

**409 PRIVATE STREETS**

A private street means any way that provides ingress to, or egress from, property by means of vehicles or other means, or that provides travel between places by means of vehicles, and over which the public has no right of use as a matter of public record.

**409-1 Intent and Purpose**

It is the intent of this Section to regulate the development of certain private streets to ensure that they are constructed to meet minimum safety and structural standards for their intended use, and that maintenance of these facilities is provided for.

**409-2 Applicability**

409-2.1 The requirements of Sections 409-3 and 409-4 shall apply to the development of private streets inside an urban growth boundary for the following:

- A. Single-family and duplex residential:
  - (1) Private streets over one hundred (100) feet in length;
  - (2) Private streets which serve three (3) or more lots or units; or
  - (3) Private streets for flag lots.
- B. Commercial, industrial, institutional, and multi-family residential:
  - (1) Which provide access to more than one (1) parcel, development, or multiple uses on a single parcel or development, and;
  - (2) Which is not a parking aisle or parking lot driveway.

409-2.2 The requirements of Section 409-5 shall only apply to private streets outside an urban growth boundary.

409-2.3 In transit oriented districts, all private streets shall meet the requirements of Section 431. In the event there is a conflict between the requirements of Section 431 and this Section, the requirements of Section 431 shall control.

**409-3 Urban Private Street Standards**

409-3.1 A private street may be permitted when all of the following criteria are met:

- A. The street is not needed to provide access to other properties in the area in order to facilitate provisions of the applicable Community Plan(s), the Transportation Plan, or Section 431, access spacing, sight distance, and circulation standards and requirements, or emergency access standards or concerns;
- B. The street is not designated as a proposed facility in the Transportation Plan, or is not identified as a public street in the applicable Community Plan or by the requirements of Section 431;

- C. The street is not designated as a public street by a previous land use action, or by a study adopted by the county;
- D. The street does not serve as a collector or arterial street, or as a Special Area Commercial Street; and
- E. In transit oriented districts, the street is permitted as a private street by Section 431.

409-3.2 Notwithstanding the above criteria for access spacing, circulation, emergency access, and collector function, the Review Authority may approve a private street in conjunction with a proposed development upon adequate findings from the applicant that environmental or topographic constraints make construction of a public street impractical and that no serious adverse impacts will occur to surrounding properties or roads.

409-3.3 All streets proposed to be of private ownership inside the UGB shall conform to the following standards:

- A. Local Residential Streets:

			STRUCTURAL STANDARDS		
	*FUNCTION	**MIN. PAVEMENT WIDTH	SECTION	CURBS	SIDEWALKS
	<b>One-way</b>				
(1)	1-2 units	10 ft.	(1)	None	None
(2)	3-8 units	15 ft.	(2)	None	None
(3)	9 or more units	15 ft.	(3)	Yes	Both Sides
	<b>Two-way</b>				
(4)	1-2 units (Less than 150 feet in length)	10 ft.	(1)	None	None
(5)	1-2 units (Over 150 feet in length)	15 ft.	(1)	None	None
(6)	3-4 units (Less than 150 feet in length)	15 ft.	(1)	None	None
(7)	3-4 units (Over 150 feet in length)	20 ft.	(1)	None	None
(8)	5-8 units	22 ft.	(2)	One Side	One Side
(9)	9 or more units	24 ft.	(3)	Yes	Both Sides
	<b>Alleys</b> (One-way or two-way)				
(10)	1-8 units	16 ft.	(1)	***Yes	None
(11)	9 or more units	16 ft.	(2)	***Yes	None

\*Adequate turn around facilities shall be provided pursuant to Section 409-3.7.

\*\* MINIMUM PAVEMENT WIDTH DOES NOT INCLUDE PARKING. IF PARKING IS PERMITTED FOR DEVELOPMENT OF A PRIVATE STREET, THE PAVED WIDTH OF THE PRIVATE STREET SHALL BE CONSTRUCTED TO MEET THE APPLICABLE PUBLIC STREET WIDTH STANDARD.

\*\*\*Curbs shall be required only if they are needed for drainage.

B. Private Commercial and Industrial Streets:

	*FUNCTION	**MIN. PAVEMENT WIDTH	STRUCTURAL STANDARDS		
			SECTION	CURBS	SIDEWALKS
	<b>One-way</b>				
(10)	300 Max ADT	12 ft.	(2)	Yes	Both Sides
(11)	1500 Max ADT	15 ft.	(3)	Yes	Both Sides
(12)	3000 Max ADT	15 ft.	(4)	Yes	Both Sides
(13)	<b>3000 Plus ADT</b>	22 ft.	(4)	Yes	Both Sides
	<b>Two-way</b>				
(14)	300 Max ADT	22 ft.	(2)	Yes	Both Sides
(15)	1500 Max ADT	28 ft.	(3)	Yes	Both Sides
(16)	3000 Max ADT	36 ft.	(4)	Yes	Both Sides
(17)	<b>3000 Plus ADT</b>	40 ft.	(4)	Yes	Both Sides
	<b>Alleys</b> (One-way or two-way)				
(18)	1500 Max ADT	16 ft.	(3)	***Yes	None
(19)	1500 Plus ADT	16 ft.	(4)	***Yes	None

\*Adequate turn around facilities shall be provided pursuant to Section 409-3.7.

