

W. 15.9.

## AGENDA COVER MEMO

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DATE: October 13, 2003

TO: Lane County Board of Commissioners

DEPT.: Public Works

PRESENTED BY: Frank Simas  
Right of Way Manager

AGENDA ITEM TITLE: In the Matter of Upholding the Decision of the Director of Public Works  
Denying a Driveway Access to Property at 92256 Marcola Road Identified  
as Tax Lot 16-01-18-40 1900.

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### I. MOTION

THAT THE ORDER BE ADOPTED DENYING A DRIVEWAY ACCESS TO TAX LOT 16-01-18-40 1900, IN ACCORDANCE WITH ACCESS MANAGEMENT POLICY GUIDELINES.

### II. ISSUE OR PROBLEM

A request has been made for a driveway access onto Marcola Road and it has been denied in accordance with Lane County's Access Management Policy Guidelines.

### III. DISCUSSION

#### A. Background

Construction of improvements to Marcola Road between Parsons Creek Road and Wendling Road (M. P. 10.49 to 11.75) was begun earlier this year as part of the County's Capital Improvement Program and the project is now nearing completion. Marcola Road is classified as a Major Collector Road, and when capital improvements are scheduled on Major Collector roads, Lane County Policy for Access Management is applied during the design phase of the project.

The goal of the Access Management Policy is to minimize the number of access points to Principal Arterials, Minor Arterials and Major Collector Roads, thereby promoting safer use of County Roads through a reduction in conflict points. Toward this goal, it is necessary to eliminate or reduce the number of existing multiple driveways which serve the same parcel, to eliminate accesses to vacant parcels, and for corner lots, to restrict access to the Arterial or Collector in favor of access to the intersecting Minor Collector or Local Road. Other criteria that are considered are; adequate sight distance when entering the road from the access, and the usage of the access, for instance, whether it is a field entrance that is used a few times per year or whether it is the only access to a garage that is used on a daily basis.

Arlen and Cheryl Jallo own unimproved property that fronts on Marcola Road within the project area. The address of the property is 92256 Marcola Road. With the exception of some asphalt paving and some curbing, this is a vacant lot. The adjoining lot is also owned by the Jалlos and is improved with a dwelling in which they reside. The site address for this parcel is 92239 Queen Street. The Jалlos have access to their dwelling via Queen Street, which is classified as a Local Access Road.

Public Works staff applied the Access Management Policy guidelines to this instance and determined that the existing unpermitted access onto Marcola Road should be eliminated. The Jалlos have appealed this decision to the Director of Public Works in accordance with LC 15.900. The Director's decision was to support the staff recommendation to eliminate this driveway, and the Jалlos are now making an appeal to the Board of County Commissioners per LC 15.900 (8) to modify or reverse the Director's decision.

B. Analysis

In the case of the access in question, located at 92256 Marcola Road (Tax Lot 16-01-18-40-01900), a large portion of the vacant lot had formerly been used as a turnaround/parking area. The lot frontage is about 92', but because the land was about the same grade as Marcola Road before the project, and because there was no drainage ditch in this area, the Jалlos were able to use about 60' of this distance for access to Marcola Road. The lot is triangular in shape and measures about 42' at its deepest point.

The asphalt turnaround/parking area on the parcel has been used in connection with the Jалlos house located on the lot immediately to the north. The house has a garage and parking area with ingress and egress from Queen Street, and there is no vehicular passage from the garage or from Queen Street to Marcola Road.

The Jалlos use 92256 Marcola Road as their mailing address, and can continue to do so regardless of whether access is granted. It is not known why the vacant lot has a separate address.

When staff analyzed this driveway during the Access Management phase of design, it was noted the sight distance for the access to Marcola Road did not meet the minimum standard of 250 feet for traffic approaching from the Northeast, and that because the dwelling takes its primary access from Queen Street, the access to Marcola Road should be eliminated.

In September of 2003, shortly after the construction of the curbs, gutters and sidewalks in the area of her property, Cheryl Jallo contacted Public Works to request a driveway access to the vacant lot. After a second analysis, it was again determined that access should be denied in accordance with Access Management Guidelines.

Marcola Road in this location has an Average Daily Traffic of 1,900 vehicles per day with a posted speed of 35 mph. Design sight distance for the road at this location is a minimum of 250'. If access were to be granted at the northeast end of the frontage, the minimum sight distance could be achieved, although the shallow depth of the lot would make it difficult to create site circulation and would most likely necessitate backing out onto Marcola Road in order to exit the driveway.

