

MINUTES & NOTICE OF BOARD ACTION

APPROVED 6/12/96

LANE COUNTY BOARD OF COMMISSIONERS

This document, upon approval in a public meeting by the Board of County Commissioners, serves as official minutes of such meetings as required under the Open Meetings Law, ORS 192.650.

Pursuant to notice made by mailing agendas to news media, a selected list of jurisdictions and individuals in Lane County, a meeting of the Board of County Commissioners was held.

Questions should be directed to The Board Office Specialist 3, ext. 4203.

January 17, 1996
1:30 p.m.

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

Chair Bobby Green, Sr. presided with Steve Cornacchia, Ellie Dumdi, Jerry Rust and Cindy Weeldreyer present. Sharon Giles, Recording Secretary.

11. COMMISSIONERS' ANNOUNCEMENTS

Green reminded the Board of the Leadership Team meeting on Tuesday, January 23 followed by a light Board meeting.

Weeldreyer announced that the general town hall meeting in Pleasant Hill that was set for January 23 is being rescheduled due to Corps of Engineers unavailability and another date is being negotiated.

12. APPEALS

- a. ORDER 96-1-17-12/In the Matter of An Appeal to a Director of Public Works' Decision to Deny County-Maintained Road Status to Lois Lane.

Betty Mishou, Public Works Engineering, briefly reviewed this item (see material on file). Cornacchia spoke regarding partitions and the extension of a county road, asking if there is any room for a different consideration as this is not the typical partition. Mishou indicated that she had not dealt with a similar situation before with regard to exceptions. Dumdi remarked that there are three more parcels north and asked if there is an easement through tax lot 2200. Responding to Van Vactor, Mishou stated that this does meet the conditions for a county road, except for the policy regarding serving the general public.

Responding to Green, Mishou remarked that she knows of no precedent. Mishou stated that this road does meet gravel road standards and that the County's portion is also a gravel road. Responding to Rust, Mishou indicated that residents are only attempting to get the road put into the county system and have not voiced any expectations regarding having the road paved.

Robert Gibson, 3570 Byron Street, Eugene, commented that he built Lois Lane to start with and it came into being because of the requirements for partitioning. Gibson explained that the road was built in several sections and as each section was completed, it was accepted as part of the county road system at that time. He indicated that when the last section was finished six years ago, it was approved and he assumed it would become a county road. Gibson stated that this road also accesses several properties on the north side of the road. He noted that there are ten property owners affected and they all approve of a county road designation. Gibson observed that it would be only a short extension and that it is also a part of the mail route.

Elizabeth Minturn, 88909 Lois Lane, stressed that she would like to see this road be a county road, so it could be graded and graveled. Dumdi clarified that all road funds come from timber receipts and gas taxes, not property taxes. Responding to Rust, Minturn estimated the length in question as approximately as long as a football field.

Van Vactor recalled that previous policy stated if a road was built up to County standard, it would be accepted into the system. Mishou noted that the new policy requiring the standard of "general public use" was accepted in 1991.

Green asked what would be the net effect of taking this road into our system. Mishou remarked that it just adds additional mileage, but added that it carries with it the obligation to maintain the road in a safe condition, including grading, ditches, graveling, shoulders, mowing, etc. Responding to Dumdi, Mishou stated that the additional costs for this section would be minimal. Rust observed that there is the criteria of an extension of an already existing road, noting that the Board could find that there is probably some general public use. He stated that if this were for the entire road now he would not advocate, but given the history and the fact that the criteria permits this, he suggested adding the portion to the county road system. Weeldreyer concurred with Rust's reasoning. Cornacchia stressed that a decision to accept the road is not a rejection of Public Works' recommendation, but rather a matter of the Board making a choice between competing policies. He added that it is important to note that the Board is not rejecting the policy on partitions, but due to considerations on the extension and a common sense application it takes this out of the partition rules. Cornacchia stressed that he doesn't want this to be a precedent, but rather have it noted that

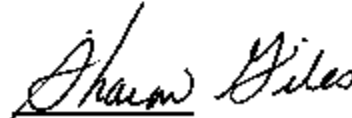
this is due to an extension of an existing county road. Dumdi agreed with everyone's comments, noting that the "clincher" is the "or" in the policy.

MOTION: Overtum staff's recommendation and accept the petition, granting county road status to the end of Lois Lane. Rust MOVED, Dumdi SECONDED.

VOTE: 5-0. Public Works was asked to come back with a Board Order on Consent Calendar at a later date, with some reference to Lane Manual 15.220(3).

13. OTHER BUSINESS

There being no further business, this meeting adjourned at 2:03 p.m.



Sharon Giles
Board Secretary