\*\* MINIMUM PAVEMENT WIDTH DOES NOT INCLUDE PARKING. IF PARKING IS PERMITTED FOR DEVELOPMENT OF A PRIVATE STREET, THE PAVED WIDTH OF THE PRIVATE STREET SHALL BE CONSTRUCTED TO MEET THE APPLICABLE PUBLIC STREET WIDTH STANDARD.

\*\*\*Curbs shall be required only if they are needed for drainage.

C. Private Street Length:

For the purpose of this Section, private street length shall be measured as the distance between the near side curb line of the intersecting street and the far edge of pavement of the private road, including any turnaround.

409-3.4 Private Street Design and Construction

A. Construction Plans

- (1) Construction plans for private streets constructed per Sections 409-3.3 A(3), A(8-11), or B(10-19) shall be prepared by a registered civil engineer. Prior to final approval, written certification shall be provided by the engineer that the proposed design complies with the applicable requirements of Sections 409-3.3, 409-3.5 and 409-3.6, any modifications approved pursuant to Section 409-3.8 and in accordance with the preliminary approval.

- (2) Construction plans for private streets constructed per Sections 409-3.3 A. (1, 2, 4, 5, 6 or 7) are not required to be prepared by a civil engineer unless the applicant chooses to construct the street in accordance with the County road standards as provided by Section 409-3.6 A. (1).
- (3) Final construction plans for all private streets shall be submitted prior to final approval.

B. Private Street Construction

- (1) Private streets constructed per Section 409-3.3 A. (3), A (8-11), or B (10 - 19) shall be constructed prior to final plat approval for land divisions; or prior to occupancy or issuance of a certificate of occupancy for commercial, industrial, institutional or multi-family development, whichever occurs first. The applicant's engineer shall provide written certification that the street(s) has been constructed in accordance with the certified final construction plans.
- (2) Private streets constructed per Section 409-3.3 A. (1, 2, 4, 5, 6, or 7) shall be constructed prior to final plat approval unless approved otherwise by the Director. The applicant's engineer or contractor shall provide written certification that the street was constructed in accordance with the final construction plans prior to final approval, or prior to issuance of any building permit within the development when the Director permits the street to be constructed after final approval.

409-3.5 Private Street Tracts

The pavement width, and curbs, if any, of all private streets, except private streets serving one (1) or two (2) single-family residential lots or parcels, shall be located in a tract which meets the provisions of Section 409-4. Sidewalks may be located outside a tract on individual lots or parcels when approved by the Review Authority provided the following standards are met:

- A. The sidewalk shall be located in an easement; and
- B. Except in transit oriented districts, a minimum twenty (20) foot setback to the garage vehicle entrance, measured from the sidewalk or easement for public travel, whichever is closest shall be provided. In transit oriented districts, the minimum setback to the garage vehicle entrance shall be no less than the minimum setback required by Section 375 or Section 431.

409-3.6 Structural Section Key:

All private streets shall be constructed to the following minimum standards as identified in Section 409-3.3:

- A. Structural Section Type:
  - (1) Three (3) inch Type "C" AC over six (6) inches compacted crushed rock or in accordance with the standards of the Washington County Road Design and Construction Standards.

