

W. 8-b.

AGENDA COVER MEMO

**DATE:** April 5, 2006  
**TO:** Lane County Board of Commissioners  
**DEPARTMENT:** Public Works Department  
**PRESENTED BY:** Tom Stinchfield, Transportation Planning Engineer

**TITLE:** DISCUSSION/Request to add Collard Lake Road into the Lane County Road System and make repairs to several other roads adjacent to Collard Lake Road and take these roads into the Lane County Road System

**I. MOTION**

No specific motion requested. General direction to staff on whether to process these requests further is needed.

**II. ISSUE**

The Chair of the Collard Lake Road Committee submitted a series of requests to Lane County. Staff has separated them into three issues:

Issue 1: Should the Board authorize expenditures for pavement repair on local access roads (approximately 1.5 miles) adjacent to Collard Lake Road (Collard Loop, Collard Lake Way, Ocean View Drive, View Loop, and View Road)?

Issue 2: Should the Board direct staff to work with property owners to process acceptance of roads (approximately 1.5 miles) adjacent to Collard Lake Road (Collard Loop, Collard Lake Way, Ocean View Drive, View Loop, and View Road)?

Issue 3: Should the Board direct staff to work toward modification of the previous decision made in 1998 to retain Collard Lake Road as a local access road with a continuing program of "limited maintenance"? Should Collard Lake Road again be considered for acceptance as a County Road?

**III. DISCUSSION**

**A. Background**

On August 16, 2005 the Collard Lake Road Committee (Margaret Trimble, Chair) submitted a request that Lane County repair and repave the remaining 1.5 miles of the 3.1-mile "Collard Lake Road System". She requested that the pavement repairs be done in 2005 or 2006. The request includes specifics on road lengths and number of houses served by these roads. The request is accompanied by some photographs of selected roads and includes letters of support from Western Lane Ambulance District, Siuslaw Valley Fire and Rescue, United States Postal Service, Heceta Water District, and the Mercer Lake Homeowners Association. (See Attachment 2).

Attachment 1 is a County-prepared map of the road system showing surrounding land use zoning and addresses. The area is within the Clear Lake Watershed Protection zone. All of the roads are public roads that are Local Access Roads (LARs), currently not within the County Road maintenance system.

The main Collard Lake Road was first built in the mid 1960's to serve Collard Lake Acres subdivision. Although the County attempted to require that the road be built to County standards, the developer argued against it and ultimately prevailed. The developer's arguments were based upon soil instability, and that the area would be a "resort" area that didn't warrant a County road system. Five other subdivisions led to additional construction and dedication of the public road system in this area (see map, Attachment 1).

Beyond these subdivisions, and other existing development the current zoning does not appear to allow for additional subdivision development. However, vacant lots in these subdivisions continue to be developed over time. There is a plan amendment/zone change proposal on land to the west of Collard Lake Road, at the intersection with Mercer Lake Road, to change the designation from Impacted Forest to Rural Residential, 5-acre minimum. The application was approved by Lane County and is under appeal. Preliminary information is that a 10 to 14-lot subdivision will be proposed, and will propose to take access in 4 locations off of Collard Lake and possibly also Mercer Lake Roads. Whether other subdivisions could be developed based upon potential future Ballot Measure 37 claims is unknown.

The history of the subdivision development in the area and subsequent discussions about road status is long and complicated. We will not repeat all the details in this memo again. However, we will attempt to clarify some of the history referenced in the latest request.

- Collard Lake Road and its side streets were initially built as substandard roads. Most of these roads were constructed as gravel roads and with reduced widths, over the objections of County staff, through the efforts of developers because it was mountainous and a resort area.
- Up until 1972, the County consistently indicated that it would not take responsibility for the road system in the subdivisions in this area. That year appears to be when property owners began contacting the County to request road repairs and maintenance. From 1972 until 1983, for a variety of reasons the status of the roads became the subject of confusion and debate.
- Reference is made to taking Collard Lake Road into the County system on February 18, 1976. On February 18, 1976, the Board of Commissioners approved taking the 2,850-foot road segment leading up to the west boundary of the Mercer Lake Heights subdivision into the County Road system, but the approval was based upon incorrect information that it was needed to serve other County Roads within one of the subdivisions. County forces then improved Collard Lake Road with an oil mat surface. At the same time the County worked to acquire right-of-way necessary to take the road, and never completely succeeded. Maintenance activities were discontinued by 1980.
- In 1983, the Board authorized an expenditure of \$35,000 on Collard Lake Road after determining it should not be a County Road (Order 83-9-28-23, see Attachment 3) With it the Board directed staff to contact all property owners with a list of options for financing future Local Access Road improvements. Property owners attempted to form a "Local Service District" pursuant to ORS 371. It was rejected on the basis it did not meet certain statutory requirements. Other financing options were suggested, but were not pursued.
- In 1998, Board Order 98-12-9-18 authorized the expenditure of \$150,000 to repair and improve Collard Lake Road and to provide a continuing program of limited maintenance (Attachment 4). At this time the County paved Collard Lake Road.

## **B. Analysis**

**Issue 1: Should the Board authorize expenditures for pavement repair on local access roads (approximately 1.5 miles) adjacent to Collard Lake Road (Collard Loop, Collard Lake Way, Ocean View Drive, View Loop, and View Road)?**

**Discussion:** As stated earlier, this group of local access roads was created through a series of subdivisions in the 1960's and 1970's. In several cases, it appears the subdividers were successful in reducing the road standards (reduced width and elimination of paving requirements) required with the creation of the lots. Now, the property owners are requesting that these roads be improved at public expense. This is inconsistent with the policy in (see Attachment 6) Lane Manual 15.410(3): "The costs of providing right-of-way and improvements for roads needed to directly serve new or existing developments should be substantially borne by the benefited persons, usually the subdivider or developer, rather than by the people of the County at large." The question here is whether the particular history of these roads provides a justification for deviating from this policy direction in the code? Staff does not think it does. If the Board disagrees and directs staff to work on these improvements, more work will be needed to determine the amount of repair needed and the approximate cost. It is not clear whether these roads can be resurfaced without repairs or replacement of the base rock underneath the surface.

**Recommendation:** No, Lane County should not expend County funds to repair these local access roads.

**Issue 2: Should the Board direct staff to work with property owners to process acceptance of roads (approximately 1.5 miles) adjacent to Collard Lake Road (Collard Loop, Collard Lake Way, Ocean View Drive, View Loop, and View Road)?**

LM 15.213 provides five guidelines for considering taking roads into the County Road System (see Attachment 5).

