

MINUTES & NOTICE OF BOARD ACTION

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.

December 4, 1991
2:00 p.m.

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

Chair Jack Roberts presided with Steve Cornacchia, Ellie Dumdi, Marie Frazier (on speaker phone) and Jerry Rust present. Judy Haldeman, Recording Secretary.

The Board convened at 1:30 p.m. and recessed until 2:00 p.m. following the swearing-in of Bill Dwyer as State Senator.

12. COMMISSIONERS' ANNOUNCEMENTS

None.

13. PUBLIC HEARINGS

- a. PUBLIC HEARING AND FINAL ORDER 91-12-4-9/In the Matter of Proceedings to Legalize as a County Road and Withdraw County Road Status (But Not the Public Road Status) of Sam Brown Road, and the Bridge over Lake Creek Connecting to Sam Brown Road, Being Located North of the Siuslaw Highway in Section 9, Township 16 South, Range 7 West, W.M.

Bob Ezell, County Surveyor, presented this item to the Board. He stated that Sam Brown Road was established as a public road, but the use, regulation and maintenance of the bridge lead to the belief that it was a County road. Ezell stated that he and Ollie Snowden, County Engineer, reviewed this matter with County Counsel and recommended that the road be legalized as a County road. Cornacchia asked if the bridge was reconstructed to County standards in 1972 and Snowden stated that it was done by County forces with some salvaged materials. In order to clarify the County records, Ezell suggested that the Board legalize Sam Brown Road, the connecting road and the bridge; then withdraw the County road status of the road and bridge.

Cornacchia suggested that the property owners may wish to accept a lower set of standards on the bridge since they would be the only ones using the bridge. Stephen Vorhes, Assistant County Counsel, responded that he had not looked at this in terms of liability and cautioned that there would be many other users that the County would not have an agreement with.

Roberts opened the Public Hearing.

Ann Klemp, 65 Irving Road, testified that their property could be landlocked without Sam Brown Road. She stated that "J" Road was vacated about 10 years ago based on the fact that TL 201 would not become landlocked.

Waldo Claflin, 93771 Sam Brown Road, Blachly, testified that he had always thought that this was a County road and that it would create a problem to declassify it. He stated that this was more than just a driveway; that it was used for equipment access in case of a fire. He read and entered three letters into the record from Lake Creek Rural Fire Protection District, Philip A. Rapp, and Steve Christiansen.

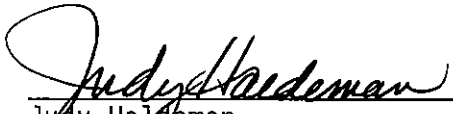
Joe Leahy, Harms Harold & Leahy, Springfield, representing the Claflins, thanked County staff for their help in working on this matter. He stated that his clients favor the legalization of the north/south portion of the road and the bridge; they are opposed to the withdrawal. He stated that the County had overlooked an analysis on the effects which the proposed withdrawal may have on the land abutting the County road. He asked the Board to consider the need for a public right-of-way, the need for the public maintenance of the right-of-way, school bus traffic, bridges and potential for public safety problems, resource hauling and use by law enforcement or fire protection personnel.

There being no one else present who wished to testify, Roberts closed the Public Hearing. Rust stated that he was moving toward County road status on this bridge. Cornacchia commented that he had enough evidence to begin making an analysis on this matter. Dumdi commented that there was a public need here and that this should remain a County bridge. Roberts commented that he would prefer to leave the record open and that he would like to see other options explored. The Board concurred that the record would be left open until December 18, 1991, and that there would be a new order prepared for January 8, 1992. MOTION: To leave Sam Brown Road legalization and withdrawal matters open for written record until December 18, 1991, and complete deliberation and action on this matter on January 8, 1992, at 1:30 p.m. Cornacchia MOVED, Rust SECONDED. VOTE: 4-0, Frazier excused for appointment.

14. OTHER BUSINESS

None.

There being no further business, this meeting adjourned at 3:30 p.m. for Executive Session.



Judy Haldeeman
Recording Secretary