- (2) Three (3) inch Type “C” AC over two (2) inches of three-quarter (3/4) minus and six (6) inches of two (2) inch minus compacted crushed rock or in accordance with the standards of the Washington County Road Design and Construction Standards.
  - (3) Two (2) inch Type “C” AC over two (2) inch Type “B” AC over two (2) inches of three-quarter (3/4) minus and six (6) inches of two (2) inch minus compacted crushed rock or in accordance with the standards of the Washington County Road Design and Construction Standards.
  - (4) Two (2) inches Type “C” AC over three (3) inches Type “B” AC over two (2) inches of three-quarter (3/4) minus and six (6) inches of two (2) inch minus compacted crushed rock or in accordance with the standards of the Washington County Road Design and Construction Standards.
  - (5) In lieu of being constructed of asphaltic concrete as described in items (1) - (4) above, private streets or driveways may be constructed of pervious paving materials when the applicant’s engineer provides written certification with the application that appropriate site conditions exist for the use of pervious materials and that the proposed design and construction will be equal to or superior to the structural standards specified in the table in Subsections 409-3.3 A. and B.
- B. Curb Standards Type:
- (1) Standard curb and gutter, six (6) inches exposed (see standard drawings of County Road Standards).
  - (2) Mountable curbs.
  - (3) When vegetated stormwater management facilities will be used to convey and treat street runoff, curb cuts will be allowed for the purpose of draining runoff from the private street or driveway.
- C. Sidewalks:
- (1) Concrete sidewalks, minimum five (5) feet width (see standard drawings of County Road Standards), and sidewalk ramps at street corners.
  - (2) In lieu of being constructed of concrete, as described in (1) above, sidewalks may be constructed of pervious paving materials when the applicant’s engineer provides written certification with the application that appropriate site conditions exist for the use of pervious materials and that the proposed design and construction will be equal to or superior to the structural standards specified in (1) above.
- D. Drainage:
- All roadways shall be drained pursuant to the requirements of the Drainage Standards, Section 410.
- E. Additional Street Design Requirements:
- Street design characteristics not otherwise addressed in this section such as intersections, sight distance, and vertical and horizontal alignments, shall be designed to meet nationally accepted specifications and standards, and shall be approved by the appropriate fire district.

**409-3.7 Emergency Service and Solid Waste and Recycling Collection Provider Access:**

A dead-end private street (includes alleys) exceeding one hundred fifty (150) feet in length shall have an adequate turn around facility designed in accordance with approved Fire Marshal standards unless:

- A. The Fire Marshal determines that a turnaround is not needed to provide emergency service vehicle access; and
- B. The solid waste coordinator for the Washington County Health & Human Services Solid Waste and Recycling Program determines that a turnaround is not needed to provide solid waste and recyclable collection vehicle access.

**409-3.8 Modification of Private Road Standards**

A variance to the provisions of Section 409-3.3 may be approved by the Review Authority in accordance with Section 435 and the following:

- A. The design has been approved by the appropriate Fire Marshal and by the solid waste coordinator;
- B. The design has been prepared, submitted and certified by a registered engineer (Oregon); and
- C. The design has been documented and references nationally accepted specifications or standards.

**409-4 General Provisions For Urban Private Streets**

- 409-4.1 A recorded document providing for the ownership, use rights, and allocation for liability for maintenance of all private streets shall be submitted to the Review Authority prior to or in conjunction with final approval.
- 409-4.2 When streets are proposed to be private, access easements shall be provided to all properties needing access to the private street.
- 409-4.3 A traffic signing plan shall be provided for proposed private streets. At a minimum, the Review Authority shall require a standard “stop sign” at the intersection of private and public streets, “No Parking” signs as applicable, and a sign stating “private street, not maintained by Washington County” at the entrance to the public street. Dead end streets shall be so signed.
- 409-4.4 Private streets which access public or county roads shall be located, designed and constructed (within the public right-of-way) in accordance with adopted standards for county roads.
- 409-4.5 Private street access to a county or public road shall be permitted only upon issuance of an access permit upon demonstration of compliance with the provisions of the county road standards, the standards of this Section and Section 501-8.5. Additional sight distance may be required where a safety hazard exists.

409-4.6 Urban private streets providing access to residential developments in a Regional or Town Center, Light Rail Station Community, Main Street or Transit Corridor shall not be gated except when required by the Director to address an operational or safety issue or as permitted by Section 431-4.2E(2). Urban private streets outside of these areas that provide access to residential land divisions or attached unit residential developments from a county or public street may be gated when approved by the applicable Fire Marshal and the Washington County Traffic Engineering Division.

#### **409-5 Private Streets Outside an Urban Growth Boundary**

409-5.1 Private streets (driveways), or portions thereof, shall demonstrate adequate accessibility for emergency vehicles. The private street (driveway) shall comply with the access road requirements of the Oregon Fire Code. If new parcels are created, Section 409-5.2, below, applies.

Compliance with the Oregon Fire Code shall be assessed upon submittal of a site plan and accompanying narrative illustrating all improvements needed for the existing and proposed private driveways longer than one hundred fifty (150) feet to meet the standards in the current Oregon Fire Code, including:

- (1) Turnaround alternative for dead-end streets/driveways;
- (2) Turnouts for access roads longer than four hundred (400) feet;
- (3) Road gradient and road width; and
- (4) Surface and load capacities of the road.

The Fire Marshal shall have the first opportunity to review private streets (driveways), per item A., below. If the Fire Marshal fails to review the private street (driveway), or in cases where no Fire Marshal has jurisdiction, approval by the Building Official or his designee is required, as outlined under item B., below. In these cases, the applicant shall provide evidence that the Fire Marshal waives his review.