A review of reported accidents in the immediate area confirms that the majority of crashes have been of the type created by conflict points to roadways. There were 3 involving turning movements, 2 rear-end collisions, 1 backing and 1 involving a vehicle running off the road.

Our analysis confirms that the Jallos dwelling takes its primary access from Queen Street and an access at this location would create an additional unnecessary conflict point. Due to marginal sight distance and the likelihood of backing out onto the road it should therefore not be allowed at this time. Denial of the driveway access should not impact mail delivery or emergency services, since the vacant lot will continue to have its currently assigned address.

C. Alternatives/Options

1. Approve the Order denying access.
2. Reject the decision of the Director and direct staff to allow access pursuant to the issuance of a Facility Permit and in accordance with any conditions therein.

D. Recommendations

It is recommended that the Board uphold the Director's decision in denying access.

IV. IMPLEMENTATION/FOLLOW-UP

- Upon decision of the Board, staff will inform the property owner of the final decision.

V. Attachments

Map of the Area  
Access Management Policy Guidelines  
Project Plan View  
Property Owner Letter

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

**ORDER NO.**

(IN THE MATTER OF UPHOLDING  
(THE DECISION OF THE DIRECTOR  
(OF PUBLIC WORKS DENYING ACCESS  
(TO PROPERTY AT 92256 MARCOLA  
(ROAD IDENTIFIED AS TAX LOT 16-01-18-  
(40 1900.

WHEREAS, improvements have been constructed along Marcola Road in connection with the County's Capital Improvement Program; and

WHEREAS, Marcola Road is classified as a Major Collector Road, and in connection with the construction of said improvements, the Lane County Policy for Access Management was applied where feasible to obtain its goal; and

WHEREAS, in September of 2003, the owner of the above-referenced property on Marcola Road contacted Public Works requesting access onto a vacant lot; and

WHEREAS, after analysis of sight distance, accident reports, traffic counts, and other safety issues, it was the decision of the Director of Public Works that access should not be allowed at this time;

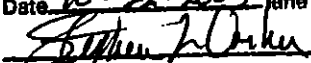
IT IS HEREBY ORDERED that the decision of the Director of Public Works be upheld; and

IT IS FURTHER ORDERED that in accordance with the findings attached as Exhibit "A" and incorporated here by this reference and Lane County's Access Management Policy, this order denying driveway access to property at 92256 Marcola Road identified as Tax Lot 16-01-18-40 1900 is approved.

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

\_\_\_\_\_  
Peter Sorenson, Chair  
Lane County Board of Commissioners

**APPROVED AS TO FORM**

Date 10-22-2003 Lane county  
  
OFFICE OF LEGAL COUNSEL

## FINDINGS AND CONCLUSIONS

In the Matter of Upholding the Decision of the Director of Public Works Denying a Driveway Access to Property at 92256 Marcola Road Identified as Tax Lot 16-01-18-40 1900.

