of property owned or under the control of the applicant, and such area as may be directly in front of adjoining property which is used for approach purposes by right of easement or agreement with the adjoining property owner.~~

#### HISTORY

Adopted by Ord. 203-6 §6 on 10/1/1975

Amended by Ord. 95-035 §1 on 5/17/1995

Amended by Ord. 2011-026 §4 on 1/30/2012

#### **12.28.100 Property Frontage**

Property frontage referred to in DCC 12.28 includes approach areas directly in front of property owned or under the control of the applicant, and such area as may be directly in front of adjoining property

which is used for approach purposes by right of easement or agreement with the adjoining property owner.

#### **12.28.110 Driveway Approaches Near Alleys**

~~Driveway approaches located within five feet of the existing curb return at an alley intersection may be merged with the alley intersection pavement, thus requiring the removal of the existing curb return; the total apron length plus the alley width, measured at the curbline of the apron to the opposite allen line, shall not exceed 40 feet, except when there is a driveway approach on both sides of an alley, then the maximum apron length plus alley, width shall not exceed 60 feet.~~

#### **HISTORY**

*Adopted by Ord. 203-6 §8 on 10/1/1975*

*Amended by Ord. 95-035 §1 on 5/17/1995*

#### **12.28.110 Residential Driveway Approaches**

##### **A. Width (measured at the right-of-way boundary)**

1. Minimum Width, 12 feet;
2. Maximum Width (single-family dwelling units), 14 feet;
3. Maximum Width (multi-family dwelling units), 20 feet.

##### **B. Spacing**

1. Residential driveway approaches shall be located along a parcel's frontage in a manner so as to maximize spacing from other driveway approaches and intersecting roads.

##### **C. Maximum Number of Approaches**

1. No more than one residential driveway approach shall be permitted per parcel when such parcel is 50 feet or less in width fronting on any public road.
2. When any parcel has 50 feet or more of frontage on the public road accessed by the primary driveway approach, a secondary driveway approach may be permitted either along the frontage to the public road accessed by the primary driveway approach or, for corner parcels, along the frontage to a side street.

#### **12.28.120 Driveways In Areas Of Limited Street Improvements**

- ~~1. Where standard gutters and curbs have been installed but concrete sidewalks have not been, the permit may authorize the applicant to construct the driveway approach from the curbline to the applicant's premises of the same materials as those used for paving the applicant's driveway, or of any other material satisfactory to the County Road Department. Such driveway approach shall be constructed to established grade and shall be adequate and suitable for the traffic to be carried by it. The permit shall provide, and the applicant shall agree, that if and when thereafter~~

~~concrete sidewalks are constructed, the applicant or his successor shall install concrete driveway approaches.~~

- ~~2. Where standard gutters and curbs have not been installed, the apron widths set forth in DCC 12.28.100 shall be measured along the property line and there shall be not less than 16 feet of frontage between driveway approaches serving any one property.~~
- ~~3. In areas designated on the comprehensive plan for urban growth, permits shall not be issued for any surface improvement or paving on the street right of way between driveway approaches unless a concrete curb or other physical obstruction, of a design satisfactory to the County Road Department, is constructed and maintained by the applicant along his property line, so that the entrance and exit of vehicles to and from the applicant's property will be restricted to the established driveway approaches. Pursuant to the permit provided for in DCC 12.28, the applicant may surface the driveway approaches or other areas within the right of way by extending the same type of paving used on the applicant's premises so that it merges with the street pavement, provided the applicant's paving is adequate and suitable for the traffic to be carried; such extended paving between the property line and the street pavement shall be to established grade or other slope fixed by the County Road Department to provide for proper runoff. Such paving between the property line and the street pavement may meet the street pavement at a point ahead of the curb opening in order to provide for safe deceleration of vehicles turning into the applicant's premises. If the applicant's paving is extended beyond the property line into a street right of way at an intersection or crossroad, the County Road Department may require applicant to construct a suitable traffic island or curb to provide for the protection of such County facilities as may be necessary.~~

#### HISTORY

*Adopted by Ord. 203-6 §9 on 10/1/1975*

*Amended by Ord. 95-035 §1 on 5/17/1995*

*Amended by Ord. 2011-026 §4 on 1/30/2012*

#### **12.28.120 Commercial and Industrial Driveway Approaches**

##### A. Width (measured at the right of way boundary)

1. Minimum Width, 20 feet;
2. Maximum Width, 35 feet.

##### B. Spacing

1. Commercial and industrial driveway approaches shall be separated by at least the following distances from other driveway approaches and/or road intersections (measured between driveway/roadway centerlines):
  - a. Arterial road frontage, 500 feet;
  - b. Collector road frontage, 300 feet;

c. Local road frontage, 100 feet.