##### **A. Fire Marshal Review**

To demonstrate compliance, the applicant shall provide a site plan signed by the Fire Marshal or designee illustrating all required improvements to the entire driveway between the development and the public street providing access. The signature serves to acknowledge that the length of the private street (driveway), once improved as shown on the site plan, can meet District standards for access for emergency vehicles.

##### **B. Building Official Review**

- (1) For private streets (driveways) or portions thereof outside of Fire District boundaries, or which have not previously been reviewed by the Fire Marshal, the Building Official shall review the private street (driveway) for compliance with the Oregon Fire Code. The Building Official's initials on the site plan and narrative serve to acknowledge that the length of the private street (driveway), once improved as shown on the site plan, can meet Fire Code standards for access for emergency vehicles.

- (2) Private streets (driveways) for which existing portions have previously been reviewed and approved by the Fire Marshal, the applicant shall demonstrate prior approval of the existing portion of the private street (driveway) by providing evidence of Fire Marshal approval of the constructed street. If the applicant does not provide adequate evidence of prior Fire Marshal approval, current standards are applicable.
  - (a) If Building Official review determines that a previously approved private street (driveway) still meets the standards under which it was originally approved, no changes shall be required to the previously approved portion of the street.
  - (b) If the Building Official finds that the private street (driveway) no longer meets the specifications previously approved by the Fire Marshal, he may require that the road be brought up to the originally-approved specifications before approving the access.

409-5.2 All private streets providing access from a public roadway to a proposed land division shall meet the following standards:

- A. Have a minimum sight distance in compliance with adopted county standards at any intersection with a public road. Additional sight distance may be required where safety hazards exist.
- B. For each private street, there shall be a legal recorded document which includes:
  - (1) A legal description of the proposed easement;
  - (2) Ownership of the street;
  - (3) Use rights; and
  - (4) A maintenance agreement which includes Fire Marshal approved street specifications and turn around area (if required) and the allocation and/or method of determining liability for maintenance. For new private streets, this agreement shall be a maintenance and construction agreement which addresses the above elements.
- C. Each private street shall have a sign stating: "private street, not maintained by Washington County." Dead end streets shall be so marked.
- D. Where drainage conditions require it, a private street shall be ditched in conformance with the county road standards.
- E. Private streets which access public or county roads shall be located, designed and constructed (within the public right-of-way) in accordance with adopted standards for county roads.
- F. Prior to establishing a private driveway or a private street, the owner shall obtain an access permit for access to the intersecting public road and pay the prescribed fee. As a condition of granting access to a public road, the county may require the applicant to clean the ditch serving the parcel and remove sight obstructing vegetation in the vicinity of the access.
- G. If an existing driveway or privately maintained street is to be used as an access in a proposed land division, the applicant shall submit at preliminary review a



letter from the appropriate Fire Marshal stating that the proposed access is satisfactory to serve the proposed parcels, or the letter shall set forth the improvements required to make the access satisfactory.

- H. To establish a new private road, the applicant shall submit at preliminary review the following information:
- (1) A written statement from the appropriate Fire Marshal setting forth the road standards that are applicable to the proposed development;
  - (2) Preliminary road construction plans, including right-of-way and road surface widths, grading, drainage and surface type (i.e., paving or gravel). Private streets shall comply with the grading and drainage standards of Section 410. Final construction plans shall be submitted prior to final approval; and
  - (3) A statement of the maximum number of dwellings, or lots or parcels the street can serve.
- I. For private streets created through a partition, the applicant shall comply with one of the following:
- (1) Prior to final approval of the partition, construct the private street in accordance with the plans and specifications approved in the preliminary approval. The appropriate Fire Marshal or, if the Fire Marshal fails to review the private street, approval by the Building Official or his designee shall inspect and approve the private street for conformance to the standards originally approved. A written letter of approval shall be provided to the county prior to final approval of the partition; or
  - (2) For each vacant parcel that is not served by the completed private road execute a restrictive covenant which states:  
  
"This parcel is ineligible for a building permit except for farm or forest structures other than dwellings and shall be limited to farm and forest use until such time as the privately maintained road described in document #\_\_\_\_\_ (Date), has been approved by the appropriate Fire Marshal to a point where the parcel can be served. This restrictive covenant shall run with the land."  
  
The Director shall authorize the removal of the restrictive covenant after the private street has been constructed to serve any parcel subject to the restrictive covenant and the appropriate Fire Marshal or, if the Fire Marshal fails to review the private street, approval by the Building Official or his designee has certified the private street meets the standards specified in the recorded road construction agreement.  
  
Prior to the issuance of a building permit, the appropriate Fire Marshal shall inspect and approve the private street after it has been constructed for conformance to the standards originally approved. A written letter of approval from the Fire Marshal shall be provided to the county prior to issuance of a building permit.

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