1. A request has been made for a driveway access onto Marcola Road and it has been denied in accordance with the attached Lane County Access Management Policy Guidelines.
2. Construction of improvements to Marcola Road between Parsons Creek Road and Wendling Road (M. P. 10.49 to 11.75) was begun earlier this year as part of the County's Capital Improvement Program and the project is now nearing completion. Marcola Road is classified as a Major Collector Road and, consistent with capital improvements scheduled on Major Collector roads, the Lane County Access Management Policy was applied during the design phase of the project.
3. The goal of the Access Management Policy is to minimize the number of access points to Principal Arterials, Minor Arterials and Major Collector Roads, thereby promoting safer use of County Roads through a reduction in conflict points. Toward this goal, it is necessary to eliminate or reduce the number of existing multiple driveways which serve the same parcel, to eliminate accesses to vacant parcels, and for corner lots, to restrict access to the Arterial or Collector in favor of access to the intersecting Minor Collector or Local Road. Other criteria that are considered are; adequate sight distance when entering the road from the access, and the usage of the access, for instance, whether it is a field entrance that is used a few times per year or whether it is the only access to a garage that is used on a daily basis.
4. Arlen and Cheryl Jallo own unimproved property fronting on Marcola Road within the project area. The address of the property is 92256 Marcola Road. With the exception of some asphalt paving and some curbing, this is a vacant lot. The adjoining lot is also owned by the Jalloes and is improved with a dwelling in which they reside. The site address for this parcel is 92239 Queen Street. The Jalloes have access to their dwelling via Queen Street, which is classified as a Local Access Road. (See attached map and project plan view.)
5. Public Works staff applied the Access Management Policy guidelines to this instance and determined that the existing unpermitted access onto Marcola Road should be eliminated. The Jalloes have appealed this decision to the Director of Public Works in accordance with LC 15.900. The Director's decision was to support the staff recommendation to eliminate this driveway, and the Jalloes are now making an appeal to the Board of County Commissioners per LC 15.900 (8) to modify or reverse the Director's decision.
6. A large portion of the vacant lot located at 92256 Marcola Road (Tax Lot 16-01-18-40-01900) had formerly been used as a turnaround/parking area. The lot frontage is about 92', but because the land was about the same grade as Marcola Road before the project, and because there was no drainage ditch in this area, about 60' of this distance was used for access to Marcola Road. The lot is triangular in shape and measures about 42' at its deepest point. The asphalt turnaround/parking area on the parcel has been used in connection with the house located on the lot immediately to the north. The house has a garage and parking area with ingress and egress from Queen Street, and there is no vehicular passage from the garage or from Queen Street to Marcola Road. Denial of the driveway access should not impact mail delivery or emergency services, since the vacant lot will continue to have its currently assigned address.

7. Staff analysis of this driveway during the Access Management phase of the Marcola Road project design found that the sight distance for the access to Marcola Road did not meet the minimum standard of 250 feet for traffic approaching from the Northeast, and that because the dwelling takes its primary access from Queen Street, the access to Marcola Road should be eliminated.
8. In September of 2003, shortly after the construction of the curbs, gutters and sidewalks in the area of her property, Cheryl Jallo contacted Public Works to request a driveway access to the vacant lot. After a second analysis, it was again determined that access should be denied in accordance with Access Management Guidelines.
9. Marcola Road in this location has an Average Daily Traffic of 1,900 vehicles per day with a posted speed of 35 mph. Design sight distance for the road at this location is a minimum of 250'. If access were to be granted at the northeast end of the frontage, the minimum sight distance could be achieved, although the shallow depth of the lot would make it difficult to create site circulation and would most likely necessitate backing out onto Marcola Road in order to exit the driveway.
10. A review of reported accidents in the immediate area confirms that the majority of crashes have been of the type created by conflict points to roadways. There were 3 involving turning movements, 2 rear-end collisions, 1 backing and 1 involving a vehicle running off the road.
11. The analysis of staff and the Director of the Department of Public Works that the Jallo's dwelling takes its primary access from Queen Street and that an access at this location would create an additional unnecessary conflict point is adopted by this Board. Due to marginal sight distance, the likelihood of backing out onto the road and the analysis of staff as described in these findings, the Board concludes the requested access is not in the public interest, would jeopardize public safety and should not be allowed at this time.