Only subsection 2 appears applicable to this request: "(2) Roads created within subdivisions or partitions, shall be established as private access easements or local access roads (public roads) with appropriate property owner associations or district providing for maintenance of these roads. Roads serving four or more lots may be considered for acceptance into the County Road network for purposes of overall road connectivity and to otherwise provide a safe and efficient network."

**Discussion:** The intent of this guideline is consistent with the history of the establishment of these roads in several subdivisions. The subdivision approvals at the time are consistent with this guideline. The language in the policy allows for county maintenance of roads serving four or more lots if there is a benefit to the overall system. Staff does not think this criterion is met. The specific history in the Collard Lake area complicates the picture, but in the view of staff, does not change the basic issue about maintenance by the homeowners in these subdivisions.

**Recommendation:** No, Lane County should not accept these local access roads as County Roads. Direct staff to take no further action on these roads.

**Issue 3: Should the Board direct staff to work toward modification of the previous decision made in 1998 to retain Collard Lake Road as a local access road with a continuing program of "limited maintenance"? Should Collard Lake Road again be considered for acceptance as a County Road?**

**Discussion:** There appear to be several options for Collard Lake Road.

*Option 1:* Leave existing Board direction in place, but clarify "limited maintenance"

*Option 2:* Direct staff to work toward taking Collard Lake Road into the County Road system and classifying the road as a rural minor collector.

*Option 3:* Rescind the continuing maintenance direction given in 1998.

*Option 1: Local Access Road with Limited Maintenance*

The direction for "limited maintenance" has continued to create confusion for maintenance staff. In January of 2004, the County Engineer provided direction to staff by email on "limited maintenance" activities. An excerpt follows:

*My interpretation of the Board Order [98-12-9-18] is that we are to protect the 1999 investment in repairing and improving the road. In particular we should on occasion:*

- *Clear vegetation*
- *Preserve the road width*
- *Clear culverts*
- *Clear drainage ditches*
- *Maintain a paved surface*

*I believe the key difference between maintaining a County local road, and "limited maintenance" of Collard Lake Rd. is the frequency of service, and response time afforded. For example, if we only perform the above activities on County local roads once per year, then we should only perform them once every other, or every third year on the LAR, except when an imminent failure is reported by the public or observed by our crews. Similarly, if an imminent failure is identified, our response to Collard Lake Rd. should only occur after our local County roads in the immediate vicinity have been sufficiently addressed to free up a crew for work on Collard Lake Rd.*

There is some concern that this direction creates some liability for Lane County in that it requires judgments by staff on how to respond to emergencies on Collard Lake Road.

*Option 2: Make Collard Lake Road a County Road classified as a rural minor collector.*

Attachment 1 maps the existing road system and subdivision history in the Collard Lake Road area. This information shows 76 residences that are tributary to Collard Lake Road and approximately 40 additional vacant lots. Although formal traffic counts have not been taken for some time, we can estimate that the traffic volume is around 250 vehicles per day (vpd) in the wintertime and perhaps twice that in the summertime. We would expect this volume to continue to gradually increase as lots continue to be developed. The Lane County Transportation System Plan (TSP) inventory shows a range of volumes on rural minor collectors from 20 to 4000, with an average volume of 737.

The TSP defines a minor collector as "A road or street which gathers traffic within the neighborhood and directs it to a major collector or arterial." A case can be made that Collard Lake Road should be classified as a rural minor collector and proposed for acceptance as a County Road. This would require deviations from standards for collector roads. The recent pavement repairs in 1999 have provided good pavement conditions, but the paved width averages about 17 feet. The basic pavement width standard in mountainous terrain for a rural minor collector is 20 feet (up to 400 vpd) and 22 feet (over 400 vpd). If this option is selected, staff will suggest that the Board make it clear that there should be no expectation created that future road improvements are contemplated.

*Option 3.* Rescind "limited maintenance" program and retain Collard Lake Road as a local access road.

If the determination were made that Collard Lake Road does not function as a rural minor collector, then it would be consistent with the code to rescind the "limited maintenance" provision and treat it like all other local access roads.

**Recommendation:** Consider rural minor collector classification and acceptance as a County Road with appropriate deviations from standards noted. Staff believes that this approach is most justifiable for County Road status under the policies and guidelines in Lane Code and Lane Manual.

### **C. Alternatives / Options**

1. See discussion above under analysis.

### **D. Recommendation**

**Issue 1:** Should the Board authorize expenditures for pavement repair on local access roads (approximately 1.5 miles) adjacent to Collard Lake Road (Collard Loop, Collard Lake Way, Ocean View Drive, View Loop, and View Road)?

**Recommendation:** No, Lane County should not expend County funds to repairs these local access roads.

**Issue 2:** Should the Board direct staff to work with property owners to process acceptance of roads (approximately 1.5 miles) adjacent to Collard Lake Road (Collard Loop, Collard Lake Way, Ocean View Drive, View Loop, and View Road)?

**Recommendation:** No, Lane County should not accept these local access roads as County Roads. Direct staff to take no further action on these roads.

**Issue 3:** Should the Board direct staff to work toward modification of the previous decision made in 1998 to retain Collard Lake Road as a local access road with a continuing program of "limited maintenance"? Should Collard Lake Road again be considered for acceptance as a County Road?

**Recommendation:** Consider rural minor collector classification and acceptance as a County Road with appropriate deviations from standards noted. Staff believes that this approach is most justifiable for County Road status under the policies and guidelines in Lane Code and Lane Manual.

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

As directed by the Board.

## **V. ATTACHMENTS**

- Attachment 1 Collard Lake Road Area Map
- Attachment 2 August 16, 2005 Collard Lake Road Request
- Attachment 3 Board Order 83-9-28-23
- Attachment 4 Board Order 98-12-9-18
- Attachment 5 Acceptance of Dedicated Public Roads as County Roads (LM 15.200-15.250)
- Attachment 6 General Road and Access Policies (LM 15.400-15.410)

**FLORENCE COLLARD LAKE ROAD SYSTEM**  
**REPAIR & INCLUSION IN COUNTY ROAD SYSTEM**

**COLLARD LAKE ROAD COMMITTEE**  
**MARGARET TRIMBLE, CHAIRMAN**  
**06083 VIEW ROAD**  
**FLORENCE, OREGON 97439**  
**(541) 997-8744**  
**[timmom@oregonfast.net](mailto:timmom@oregonfast.net)**

**AUGUST 16, 2005**

## **BACKGROUND**

- **PRESENTLY, 76 FAMILIES DEPEND ON COLLARD LK ROAD SYSTEM.**
  - 6 MILE NE OF FLORENCE. (MAP)
  
- **COLLARD LK. ROAD PROVIDES SOLE EVACUATION/ENTRY ACCESS ROUTE FOR NETWORK OF SMALLER ROADS INCL:**
  - CHAPMAN ROAD S\*, COLLARD LK WAY, COLLARD LOOP RD\*, OCEAN VIEW LANE\*,VIEW COURT, VIEW LOOP\*, VIEW ROAD\*.
  