C. Maximum Number of Approaches

1. No more than two commercial or industrial driveway approaches shall be permitted per parcel frontage.

D. Additional Considerations

1. When deemed necessary by the Director, an applicant for a commercial driveway access may be required to submit a Traffic Impact Analysis (TIA) pursuant to DCC 18.116.310 and to construct mitigation measures, such as turn lanes and traffic control devices, as recommended in an approved TIA.

**12.28.130 Agricultural Driveway Approaches (Field Access)**

A. Width (measured at the right-of-way boundary)

1. Minimum Width, 12 feet;
2. Maximum Width, 14 feet.

A.B. Maximum Number of Approaches – No more than one field access approach per 200 feet of road frontage shall be permitted per parcel.

**12.28.140 Drainage**

A. Driveways and driveway approaches shall be constructed in such a manner so that surface water runoff from driveways and driveway approaches does not enter the public right-of-way.

B. Where culverts are required for driveway approaches, the minimum pipe size shall be 12 inches in diameter.

**12.28.130-150 Construction Details**

Driveway approaches shall be constructed in accordance with standard drawings as determined by the Director.

1. All driveway approaches between the curbline and the property line shall be constructed of Portland cement concrete proportioned to the satisfaction of the County Road Department, except as provided in DCC 12.28.120. The concrete of the driveway approach, including the sidewalk section, shall be at least six inches thick for residential approaches and at least six inches thick for commercial approaches.
2. The sidewalk section of the driveway approach shall be finished and scored as specified by the County Road Department, except as provided in DCC 12.28.120. Apron and end slope areas of the driveway approach shall be finished, after troweling smooth and scoring, with a fiber push-broom drawn over the surface parallel to the curbline.



#### HISTORY

*Adopted by Ord. [203-6](#) §7 on 10/1/1975*

*Amended by Ord. [95-035](#) §1 on 5/17/1995*

*Amended by Ord. [2020-005](#) §1 on 1/1/2021*

#### **12.28.~~140-160~~ Variances ~~Permitted When~~**

The County Road Department is authorized to grant, in writing, variances from the regulations and requirements of DCC 12.28, provided it first determines that the following conditions are present:

1. The variance requested arises from peculiar physical conditions not ordinarily existing in similar districts in the County, or is due to the nature of the business or operation upon the applicant's property;
2. That the variance requested is not against the public interest, particularly safety, convenience and general welfare;
3. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or tenants; and
4. That the terms of DCC 12.28 will work unnecessary hardship upon the applicant, property owner or tenant.

#### HISTORY

*Adopted by Ord. [203-6](#) §11 on 10/1/1975*

*Amended by Ord. [95-035](#) §1 on 5/17/1995*

#### **12.28.~~150-170~~ Violation; Civil Remedies**

In case a driveway or driveway approach is constructed or proposed to be constructed, maintained, repaired, altered or used in violation of DCC 12.28, such violation shall constitute a ~~nuisance~~nuisance, and the County may institute legal proceedings to prevent, enjoin, temporarily or permanently abate, remove or correct the nuisance.

#### HISTORY

*Adopted by Ord. [203-6](#) §14 on 10/1/1975*

*Amended by Ord. [95-035](#) §1 on 5/17/1995*

#### **12.28.~~160-180~~ Violation**

Violation of any provision of DCC 12.28 is a Class B violation.

#### HISTORY

*Adopted by Ord. [203-6](#) §13 on 10/1/1975*

*Amended by Ord. [83-015](#) §1 on 2/23/1983*

*Amended by Ord. [95-035](#) §1 on 5/17/1995*

*Amended by Ord. [2003-021](#) §26 on 4/9/2003*

