


Memorandum Date: January 7, 2011
Order Date: February 2, 2011

W. 5. F. 2.

TO: Board of County Commissioners

DEPARTMENT: Public Works, Land Management Division

PRESENTED BY: Mike Jackson, Lane County Surveyor 

AGENDA ITEM TITLE: IN THE MATTER OF SETTING A PUBLIC HEARING FOR THE PROPOSED DEDICATION AND ESTABLISHMENT OF A PUBLIC ROAD WITHIN HOWARD BUFORD RECREATION AREA (HBRA) AS A COUNTY ROAD, LOCATED IN SECTION 7, TOWNSHIP 18 SOUTH, RANGE 2 WEST AND SECTION 12, TOWNSHIP 18 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN

I. MOTION

TO APPROVE THE ORDER TO SET A PUBLIC HEARING DATE OF FEBRUARY 23, 2011 AT 1:30 P.M. TO CONSIDER THE PROPOSED DEDICATION AND ESTABLISHMENT OF A PUBLIC ROAD WITHIN HOWARD BUFORD RECREATION AREA (HBRA) AS A COUNTY ROAD, LOCATED IN SECTION 7, TOWNSHIP 18 SOUTH, RANGE 2 WEST AND SECTION 12, TOWNSHIP 18 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN

II. AGENDA ITEM SUMMARY

Pursuant to ORS 275.330, a public hearing is required to consider the dedication and establishment of the subject portion of existing roadway within Howard Buford Recreation Area as a County road. The Board is being asked to set a public hearing date to consider this action.

III. BACKGROUND / IMPLICATIONS OF ACTION

A. Board Action and Other History

In 1989, the Department of Public Works reported to the Lane County Board of Commissioners that county park roads were receiving inadequate maintenance due to revenue constraints that existed within the Parks Division. As a solution to the problem, the Board of Commissioners discussed the financial and legal feasibility of bringing certain park roads into the County Road System. On January 30, 1991 Order 91-1-30-15 was approved in the matter of amending Chapter 15 (15.260) of the Lane Manual to add procedures and standards to provide for the establishment of roads within County parks as County roads.

The land comprising Howard Buford Recreation Area was acquired by deed from the State of Oregon Department of Transportation's Parks and Recreation Division, which was filed on May 5, 1982, Reception Number 8213090, Lane County Office of Deeds

and Records. The deed specified that the transferred parcel be used for "scenic, public park or public forest and recreation purposes".

As early as 2003, discussions within Lane County Public Works supported plans to make certain roads within Howard Buford Recreation Area County roads, consistent with the completed establishments of County roads in other parks pursuant to Order 91-1-30-15.

In late 2004, as part of a Land Management Division special use permit within HBRA, plans were included to bring portions of roads within HBRA into the County Road System, including a portion of a road known as Frank Parrish Road which was established as a "road of public easement", but not a County road, on April 6, 1932. At that time the intentions were to remove Frank Parrish Road from the chip seal list and add it to the proposed '06-'07 Capital Improvement Program (CIP), including bringing it into the County Road System.

Interdepartmental correspondence in the year 2007 indicates the Frank Parrish Road improvement project was removed from the CIP list, and was instead performed as a County Maintenance chip seal project because it was more affordable. The design, survey, and improvements to the road were accomplished during 2007 and 2008 (Project No. 1882), and a road survey was filed on December 19, 2008 as County Survey File Number 41329. However, the formal Road Dedication and Establishment process that normally takes place on CIP projects was overlooked when the project type was changed.

It is now necessary to complete the legal process of Dedication and Establishment for that portion of Frank Parrish Road as surveyed and improved. The subject portion of road begins at the ending point of Seavey Way (County Road No. 1084) just east of the Frank Parrish Bridge across the Coast Fork of the Willamette River near the entrance to the Mt. Pisgah Arboretum within Howard Buford Recreation Area, which is also the ending point of a previously completed Alteration of a portion of Seavey Way approved by Order No. 07-7-11-3. The subject portion of road thence extends northerly approximately 0.7 miles to its terminus in a cul-de-sac at an established horse arena. Only part of the subject road follows the original 1932 alignment of Frank Parrish Road. An earlier dedication to widen a portion of Frank Parrish Road filed April 23, 1971 on Reel 528R, Instrument No. 44155, Lane County Office of Deeds and Records was accepted as County road by Board of Commissioners' Order No. 71-4-21-2, and lies both within and beyond the limits of the portion of road herein considered for Dedication and Establishment. This prior area of dedication is shown on Survey No. 41329.

The Dedication and Establishment of this portion of road will be considered an extension of Seavey Way, County Road No. 1084.

B. Policy Issues

Approving the Dedication and Establishment of this portion of Seavey Way (County Road #1084) is consistent with Board of Commissioners' Order 91-1-30-15, which amended Chapter 15 (15.260) of the Lane Manual to add procedures and standards to provide for the establishment of roads within County parks as County roads. It will also be consistent with prior acceptances of numerous Parks roads into the County Road System.

C. Board Goals

This action is consistent with the *Strategic Plan* goal of protecting the public's assets by maintaining, replacing or upgrading the County's investments in systems and capital infrastructure, and with the County goal of contributing to "appropriate community development in the area of transportation and telecommunications infrastructure, housing, growth management and land development".