- **PARTIAL REPAIR PREVIOUSLY COMPLETED SUMMER '99.**
  - 1.6 MI. OF 3.1 MILES COMPLETED..
  - REF: LANE CO ORDER NO. 98-12-9-18.
  
- **SINCE REPAIR COMPLETED POPULATION UTILIZING ROAD SYSTEM DOUBLED.**
  - DECEMBER '98 TO PRESENT.
  
- **UNREPAIRED ROAD BED SEVERELY DETERIORATED.**
  - PASSAGE UNRELIABLE/DANGEROUS. (PHOTOS)
  - REF LETTERS IN SUPPORT OF REPAIRS:  
FIRE, AMBULANCE, POST OFFICE, ETC.

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**\*GREATER THAN 10% GRADE.**

## **REQUEST**

- **REPAIR/PAVE REMAINING 1.5 MILE OF ROAD SYSTEM PER LANE COUNTY CODE. COMPLETE DURING CURRENT CALENDAR YEAR IF POSSIBLE, BUT NO LATER THAN CY '06.**
  - REF: LANE CODE CHAPTER 15 – ROADS.

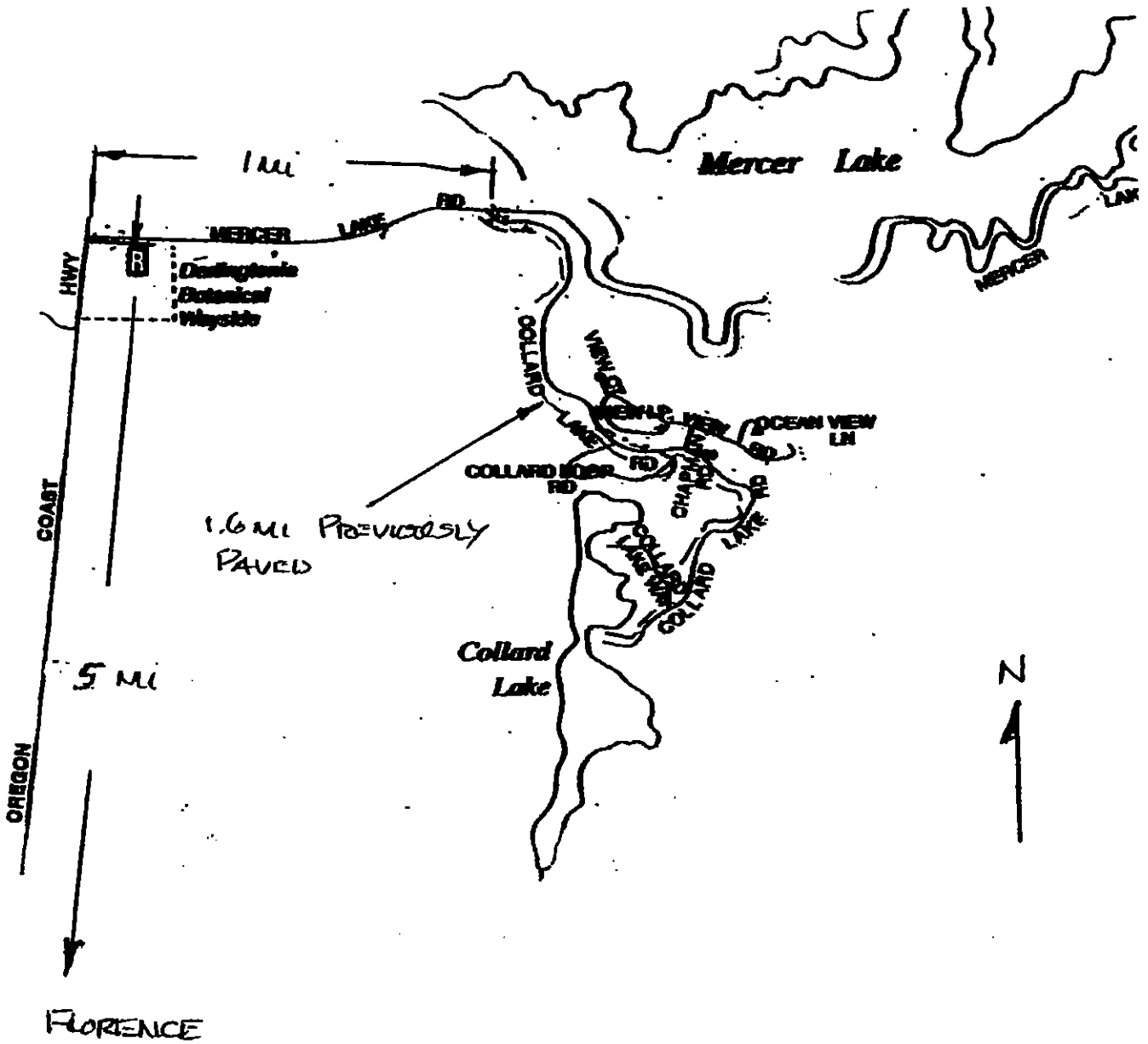
## **CONSIDER**

- **INCLUDE COLLARD LK ROAD SYSTEM IN LANE COUNTY ROAD SYSTEM. PROVIDE FOR INSPECTION/MAINTENANCE TO INSURE CONTINUOUS SERVICE TO RESIDENTS, SERVICES AND PUBLIC.**

## **BENEFITS**

- **WILL RESOLVE EMERGENCY EVACUATION CONCERNS.**
  - FIRE, AMBULANCE, POLICE, ETC.
- **ASSURES CONTINUOUS ACCESS FOR SERVICE VEHICLES.**
  - UTILITY, WATER CONTROL (TANK GRAVITY FEED SYST), MAIL, ETC.
  - REF: LETTERS SUPPORTING ROAD SYSTEM IMPROVEMENT: POST OFFICE, HOME OWNERS' ASSN.





COLLARD LAKE ROAD SYSTEM.

