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## AGENDA COVER MEMO

**DATE:** March 21, 2003  
**TO:** Lane County Board of Commissioners  
**FROM:** K. Robert Ezell, Lane County Surveyor *K.R. Ezell*  
**DEPARTMENT:** Public Works/Land Management Division

**AGENDA ITEM TITLE:** IN THE MATTER OF DENIAL OF THE PROPOSED WITHDRAWAL OF COUNTY ROAD STATUS (BUT NOT THE PUBLIC ROAD STATUS) FROM CONLEY ROAD (COUNTY ROAD NUMBER 56) LOCATED OFF THE MCKENZIE HIGHWAY (STATE HIGHWAY NUMBER 126) IN SECTION 32, TOWNSHIP 16 SOUTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN (16-35-32-3)

### I. MOTION:

TO APPROVE THE ORDER TO DENY WITHDRAWAL OF COUNTY ROAD STATUS (BUT NOT THE PUBLIC ROAD STATUS) OF CONLEY ROAD (COUNTY ROAD NUMBER 56), SAID ROAD BEING APPROXIMATELY .25 MILES IN LENGTH, AND LOCATED OFF THE MCKENZIE HIGHWAY (STATE HIGHWAY NUMBER 126) IN SECTION 32, TOWNSHIP 16 SOUTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN (16-35-32-3)

### II. ISSUE:

On March 19<sup>th</sup>, the Board conducted a public hearing on whether to withdraw the County road status (but not the public road status) from Conley Road (County Road Number 56) located off the McKenzie Highway (State Highway Number 126) in Section 32, Township 16 South, Range 3 East of the Willamette Meridian (16-35-32-3).

### III. DISCUSSION:

#### A. Background:

On January 21, 2003 the Board approved the Notice of Hearing and Order Number 03-1-21-16 to conduct a public hearing on March 19, 2003. The Board conducted a public hearing in the matter of the proposed withdrawal of County Road Status (but not the public road status) from Conley Road (County Road Number 56) located off the McKenzie Highway (State Highway Number 126) in Section 32, Township 16 South, Range 3 East of the Willamette Meridian (16-35-32-3).

#### B. Analysis:

The Board listened to the staff report, which included information that Conley Road was part of the old McKenzie Highway that was established as a county road in 1896 that ran from Hendricks Bridge to Belknap Springs. Around 1926-1933 the Highway was taken over by the State Highway Department and portions of it were realigned. This segment of Conley Road was part of the original county road but became bypassed by the McKenzie Highway realignment. The Zone

Foreman was not aware that Conley Road was a county road and there was no roadwork done on the road as far back as anyone could remember.

With regard to the proposed withdrawal of Conley Road as a county road (but not as a public road), it was noted that State Law only requires that the Road Official report to the Board what the affect to property owners along the road would be if the road was converted from a county road to a public road. However, the Lane Manual LM15.410(7) had a list of requirements to consider before a road was vacated or converted from a county road to a public road.

The Directors Report was referenced and 10 items were noted from LM 15.410(7) to the Board as reasoning that Conley road should be considered for conversion from a county road to a public road.

It was reported that the County Engineer requested that proceedings be conducted to consider whether to withdraw county road status from Conley Road. The reason behind the request was related to a building permit on Tax Lot 2300 owned by Hollis and Priscilla Oxley. The Oxleys were required to make road improvements that included widening the existing 10-foot wide roadbed to 12 feet in places, and add gravel from their property out to the McKenzie Highway. The cost was \$5000 according to Mr. Oxley.

The 12-foot width was a compromise supported by the County Engineer, as an evaluation of the road site revealed the cost to widen the road further was too much of a burden of cost on the Oxleys.

The Board opened the discussion to members of the public who had signed up to offer information to the Board. Mrs. Oxley reported on the lengthy difficulty and expense they have endured gaining a permit for their planned house construction. Mr. Jim Baker added history of the road that included an early postmaster lived along the road. That the road was a bit of visual history of what the original McKenzie Highway was like many years ago. Two other property owners who lived along the road added other information.

The Board considered the staff report, Directors Report, and testimony from the Oxleys and Mr. Baker. That the road had historical value was a consideration as well as the expense of road improvements provided by the Oxleys. The Board inquired of Tom Stinchfield from the Public Works Transportation Planning section about the types of county roads. This ranged from the higher volume roads such as Delta Highway to the lower volume roads that might be called local county roads.

The Board was interested in limited road maintenance so as to maintain the local rural character of the road.

The Board voted to not approve the road being withdrawn as a county road and that the road continue to be a county road. Further, that only light work be done on the road to continue its rural character. The Board gave directions to County Surveyor Bob Ezell to return with an Order to Deny approval of withdrawal of county road status of Conley Road.

C. Alternatives/Options:

Not applicable.

D. Timing:

Timing is not critical in this matter.

**IV. IMPLEMENTATION/FOLLOW-UP:**

Upon approving the Order to Deny the proposed withdrawal of county road status of Conley Road, the documents are to be forwarded to the Lane County Clerk for filing and recording, after which, copies are to be forwarded to the County Surveyor and Director of Public Works for appropriate action.