D. Financial and/or Resource Considerations

Establishing this road as a County road will allow it to become part of the County Road System, qualifying it for County Road Fund funding, and will facilitate regular maintenance of the road for the safety and convenience of the public.

IV. ANALYSIS

The design, survey and improvements to the subject portion of road have been completed. The Lane County Public Works Department has filed County Survey File No. 41329 with the County Surveyor, which includes road centerline and right of way monumentation in compliance with ORS Chapters 209.250 and 368.106. The road complies with the adopted standards for acceptance of park roads as outlined in Lane Manual 15.260.

Establishing this road as a County road will allow it to become part of the County Road System, which will facilitate regular maintenance of the road for the safety and convenience of the public.

ORS 275.330 requires that a public hearing be held, at which time testimony on the proposed conveyance of this portion of park property can be heard. Notice of the hearing will be provided according to ORS 275.330(3).

V. ALTERNATIVES / OPTIONS

1. Approve the Order setting a date for the public hearing.
2. Deny the Order and direct staff otherwise.

VI. TIMING / IMPLEMENTATION

Timing is important in this matter, as the Department of Public Works will be able to begin scheduling regular maintenance of the park road upon approval of the Final Order of Dedication and Establishment.

VII. RECOMMENDATION

The Public Works Director's Preliminary Report, a copy of which is attached and marked as "Exhibit A", recommends that the Board of Commissioners approve the Order to set a public hearing date for the proposed Dedication and Establishment, as described in the Order. Setting the above hearing date will allow time for legal notice requirements to be conducted in accordance with ORS 275.330(3).

VIII. FOLLOW-UP

Upon approval of this hearing date, the County Surveyor will carry out the necessary steps under ORS 275.330(3) to provide legal notice of the hearing. A report will be submitted by the Director of the Department of Public Works along with a Final Order of Dedication and Establishment for consideration by the Board at the time of the public hearing.

IX. ATTACHMENTS

Order to Set Public Hearing w/attachments:
Director's Preliminary Report - Exhibit "A"
Vicinity Map - Attachment "A"

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

IN THE MATTER OF SETTING A PUBLIC HEARING FOR)	
THE PROPOSED DEDICATION AND ESTABLISHMENT)	ORDER NO.
OF A PUBLIC ROAD WITHIN HOWARD BUFORD)	
RECREATION AREA (HBRA) AS A COUNTY ROAD,)	
LOCATED IN SECTION 7, TOWNSHIP 18 SOUTH,)	
RANGE 2 WEST AND SECTION 12, TOWNSHIP 18)	
SOUTH, RANGE 3 WEST OF THE WILLAMETTE)	
MERIDIAN)	

THIS MATTER, now coming before the Board of County Commissioners of Lane County, Oregon, and the Board deeming it to be in the best interest of Lane County and the public to conduct a public hearing on the proposed conveyance of park property for road right of way to serve the Howard Buford Recreation Area; and

WHEREAS, Lane County acquired the land comprising Howard Buford Recreation Area by deed from the State of Oregon Department of Transportation's Parks and Recreation Division, which was filed on May 5, 1982, Reception Number 8213090, Lane County Office of Deeds and Records; and

WHEREAS, the Dedication and Establishment of this portion of road is consistent with Board of Commissioners' Order 91-1-30-15, which amended Chapter 15 (15.260) of the Lane Manual to add procedures and standards to provide for the establishment of roads within County parks as County roads; and

WHEREAS, the portion of road within Howard Buford Recreation Area being considered for Dedication and Establishment as a County road is an approximately 0.7 mile long extension of Seavey Way (County Road No. 1084); and

WHEREAS, ORS 275.330 requires that a public hearing be conducted whenever any park land is diverted, at which time testimony regarding the proposed conveyance of a portion of park property for a County road serving the park can be heard; and

WHEREAS, the Public Works Director of Lane County has recommended a public hearing date be established to consider this Dedication and Establishment action, and has provided a written report attached hereto and made a part hereof by this Order, and marked as Exhibit "A"; now therefore, it is hereby

ORDERED, that a public hearing be set for February 23, 2011 at 1:30 p.m. at the Lane County Courthouse, 125 East 8th Avenue, Eugene, Oregon, to formally consider and to hear testimony regarding the proposed conveyance of a portion of park property for a County road to serve the park, being located within the boundaries of Howard Buford Recreation Area; and it is further

ORDERED, that legal notice of the hearing be published in accordance with ORS 275.330.

Inquiries regarding these proceedings may be directed to Mike Jackson, Lane County Surveyor, Public Service Building, 125 East 8th Avenue, Eugene, Oregon 97401, telephone (541) 682-4195.

EFFECTIVE DATE: _____ day of _____, 2011

Chair
LANE COUNTY BOARD OF COMMISSIONERS

APPROVED AS TO FORM:

Date 1-24-11 Lane County.


OFFICE OF LEGAL COUNSEL

ATTACHMENT "A"

ESTABLISHMENT OF A PORTION OF PUBLIC ROAD AS COUNTY ROAD IN HOWARD BUFORD
RECREATION AREA (EXTENSION OF SEAVEY WAY, CO. RD. #1084)
Section 7, T. 18 S., R. 2 W. & Section 12, T. 18 S., R. 3 W. of the W.M.

LANE COUNTY
NO SCALE