**COLLARD LAKE ROAD SYSTEM  
INCLUDED: ROAD NAME, MILES OF ROAD, NUMBER OF  
HOUSES  
AUGUST 10, 2005**

<b>ROAD NAME</b>	<b>ROAD LENGTH IN MILES</b>	<b>HOUSES</b>
<b>Collard Lake Road *</b>	<b>1.6 miles</b>	<b>20</b>
<b>Collard Loop</b>	<b>.4 miles</b>	<b>14</b>
<b>Collard Lake Way</b>	<b>.3 miles</b>	<b>10</b>
<b>Ocean View Drive</b>	<b>.1 miles</b>	<b>4</b>
<b>View Loop</b>	<b>.5 miles</b>	<b>22</b>
<b>View Road</b>	<b>.2 miles</b>	<b>6</b>

**Total: 76 houses**

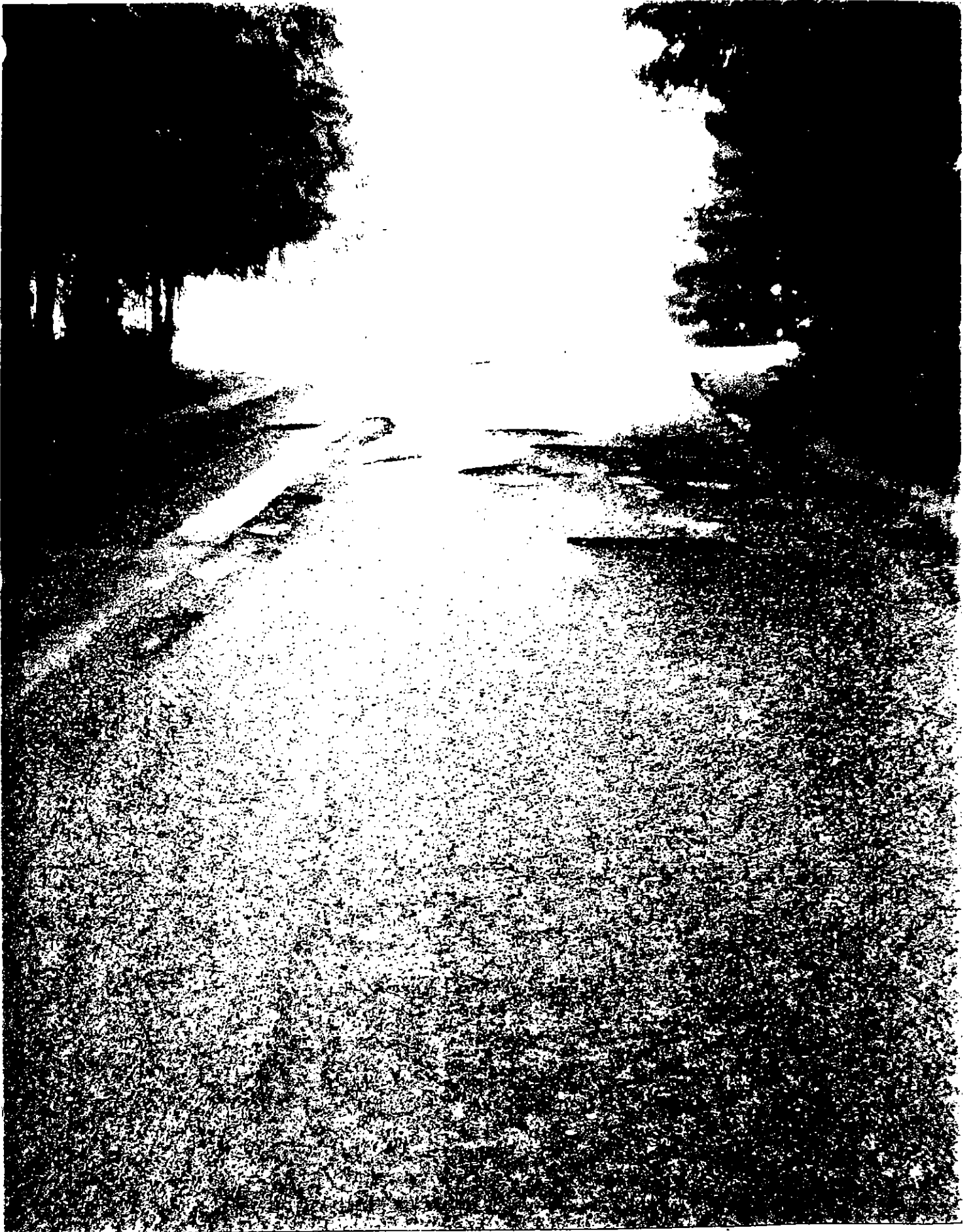
**Total miles: 3.1 miles**

**Miles in need of paving: 1.5 miles**

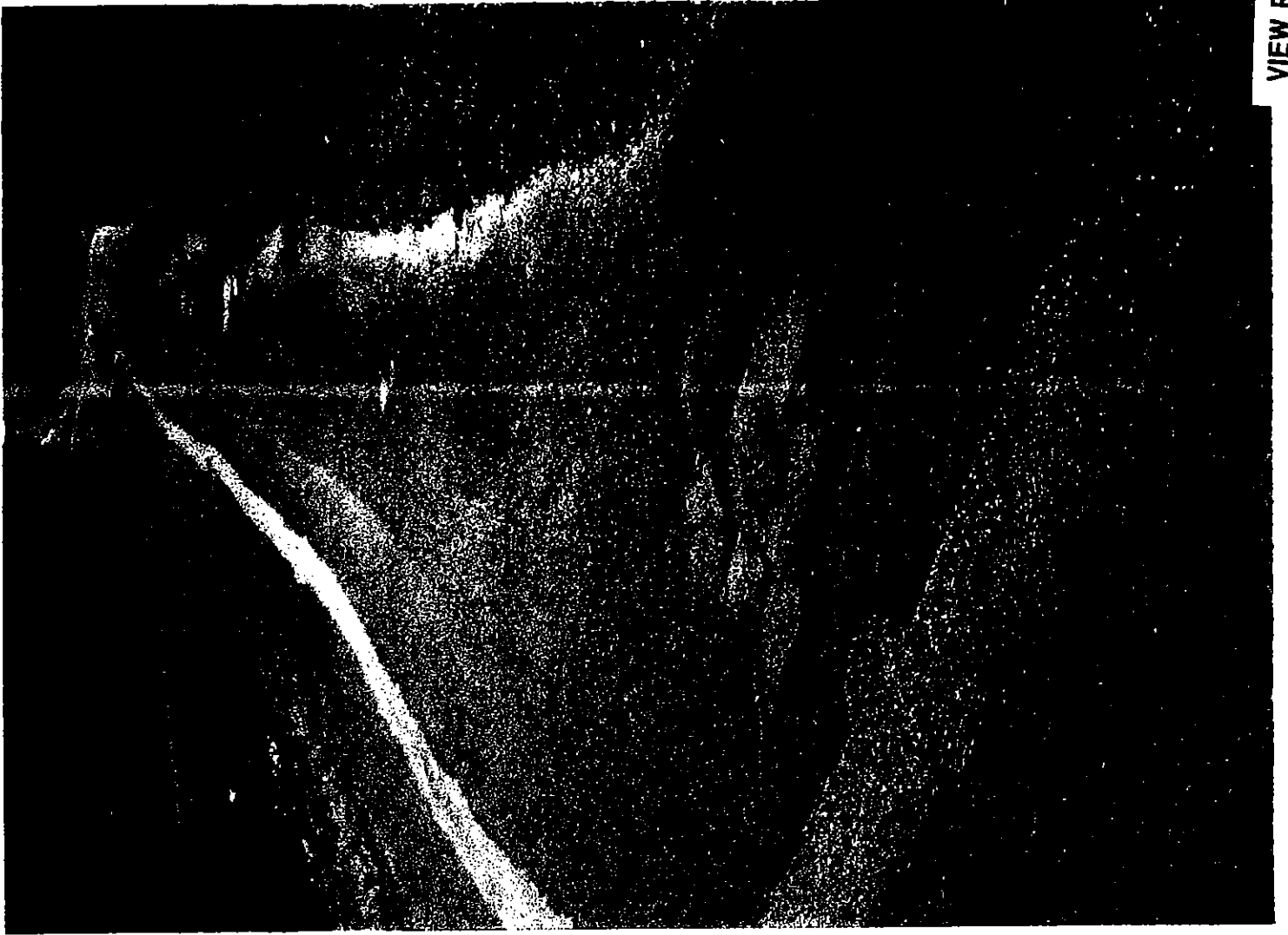
**\*Miles paved in 1998: 1.6 miles**



CHAPMAN SOUTH TURNING NORTH OFF COLLARD LAKE R



CHAPMAN SOUTH TURNING NORTH OFF COLLARD LAKE RD



VIEW ROAD TRAVELING EAST



VIEW ROAD TRAVELING EAST



VIEW ROAD TRAVELING EAST



VIEW ROAD TRAVELING EAST



VIEW ROAD TRAVELING EAST





# Western Lane

## Ambulance District

*Excellence In Service  
To The Community*

August 4, 2005

Lane County Commissioners  
Public Service Building  
125 Eight Street  
Eugene, OR 97401

Dear Commissioners:

I have been asked by Margaret Tremble a resident of the Collard Lake Heights area to write a letter in support of their effort to have the County repair and maintain access roads in their area.

In order to support Ms. Tremble request I dispatched an ambulance and crew to the Collard Lake Heights area to see if an ambulance could access these roads. The ambulance crew reported that they could get an ambulance down these roads. However it was extremely difficult with the condition of the road surface and the tree limbs that were hanging over the roads. They also came to the conclusion that with further deterioration of these roads they would soon be to a point where we will not be able to access some of the homes located in this area in an emergency.

With the information provided me by the District's paramedics. The District supports the request of the Collard Lake Road residents and urges the Commissioners to carefully consider and approve their request to repair and maintain their roads.

If you have any questions please call me at 541-997-9614.

Sincerely,



Henry Hanf  
District Manager

CC: WLAD Board of Directors  
Margaret Tremble



Lane County Commissioners  
125 E 8<sup>th</sup> Avenue  
Eugene, OR 97401

August 5, 2005

Dear Commissioners,

It has come to our attention that the residents of the Collard Lake area (Rural Route 1) will be petitioning the county commissioners to repair and maintain the roads in that area.

We wish to support them in this effort. The roads in this subdivision are deteriorating badly, and make it difficult, especially in wet weather, to deliver their mail.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Djaylan Labbate".