## **ACCESS MANAGEMENT POLICY GUIDELINES**

### **Access Control on Arterial and Major Collector Roads**

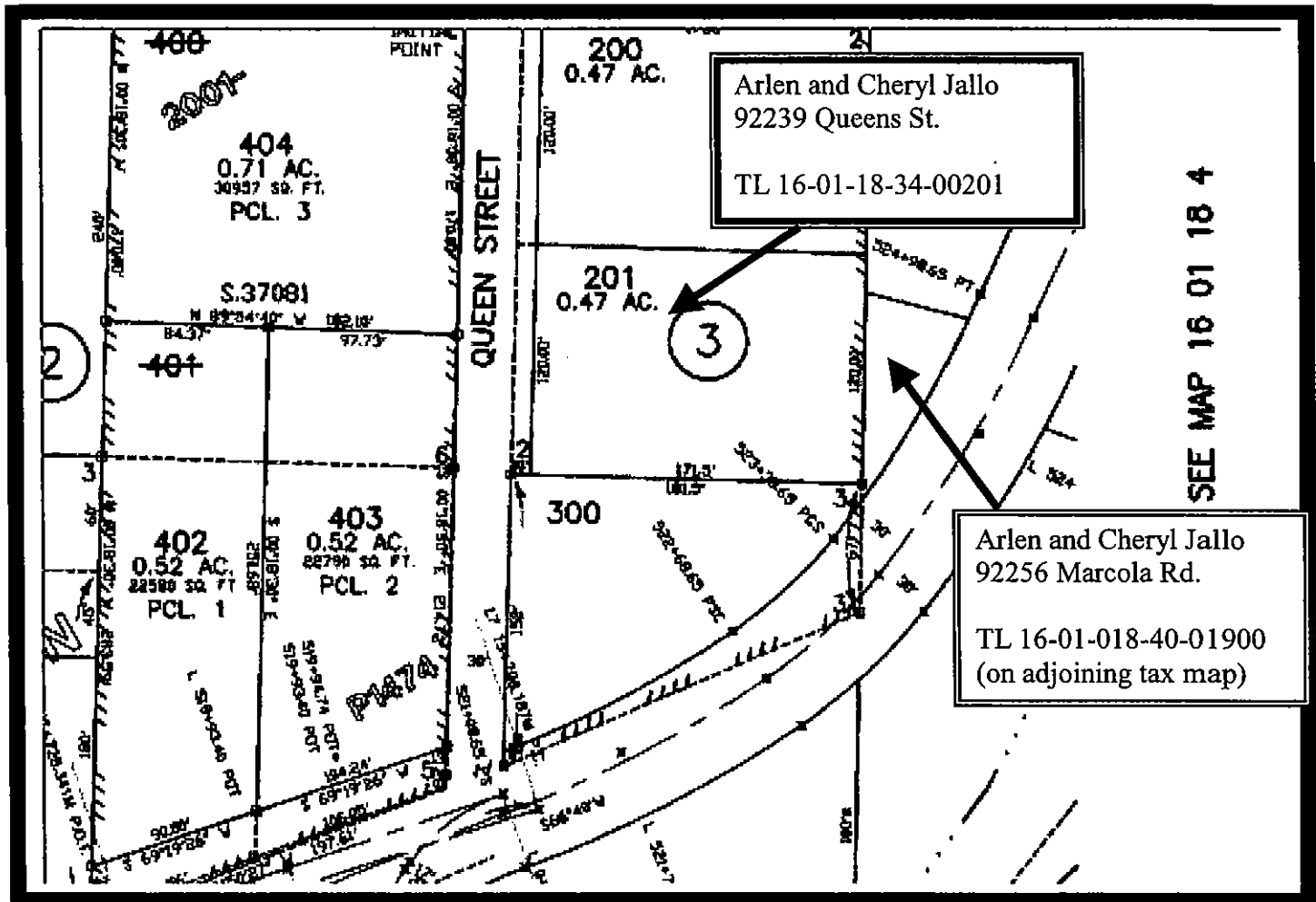
**In order to reduce traffic congestion, increase public safety and reduce fuel consumption, it is the objective of the Public Works Department to minimize the number of access points to Principal Arterial, Minor Arterial and Major Collector Roads under the jurisdiction of Lane County.**

- **Facility permits for new access will be issued based on this objective.**
- **Proposals for new developments or zone change will be reviewed to determine conformance with this objective.**
- **During construction or reconstruction of Arterial or Major Collector roads, existing access locations will be modified to the extent feasible to attain this objective.**
- **Any of the following may be appropriate as a means of minimizing the number of access points:**
  - 1. Joint-use driveways which provide access to more than one lot;**
  - 2. Easements across private property to allow joint use of an access;**
  - 3. Access to corner lots only from the street which intersects with the arterial or collector road;**
  - 4. Frontage roads;**
  - 5. Any other feasible method of minimizing the number of access points.**

The Jalloes own both tax lot 16-01-18-34-00201 and tax lot 16-01-18-40-01900. Tax lot 201 is a .47-ac. parcel that is improved with a house of 894 sq. ft. that has access off of Queens St.

Tax Lot 1900 is only .08 acre (3,485 sq. ft.) with the only improvements being asphalt parking area and sidewalk. It is highly unlikely that a dwelling could be built or placed on this area. There is no public sewer system and a septic tank would be required.

