


W. 9. E. 1.  
ORIGINAL  
03-7-30-14

## AGENDA COVER MEMO

**DATE:** July 18, 2003  
**TO:** Lane County Board of Commissioners  
**FROM:** William D. Robinson, Interim Lane County Surveyor   
**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 A PORTION OF DUNCAN ISLAND ROAD (COUNTY ROAD NUMBER 1357) WHICH LIES BETWEEN THE SIUSLAW RIVER AND THE DUNCAN SLOUGH, APPROXIMATELY ONE MILE SOUTHWEST OF ITS CONNECTION WITH BERNHARDT CREEK ROAD, AND BEING LOCATED IN SECTION 15, TOWNSHIP 18 SOUTH, RANGE 11 WEST OF THE WILLAMETTE MERIDIAN (18-11-15)

### I. MOTION:

**TO APPROVE THE ORDER TO DENY WITHDRAWAL OF COUNTY ROAD STATUS (BUT NOT THE PUBLIC ROAD STATUS) FROM A PORTION OF DUNCAN ISLAND ROAD (COUNTY ROAD NUMBER 1357), SAID PORTION BEING APPROXIMATELY 845 FEET IN LENGTH, AND LIES BETWEEN THE SIUSLAW RIVER AND THE DUNCAN SLOUGH, APPROXIMATELY ONE MILE SOUTHWEST OF ITS CONNECTION WITH BERNHARDT CREEK ROAD, AND BEING LOCATED IN SECTION 15, TOWNSHIP 18 SOUTH, RANGE 11 WEST OF THE WILLAMETTE MERIDIAN (18-11-15)**

### II. ISSUE:

On August 14<sup>th</sup> and August 21<sup>st</sup>, 2002, the Board conducted a public hearing on whether to withdraw the County road status (but not the public road status) from a portion of Duncan Island Road (County Road Number 1357). The matter was not voted on at these public hearings but was postponed until June 25, 2003 at which time the Board voted unanimously not to withdraw county road status from the described portion of Duncan Island Road. As a follow up, the issue is to decide whether to approve the Order to Deny the proposal of withdrawing the county road status of the subject portion of said road.

### III. DISCUSSION:

#### A. Background:

On May 5, 2002 the Board of Commissioners approved the Notice of Hearing and Order Number 02-5-8-17 to conduct a public hearing on July 3, 2002 in the matter of the proposed withdrawal of County Road Status (but not the public road status) from Duncan Island Road (County Road Number 1357). On June 26, 2002 the Board approved Order Number 02-06-26-9 to change the public hearing date from July 3<sup>rd</sup> to a new hearing date of August 14<sup>th</sup>. The Board conducted a public hearing on August 14<sup>th</sup> and continued the public hearing on August 21<sup>st</sup>. At the August 21<sup>st</sup> public hearing one of the property owners, Sandra Donaldson, and her attorney, Jeff Condit, stated that they wished

additional time to consider any development options for Ms. Donaldson's property. The date for Sandra Donaldson to report back to the Board of Commissioners was originally set for January 15, 2003 and then postponed until June 25, 2003. The Board of Commissioners had a work session regarding this matter on June 25<sup>th</sup> and at that time voted unanimously to deny the Order to withdraw county road status from the subject portion of Duncan Island Road.

**B. Analysis:**

The Board listened to the staff report presented by Bill Robinson, Interim County Surveyor, and comments from Ollie Snowden, Lane County Public Works Director. Bill Robinson stated that staff had contacted Nancy Phelps prior to the meeting and that she and her husband approved of the reduction in road status. The Phelps own 100% of the property adjoining the subject right of way.

Jeff Condit also gave a report on his research of the property owned by Sandra Donaldson and the possibility of her developing it, and stated that she opposes the proposal to withdraw county road status from the described portion of Duncan Island Road. Sandra Donaldson owns the property at the end of Duncan Island Road, approximately 1.2 miles southwest of the subject portion of right of way.

The Board considered the report from staff and the testimony of Jeff Condit and Sandra Donaldson and voted to not approve the road being withdrawn as a county road and that the road continue to be a county road.

The Board gave directions for staff to prepare an Order to Deny the approval of withdrawal of county road status of the described portion of Duncan Island Road and schedule it on the Consent Calendar. Approval of the Order to Deny will formally conclude the proposal to withdraw county road status from the described portion of Duncan Island Road, and said portion of road will remain a County 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 Duncan Island 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: Bill Robinson x-4198

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

**FILE NO. 4070**

<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 A PORTION OF</b>	)	
<b>DUNCAN ISLAND ROAD (COUNTY ROAD NUMBER</b>	)	<b>ORDER TO DENY</b>
<b>1357) WHICH LIES BETWEEN THE SIUSLAW RIVER</b>	)	<b>NO.</b>
<b>AND THE DUNCAN SLOUGH, APPROXIMATELY ONE</b>	)	
<b>MILE SOUTHWEST OF ITS CONNECTION WITH</b>	)	
<b>BERNHARDT CREEK ROAD, AND BEING LOCATED</b>	)	
<b>IN SECTION 15, TOWNSHIP 18 SOUTH, RANGE 11</b>	)	
<b>WEST OF THE WILLAMETTE MERIDIAN (18-11-15)</b>	)	

**WHEREAS**, this matter now coming before the Board of County Commissioners for Lane County, Oregon, for the consideration of withdrawal of county road status, but not the public road status from a portion of Duncan Island Road as described herein and as provided by ORS 368.026, described as follows:

That portion of Duncan Island Road (County Road Number 1357) as established in 1969, a strip of land 60 feet in width, being 30.00 feet on each side of centerline. Beginning at a point on the westerly boundary line (the right-of-way lines being shortened or lengthened as necessary to match said westerly line) of a tract of land conveyed to Frank E. Larsen and Melba E. Larsen, by that certain Warranty Deed recorded on Reel 1058-R, Recorder's Reception Number 8008829, Lane County, Oregon Deed Records; thence, southwesterly approximately 845 feet to the end of the established county road, said point being Engineer's Centerline Station 54+00, and there ending, and all within Section 15, Township 18, Range 11 West of the Willamette Meridian, Lane County, Oregon; 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 August 14, 2002, in accordance with Resolution, Notice of Hearing and Order Number 02-6-26-9, and continued the public hearing on August 21<sup>st</sup>, and met again on June 25, 2003 to consider the withdrawal of county road status of Duncan Island Road as described herein; and

**WHEREAS**, after consideration and deliberation of the record, which included written and oral testimonies from affected landowners and/or their attorney, and various reports from County staff, the Board voted unanimously to deny the motion to withdraw county road status from the described portion of Duncan Island Road (but not the public road status), now therefore; it is hereby

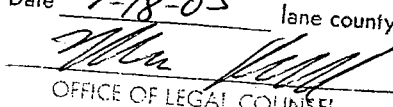
**ORDERED**, that the proposal to withdraw county road status of Duncan Slough Road as described above, are hereby denied on the basis that there was not a majority vote to approve the withdrawal of county road status; and it is further

**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

---

Peter Sorenson, Chair  
LANE COUNTY BOARD OF COMMISSIONERS

APPROVED AS TO FORM  
Date 7-18-03 lane county  
  
OFFICE OF LEGAL COUNSEL

ATTACHMENT "A"

Section 15 T. 18 S. R. 11 W. W.M.  
LANE COUNTY

NO SCALE