Djaylan Labbate  
Officer In Charge  
Florence Post Office  
770 Maple Street  
Florence OR 97439-9998  
(541) 997-9406

MERCER LAKE ESTATES HOMEOWNERS ASSOCIATION  
P.O. BOX 1749  
FLORENCE, OR 97439

Lane County Commissioners  
Lane County, Oregon

August 3, 2005

Dear Commissioners,

The Mercer Lake Estates Homeowners Association fully supports the effort being made by the Road Committee, and we urge Lane County to accept and maintain the roads in question. (Collard Lake Road, Collard Loop, Collard Lake Way, View Loop, View Road and Ocean View Drive.)

This area was developed in 1969 by Russ Chapman with 5 houses built soon after it was developed. There are now approximately 32 homes in our association alone, that live on these roads, and continued development is expected.

In the past, homeowners have attempted to maintain the roads and to make them at least passable. We have concerns about the safety of these roads, not only for the residents, but for emergency services, (fire, police, and ambulance), should these services be needed.

Thank you for your consideration.

Jack Corlett, President

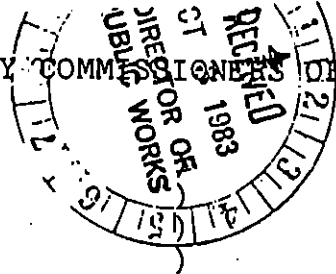
A handwritten signature in black ink that reads "Jack Corlett". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Mercer Lake Estates  
Homeowners Association

## **COLLARD LAKE ROAD SYSTEM HISTORY**

1. Area first developed in about 1920. There were two subdivisions. Collard Lake Heights and Collard Lake Acres.
2. Several requests were made for road acceptance. (No data available.)
3. <sup>1970</sup> R.E. Chapman develops 31 lots off Collard Lake Road. Mercer Lake Heights - First Addition
4. <sup>1976</sup> R.E. Chapman develops 18 new lots off View Road. Mercer Lake Heights - Second Addition
5. Feb. 9, 1976. Requests re-evaluated Al Driver, transportation director presented recommendations. (See folder).
6. Feb. 18, 1976, Commissioner meeting. Commissioners agree to accept Collard Lake Road into county road system. (See folder).
7. Collard Lake road: was inspected and Mr. Driver instructed Jim Miller to begin maintenance on it. Some streets in Chapman subdivision to be maintained. (see folder)
8. In 1998 after numerous lawsuits with the Heceta Water District and the lifting of the building moratorium in the Clear Lake Watershed, the County agrees to pave Collard Lake road. (See folder).
9. Between 1976 and 2005 various resident fund drives and work parties keep the road in repair.
10. In August 2004 a petition is submitted to the county to repair the road. No action taken by county. (see folder).
11. From the 1920's until now, the area has gone from a handful of homes to over 76 homes. With 60 additional lots undeveloped, there is a potential for a great number of additional residents.
12. August 16, 2005. Here we are again.