**Tax Map 16-01-18-34**





QUEEN ST

TL 16-01-18-34-00201

Arlen & Cheryl Jallo

Garage

Parking Area

Shed

House

Mail Boxes

16-01-18-40 TL 1800  
Arlen D. & Cheryl L. Jallo

16-01-18-40 TL 1401  
Mrs. Juana Rice, TE

16-01-18-34 TL 300  
Vern J. Collins

16-01-18-34 TL 400  
Tim N. Carr

MARCOLA RD

Sidewalk

16-01-18-40 TL 1400  
OR Dept of Veterans Affairs  
Terry H. Penner

PROJECT PLAN VIEW

County Commissioner  
Peter Sorenson —

Sept. 25<sup>TH</sup>  
2003

Hi, my name is Cheryl Jallo  
and live at 92256 Marcola Rd.

Arlen & Cheryl Jallo  
92256 Marcola Rd  
Marcola OR 97454-9745

The County and Moris Bros. have  
put a sidewalk/curb in front of  
my house, which at one time  
was my front driveway.

And has been for over 20 yrs.  
Now you came in and put a  
sidewalk/curb in it and I  
still have the turn around  
of Asphalt on other side - Then  
in approach should of been  
put back - Asphalt Boy you  
can see Asphalt how dumb  
this looks. TOOK OUT my approach.

We on the other hand was not  
informed about this, you've (County)  
called it negligence and overlooked  
to me. Even the workers thought  
it should of been put back as  
they destroyed it. The Asphalt you  
put back is not done right.

(2)

it has cracks, lines & not packed down & 1 1/2 of Asphalt won't do.

But that can be done right later. Then another County man David? told me it wasn't to be used or driving on it. Wait one minute, I've had it for years as a driveway and I pay my Taxes on it. This approach must be giving back.

(1) The Lane County Sheriff's use it to Slow down traffic and they can earn a lot of money off this approach. County has used it themselves, and it was nice to pull into right!

(2) The School Bus Picked ~~up~~ up & pull into it to get off Rd.

Then traffic go by. Kids safe!!

(3) My Neighbor's use it to get into their driveways often.

They'd pull in and wait till traffic was clear enough so they could get into their driveways safely. This lil town is a lot different than A City. People don't

(3)

Come into town slow. 35 mph <sup>Ha!</sup> <sup>Ha!</sup>

Try 50 mph or some go faster,  
So it's very important to get  
this driveway back. Yes I can  
come in off of Queen St. But that's  
not right to take it away & call  
my front driveway unsafe.

Never has there ever been a  
accident from this approach.

It's helps in this small  
town - Everybody used it and  
it made this corner safe. I  
can pull off the front of my  
house safer than off Queen's  
St. My front address should  
have a front approach put  
back. Everyone else got their's  
pluss some got two approaches  
put in. I beg you to please say  
yes to this - It's very safe. I  
and all that live here can tell  
you that. It's not fair to be  
neglected on such a important  
driveway. It's a must, Please believe  
me. The curbs/sidewalks never  
slowed down traffic.

(4)

The traffic goes faster than ever again. In a matter of time the accidents will start happen.

And without my front driveway the sheriff's won't be able to sit and watch out for the ones who drive very fast.

Just think of the tickets they'd give from my front approach.