**V. ATTACHMENTS:**

Final Order to Deny Withdrawal  
Vicinity Map - Attachment "A"

Contact Person: K. Robert Ezell x3626

**IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY  
STATE OF OREGON**

**FILE NO. 4085**

<b>IN THE MATTER OF DENIAL OF THE PROPOSED</b>	)	
<b>WITHDRAWAL OF COUNTY ROAD STATUS (BUT NOT</b>	)	
<b>THE PUBLIC ROAD STATUS) FROM CONLEY ROAD</b>	)	<b>ORDER TO DENY</b>
<b>(COUNTY ROAD NUMBER 56), LOCATED OFF THE</b>	)	<b>NO.</b>
<b>MCKENZIE HIGHWAY (STATE HIGHWAY NUMBER</b>	)	
<b>126) IN SECTION 32, TOWNSHIP 16 SOUTH, RANGE 3</b>	)	
<b>EAST OF THE WILLAMETTE MERIDIAN. (16-35-32-3)</b>	)	

**WHEREAS**, this matter now coming before the Board of County Commissioners for Lane County, Oregon, upon Resolution and Order Number 03-1-21-16 that a public hearing for the consideration of withdrawal of county road status, but not the public road status of Conley Road as described herein and as provided by ORS 368.026, described as follows:

Beginning at a point on the Southerly right of way line of the McKenzie Highway, opposite and 40.0 feet distant Southwesterly when measured at right angles from Engineers centerline station 1683+64.17 P.O.T., said point being 901.16 feet North and 1146.40 feet West of the meander corner on the right bank of the McKenzie River, which is on the South line of Section 32, Township 16 South, Range 3 East, Willamette Meridian, and running thence South 40°57' West 112.00 feet; thence South 46°32'39" East 596.93 feet; thence South 64°18'09" East 557.67 feet to Engineers centerline station 12+66.60=McKenzie Highway Station 1694+98.84 P.O.C. said point being on the southerly right of way of said McKenzie Highway opposite and 40.00 feet distant Southwesterly from said station 1694+98.84 P.O.C. and there ending, all within Section 32, Township 16, Range 3 East of the Willamette Meridian, Lane County, Oregon.

Is hereby retained as a county road; and

**WHEREAS**, the Board of Commissioners has the authority to consider whether to withdraw county road status of county roads in Lane County under the provisions of ORS 368; and

**WHEREAS**, the Board of County Commissioners conducted a public hearing on March 19, 2003 in accordance with Resolution, Notice of Hearing and Order Number 03-1-21-16, to consider the withdrawal of county road status of Conley Road as described herein; and

**WHEREAS**, after consideration and deliberation of the record, which included a report from the Director of the Department of Public Works, other written material and oral testimonies from affected landowners, the County Surveyor, and from Tom Stinchfield of the Transportation Planning section, the Board voted and the motion to withdraw county road status of Conley Road (but not the public road status) as described failed because of a 3-2 vote, now therefore; it is hereby

**ORDERED**, that the proceedings to withdraw county road status of Conley Road as described above, are hereby denied on the basis that there was not a majority vote to approve the withdrawal of county road status; and it is further

**ORDERED**, that this Order be entered into the Lane County Commissioners Journal of Administration, be further placed in the County Road Index Books and legal county road files administered by the County Surveyor and the Public Works Department.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2003

APPROVED AS TO FORM

Date 3-26-03 lane county

\_\_\_\_\_  
Peter Sorenson, Chair  
LANE COUNTY BOARD OF COMMISSIONERS

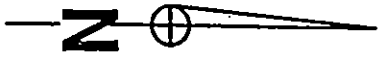
ORIGINAL

ATTACHMENT "A"

SW 1/4 Section 32 T. 16S. R. 3 E. W.M.

LANE COUNTY

NOT TO  
SCALE



MCKENZIE RIVER

PROPOSED TO HAVE  
COUNTY ROAD  
STATUS WITHDRAWN

GOODPASTURE ROAD EXTENSION

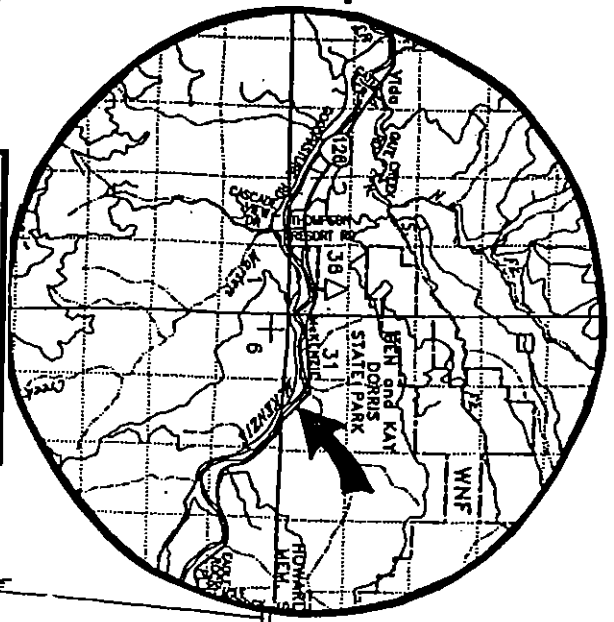
Lot 13

CONLEY ROAD

MCKENZIE HIGHWAY

STATE HIGHWAY NUMBER 280  
MCKENZIE TERRACE SUBDIVISION  
Lot 2  
3100  
3200  
3201  
33300  
3400 A  
3500  
3600  
3700  
3800  
3900

VICINITY MAP



2230.48'  
9°37'E (1657.48' (1657.48' and County Rd.)

1/4 Cor.

N 04°56'E  
576.72'