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON



ORDER NO. 83-9-28-23

IN THE MATTER OF PROVIDING ONE TIME ONLY EMERGENCY MAINTENANCE ON COLLARD LAKE ROAD

WHEREAS, Collard Lake Road is a local access road which has been dedicated to the public for road purposes but has never been improved to a minimum standard for acceptance as a County road and has never been accepted into the County road system in accordance with established laws and policies, and

WHEREAS, ORS 368.031 provides that local access roads outside city limits are subject to the jurisdiction of counties but counties are not liable for failure to improve or repair such roads, and

WHEREAS, ORS 368.031 further provides that counties may expend county funds on local access roads if the work is an emergency, and

WHEREAS, extraordinary circumstances have contributed to a situation which now constitutes an emergency in the need for maintenance on Collard Lake Road and because of the extraordinary circumstances involved the Board feels it is appropriate to contribute County funds for one time only maintenance to correct overall disrepair, and

IT IS HEREBY ORDERED in accordance with ORS 368.031 that the Lane County Department of Public Works expend Road Fund money in an estimated amount of \$35,000 in the provision of emergency maintenance to Collard Lake Road as a single project as soon as may practically be scheduled,

IT IS FURTHER ORDERED that Public Works Department staff notify benefiting property owners of the nature of the work to be performed and the reasons for Board authorization of this single project. Staff shall also provide benefiting owners with a list of options for future maintenance and maintenance funding. In addition, the notice to benefiting property owners shall advise them that this is the last expenditure of public funds on this road, and if the benefiting citizens do not assume sufficient self help to preserve the roads condition, the long standing policy commitment to take the road into County Road status will be terminated.

DATED this 28th day of September, 1983.

RECEIVED AS TO FORM DATE 9/20/83 OFFICE OF LEGAL COUNSEL

Signature: Gerald H. Punt, Jr. Chairman, Lane County Board of Commissioners

IN THE MATTER OF PROVIDING ONE TIME ONLY EMERGENCY MAINTENANCE ON COLLARD LAKE ROAD

BOOK 161 PAGE 2501

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

PASSED

) IN THE MATTER OF  
) IMPROVING COLLARD LAKE  
) ROAD AND PROVIDING  
) CONTINUING MAINTENANCE

ORDER NO.

98-12-9-18

WHEREAS, Collard Lake Road is a local access road which has been dedicated to the public for road purposes but has never been improved to a minimum standard for acceptance as a County road and has never been accepted into the County road system in accordance with established laws and policies, and

WHEREAS, ORS 368.031 provides that local access roads outside of cities are subject to the jurisdiction of counties, but counties are not liable for failure to improve or repair such roads, and

WHEREAS, ORS 368.031 further provides that counties may expend county funds on local access roads if the work is an emergency or if the county road official recommends the expenditure; the public use of the road justifies the expenditure; and the county governing enacts an order or resolution authorizing the work and designating the work to be either a single project or a continuing program, and

WHEREAS, Collard Lake Road currently provides access to more than 40 homes and additional development is expected, and

WHEREAS, the condition of Collard Lake Road has deteriorated and is in need of repair and improvement, and

WHEREAS, the County Public Works Director recommends that a one time repair and improvement be made to Collard Lake Road to clear vegetation, provide minor widening of the road, clear and repair culverts, improve drainage ditches, add base rock where needed, and surface the road at an estimated cost of \$150,000, and that limited maintenance be provided on a continuing basis, and

WHEREAS, extraordinary circumstances have contributed to the need for this repair and improvement and because of the extraordinary circumstances involved the Board feels it is appropriate to use County road funds for this improvement and to provide continuing maintenance, and

NOW, THEREFORE IT IS HEREBY ORDERED in accordance with ORS 368.031 that the Lane County Public Works Department expend Road Funds in an estimated amount not to exceed \$150,000 to repair and improve Collard Lake Road, as recommended by the Public Works Director, as soon as it may be reasonably scheduled; and

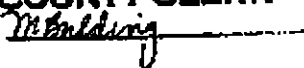
IT IS HEREBY FURTHER ORDERED in accordance with ORS 368.031 that the Lane County Public Works Department expend additional Road Funds as necessary to provide a continuing program of limited maintenance of Collard Lake Road following its repair.

DATED this 9th day of December, 1998.

  
Chair, Lane County Board of Commissioners

FILED

DEC 14 1998

COUNTY CLERK  
BY 

15.145

Lane Manual

15.200

- (b) Deny the application; or
- (c) Postpone action to allow further study.

(2) Recommendation for denial or rejection shall be final unless appealed to the Board within 10 days from the date of the Planning Commission action. *(Revised by Order No. 93-3-31-7, Effective 3.31.93; 04-5-5-8, 6.4.04)*

**15.145 Surveyor's Office Procedure.**

(1) Following receipt of a Land Management Division request for deed preparation, the County Surveyor shall prepare an appropriate deed which shall be returned to the applicant for the proper signature(s) from the legal property owner(s).

(2) The applicant returns the signed deed to the Surveyor's Office where a deed order is prepared for presentation at the next regular meeting of the Board. *(Revised by Order No. 93-3-31-7, Effective 3.31.93; 04-5-5-8, 6.4.04)*

**15.150 Board Action.**

(1) The Board shall review all applications and any reports and recommendations thereon at a regular Board meeting upon:

(a) The presentation by the County Surveyor of an affirmative Planning Director or Commission recommendation, a signed deed form and a road dedication order; or

(b) The receipt of an appeal of the Planning Commission's action by the applicant or any affected party; or

(c) The receipt of an appeal of the Planning Commission's failure to act within 30 days after the filing of an application.

(2) In the case of an appeal the Board shall, within 20 days of such appeal, set a time and place for a public hearing on the appeal and shall notify affected persons of the hearing. If, at the appeal hearing, the Board determines that the proposed application should be approved it shall so indicate and transmit a request to the Surveyor's Office for preparation of a deed and road dedication order.