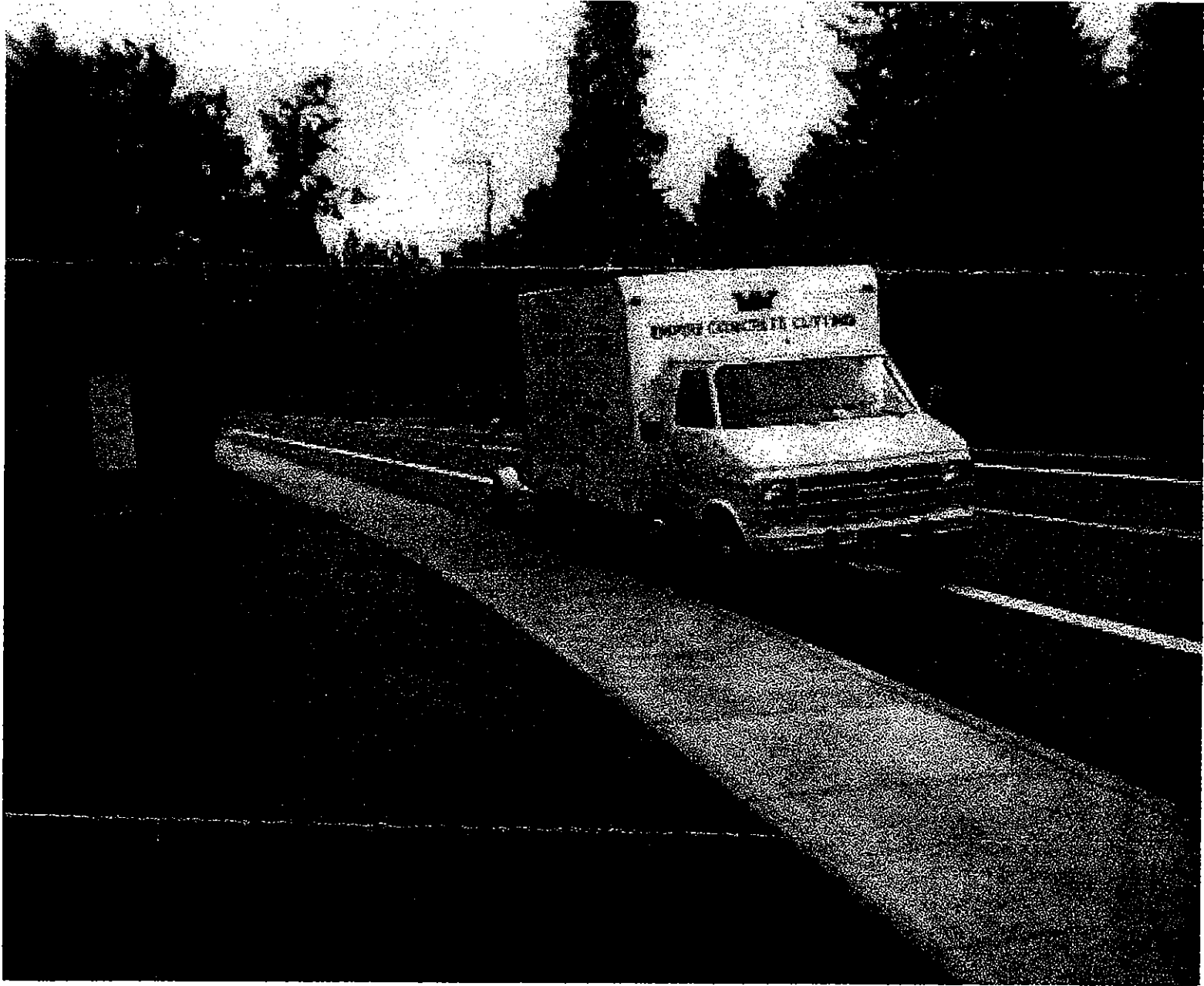
So by law I do believe that my front approach has been a very good blessing to all who needed it. It should be put back as it's always been there before. This must be fixed back like it was.

Thank You

Arlen & Cheryl Jallo  
92256 Marcola Rd  
Marcola OR 97454-9745

In past you'd could  
Pull in and get OFF Road.

my address  
is  
9225<sup>6</sup>/<sub>6</sub> MARCOLA Rd.



BEFORE my Curb/sidewalk was taken  
away, A Approach that everyone used to  
Pull into And be Safe is Gone. MARCOLA Rd.  
Has A lot more Long Hauls Added to the ~~one~~  
traffic, And A approach is much Safer.

PLEASE

Open this back up.

My address is on Marcola Rd. So I  
Should have my driveway back.



This CAN turn out to be very unsafe  
to whom have used it in the past. Not realizing  
A curb. My driveway was very safe. It really  
helped out, expectaly when the traffic is  
Very fast going.

across the road, you can see how important my driveway is to them. We are the ones who live here, so we know it and see it all the time. Please.