(3) Following any affirmative action on the application, the Board shall forward the deed and signed order to the County Clerk's Office for recording.

(4) The Board shall notify all applicants of its action and in the case of non-acceptance it shall return all appropriate material to the applicant with an explanation for such action. *(Revised by Order No. 93-3-31-7, Effective 3.31.93; 04-5-5-8, 6.4.04)*

**15.155 Completion - Recording and Filing.**

(1) The County Clerk's Office shall forward copies of recorded deeds and all other pertinent information to the County Surveyor's Office.

(2) Following final action, the County Surveyor's Office shall notify or distribute materials to departments and agencies who may be affected by the action, as may be required by applicable state and local regulations. *(Revised by Order No. 93-3-31-7, Effective 3.31.93; 04-5-5-8, 6.4.04)*

**ACCEPTANCE OF DEDICATED PUBLIC ROADS AS COUNTY ROADS**

**15.200 Authority.**

The following procedures, policy, criteria, and standards relating to the acceptance of public roads for maintenance and converting to County road status are adopted pursuant to authority granted Lane County by ORS Chapter 368, LC Chapter 15 and the Lane County Home Rule Charter. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*



**15.205 Definition-County Road.**

As defined in ORS 368. A public road which is part of the County Road system and has been assigned a County Road number pursuant to ORS 368.016. The Department is responsible for maintenance. A description of each County Road is kept in the Master Road Files in the Lane County Surveyor's office. See also Functional Class definitions in LC Chapter 15. *(Revised by Order No. 04-5-5-8, Effective 6.4.04)*

**15.210 Purpose.**

The following procedures and requirements are established for the purpose of delineating a uniform policy in Lane County for the acceptance of public roads for maintenance and conversion to County road status. It is intended that this policy will clarify and set the requirements and responsibilities of the individuals, public bodies and Departments involved in the acceptance of public roads. In addition, it provides the public with an outline of the required process for the acceptance of public roads for maintenance and conversion to County road status. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

**15.213 Guidelines for Acceptance.**

There is a need to carefully examine acceptance of new mileage into the County Road System. These guidelines are intended to protect the public investment already made in this road system and to make optimum use of available road revenues for the maintenance and improvement of the system. The following guidelines shall be used by the Board when considering acceptance of public roads into the County Road System:

(1) Roads providing local access may be accepted into the County Road System as County Local Roads as defined in LC 15.010(18) if they provide a needed extension or improvement in the overall road network, or to provide access to significant commercial or industrial development or governmental or other public facilities.

(2) Roads created within subdivisions or partitions, primarily providing access to lots, shall be established as private access easements or local access roads (public roads) with appropriate property owner associations or districts providing for maintenance of these roads. Roads serving four or more lots or parcels may be considered for acceptance into the County Road network for purposes of overall road connectivity and to otherwise provide a safe and efficient road network.

(3) Roads that will function as collector roads within subdivisions or partitions may be accepted as County Roads.

(4) Extensions of existing County roads within subdivisions may be accepted as County Roads and classified appropriately according to their function.

(5) Roads providing access to the boundary of national forests or other public lands may be accepted. *(Revised by Order No. 04-5-5-8, Effective 6.4.04)*

**15.215 Application.**

An application must be in the form of a petition signed by not less than 60 percent of the owners of the land, representing not less than 60 percent of the land abutting the dedicated public road; shall include findings on how the application meets the policy criteria set forth in LM 15.410; and shall state the owners' desire for Lane County to accept the road as a County road. The application shall be submitted to the Director. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

**15.220 Review.**

Upon receipt of an application, the Director shall investigate and report his or her findings to the petitioners as to whether or not:

- (1) acceptance of the road under consideration is consistent with the guidelines in LM 15.213 above;
- (2) the road is consistent with applicable criteria set forth in LM 15.410; and
- (3) the road meets the following standards:
  - (a) The road shall be a public road as defined in LM 15.110.
  - (b) The road shall meet the County Road Design Standards found in LC 15.700 through LC 15.708.
  - (c) The road shall be located within the dedicated public right-of-way as verified and certified/stamped by an Oregon-licensed surveyor.
  - (d) The road shall be of benefit to the general public, shall intersect with an existing County road, City street, or State highway, or be an extension of an existing County road.
- (4) Any and all fences, buildings and other structures within any dedicated and accepted County Road right-of-way shall be removed at the expense of the property owners. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

#### **15.222 Standards in the Event Minimum Road Design Standards Are Not Met.**

A public road that does not meet County Road Design Standards specified in LC Chapter 15 may be accepted as a County Road provided it meets the following standards.

- (1) All standards listed in LM 15.220 above, except LM 15.220(3)(b).
- (2) The Director certifies that current and future roadway needs do not necessitate that the County Road Design Standards be met and no safety hazard will be created if the roadway is accepted as a County Road.
- (3) The Director of the Planning Division certifies that current and future planning needs do not necessitate that the County Road Design Standards be met.
- (4) In no event shall a right-of-way be accepted which is less than 30 feet in width. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

#### **15.225 Report.**

The Director shall report findings in writing to the petitioners as follows:

- (1) The road under consideration meets all the standards and policy criteria and will be recommended for acceptance.
- (2) The road does not meet all the standards and policy criteria, but the Director deems it advisable to recommend to the Board of County Commissioners that the standards or policy criteria in question be waived or modified.
- (3) The road does not meet the standards and a waiver of the standards is not recommended. The report shall state an estimated total improvement cost to meet the standards.
- (4) The road does not meet the policy criteria and the petition is denied. The denial shall specify the reasons for the Director's decision. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

#### **15.230 Appeal.**

Unless appealed to the Board by filing a written notice of appeal with the Director within 15 days from the date the report and action was mailed, the decision of the Director denying the petition shall become final. The appeal shall state how the Director erred in the decision. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

**15.235 Board Consideration.**

(1) If the Director's report to the petitioners indicates LM 15.225(1) above, the Director shall prepare the necessary documents for acceptance as a County road by the Board at a regular meeting of the Board.

(2) If the Director's report is LM 15.225(2) above, the Director shall submit the report with findings and recommendations to the Board, who shall consider the matter at a regular meeting. The Director shall notify the petitioners in writing of the Board action.

(3) If the Director's report is LM 15.225(3) above, the Director shall submit the report with findings and recommendations to the Board, which shall consider the matter at a regular meeting.

(4) If the Director's report is LM 15.225(4) above, and the petitioners appeal the Director's denial, the Board shall consider the appeal at a regular meeting.