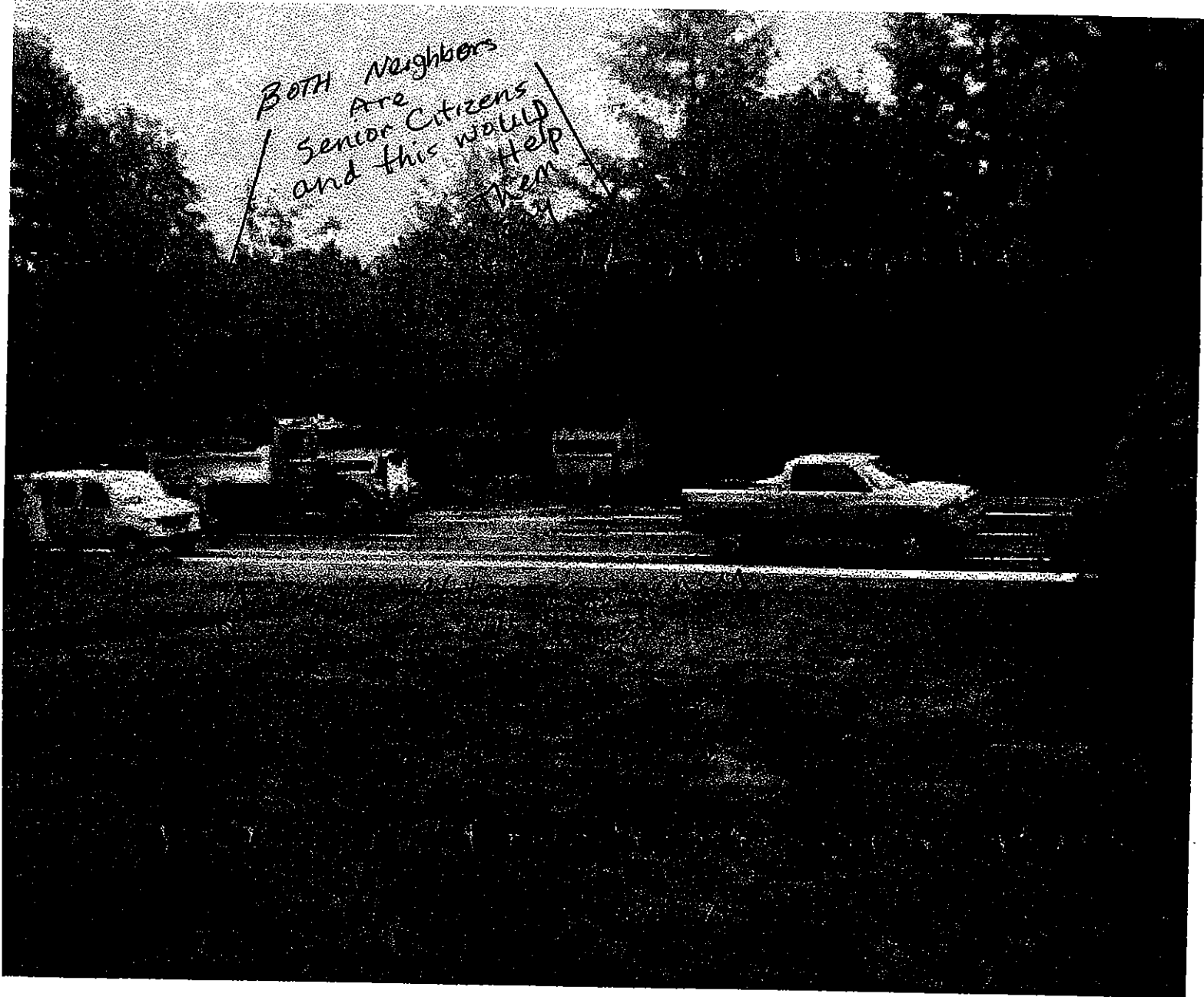
you cut out for the drain's -  
you could of cut out my driveway too. It's very much needed. people, Lane County, Trucks, Delivery trucks are in need for this. Never on accidents from here.  
This is my front address and beg you please to return my driveway. It's not fair to come and take, because you can. I've lived here all my life and know how much I need my driveway.  
This can NOT BE OVERLOOKED. Give it back Tim Macinda

In the past-  
Everyone pulled into this area to  
get off road. Made things safe.



Very Congested Corner and  
my neighbor's across can really  
be safe if they'd had my front driveway  
to pull into. Now what they going to use?  
The other side of road has had many accidents  
and deaths.

This driveway back in front of my house/  
address is; would make it A lot ~~Safer~~ for the  
ones who live accross the road. It was A  
BIG HELP. Always has been here and Helped people



very congested corner,  
But with the Safty of my Front Driveway  
you can see how important this is for  
my neighbors. Many times they have had a  
hard time going out on to road. To pull out for  
them is very hard. Traffic Goes Fast. Also the  
State & Lane County Police can sit and patrol better