(5) When any recommendation of the Director is to be considered by the Board, the Director shall notify the petitioners in advance of the time and place of the hearing. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

**15.240 Board Action.**

The Board will consider petitioners' appeal and/or petitioners' action at a regular meeting, at which time the Board may:

(1) Accept by Order the petition request or appeal contingent upon completion of dedication and improvement requirements specified by the Board action.

(2) Reject the petition request or appeal by Order. Rejection by the Board shall be final. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

**15.245 Petitioners' Action.**

If the Board action is to accept the petition request contingent upon completion of dedication and improvement requirements under LM 15.240(1) above, the petitioners may take the following action:

(1) Cause the necessary dedications and improvements to be completed in order to meet the standards for acceptance. Improvements shall be inspected and certified at the applicant's expense by an engineer registered in the State of Oregon. The right-of-way and the improved road shall be surveyed and certified by a land surveyor, registered in the State of Oregon.

(2) Request that the dedications and improvements be made in conformance with the procedures as defined in LC 15.600 through 15.645 (Levying, Collecting, and Enforcing Special Assessments). *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

**15.250 Further Action.**

If the petition request is accepted, the petitioners shall present Lane County with a good and sufficient legal description of the roadway to be accepted and designated as a County road. This legal description will be reviewed by the Lane County Surveyor's Office and placed on the proper document for dedication and then returned to the petitioners. All further proceedings shall be governed by the provisions of ORS Chapter 368. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

**ACCEPTANCE OF PARK ROADS****15.260 Acceptance of Park Roads.**

The following procedures and requirements are established for delineating a process for the acceptance of Park Roads into the County Road System.

15.405

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15.410

(7) The Surveyor's Office shall attach a copy of the affidavit of posting to the final order of vacation prior to its submission to the Board of County Commissioners for action.

(8) The Board shall consider the general requirements of LM 15.300 in making its decision. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

### GENERAL ROAD AND ACCESS POLICIES

**15.405 Purpose.**

The County Road System is intended to provide a network of roads that provides access to lots, parcels, or developments and connects to the State Highway System, city road systems, to BLM and Forest Service road systems, and to major resource and recreational areas within Lane County. The County Road System provides a circulation network that supports and promotes the economy of Lane County. Lane County strives to promote the health, safety, and welfare of its citizens by providing a safe road surface, pavement markings, signing, drainage, and roadside environment in order to promote safe and efficient travel for the public and to limit the possible liability exposure of Lane County. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

**15.410 Criteria.**

The statements set forth herein are for the purpose of establishing the minimum criteria to be used in Lane County for the evaluation of the appropriateness of proposed roads that are intended to provide access to lots or parcels. These criteria shall form the basis for determining what requirements may be necessary to insure that there will be adequate provisions available now and in the future to provide for the transportation and utilities needs of lots, parcels, or developments. This evaluation may include review of the relationship of the proposed road to the overall County Road System.

(1) The necessity for being able to travel to and from a permanent residential dwelling is a basic requirement for the development except in very rare circumstances.

(2) It is in the public interest to require adequate, safe and legally-assured access to all developments which is as free as possible from restrictions, and which will not cause undue public costs.

(3) The costs of providing right-of-way and improvements for roads needed to directly serve new or existing developments should be substantially borne by the benefited persons, usually the sub-divider or developer, rather than by the people of the County at large.

(4) A road must serve, in most situations, as the means of access for the following public or semipublic services.

- (a) Fire Service.
- (b) Ambulance Service.
- (c) Police Service.
- (d) Mail Service.
- (e) School Bus Service.
- (f) Public Transit Service.
- (g) Delivery Service.
- (h) Solid Waste Disposal Service.
- (i) Means of addressing to allow others to find dwelling.

(5) A road, besides serving as the means for vehicular access, should also provide area for the following possible utilities:

- (a) Drainageways.
- (b) Electrical Power Lines.
- (c) Telephone Lines.
- (d) Water Lines.
- (e) Fire Control Outlets.

- (f) Sewer Lines.
- (g) Natural Gas Lines.
- (6) The access management, road design standards, and other requirements of LC Chapter 15 shall be used in making decisions about the road system in Lane County.
- (7) Panhandle lots may be created if they do not hinder future development of the surrounding area. If more than two panhandled lots are used together, they should be established through a formal subdivision or partitioning procedure.
- (8) The access needs of industrial and commercial land uses and activities are different than those for residential uses in some aspects and may require special consideration.
- (9) Paved roads are, all other things being equal, more safe to travel than gravel roads, have a lower maintenance cost, and have a lower nuisance value (dust, noise, etc.).
- (10) Road requirements should not, if at all possible, hamper or prevent the development of new concepts and innovations for the development of land or hamper the continuation or extension of a complete transportation network. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*

#### ROAD DESIGN STANDARDS/RECOGNIZED ENGINEERING GUIDELINES

##### 15.450 Minimum Road Design Standards/Recognized Engineering Guidelines.

(1) Roads within Lane County shall be designed and developed pursuant to the procedures and requirements of LC Chapter 15, with guidance from applicable policies set forth in LM Chapter 15.

(2) In the absence of a county-adopted standard for a particular design element, the following publications shall be the basis for road design, construction, signing and marking decisions. While these documents are listed in the Transportation System Plan and in LC Chapter 15, Lane Manual includes the publication date of each document below, so the publication dates may be updated by Board Order as newer versions are published:

- (a) The following documents published by the American Association of State Highway and Transportation Officials (AASHTO):
  - (i) A Policy on Geometric Design of Highways and Streets (2001);
  - (ii) Roadside Design Guide (2002)
  - (iii) Geometric Design of Very Low Volume Local Roads (ADT < 400) (2001); and
  - (iv) Guide for Design of Pavement Structures (1993).
- (b) The *Manual On Uniform Traffic Control Devices* (MUTCD), (2000) published by the Federal Highway Administration;
- (c) The following documents published by the Oregon Department of Transportation (ODOT) and the American Public Works Association (APWA), Oregon Chapter:
  - (i) Oregon Standard Specifications for Construction (ODOT & APWA, 2002);
  - (ii) Oregon Standard Drawings (ODOT & APWA, 2002);
  - (iii) *ODOT Highway Design Manual* (2002);
  - (iv) *ODOT Hydraulics Manual* (1990);
  - (v) *ODOT Hydraulics Manual, Volume 2 (Erosion and Sediment Control)* (1999);
  - (vi) *Oregon Bicycle and Pedestrian Plan* (ODOT, 1995);