

Memorandum Date: October 2, 2006  
Order Date: None, discussion only

W. T. A.

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**TO:** Board of County Commissioners  
**DEPARTMENT:** Public Works  
**PRESENTED BY:** Sonny Chickering, County Engineer

**AGENDA ITEM TITLE:** IN THE MATTER OF DIRECTION TO STAFF REGARDING THE LEGAL STATUS OF PORTIONS OF TEMPLETON ROAD, COUNTY ROAD NO. 50, IN SECTIONS 2 AND 11, TOWNSHIP 16 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN

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**I. MOTION**

None, discussion only.

**II. AGENDA ITEM SUMMARY**

Staff was directed on May 31, 2006, to return to the Board for additional discussion regarding previous direction given concerning Templeton Road.

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

On December 7, 2005 Public Works staff presented materials in connection with resolving the legal status of a portion of Templeton Road. Templeton Road has a segment of about 1.38 miles in length that is shown in the Road Maintenance Book as a County Maintained Road, but this portion has not received County maintenance since at least 1986.

The reason for bringing the issue to the Board was because Road Maintenance staff wished to resolve the status of the road to limit the County's potential liability, and the two abutting owners (the Templeton family and U.S. Bureau of Land Management) wanted the road vacated to relieve the land of the burden of the County road status.

Templeton Road, also known as County Road No. 50, is located about 10 miles west of Junction City and runs from Hall Road north a distance of 4.87 miles to the intersection with High Pass Road.

This road was formerly open for through traffic sometime in the past, but the portion from about MP 2.432 to 3.82 has been gated and not open for traffic and has not received any County maintenance since at least 1986. A portion of the road was re-routed sometime in the early 70s, but no right of way was formally acquired for this re-routing which became the "de-facto" County road. At the present time, this rerouted section consists of a graded, dirt-surfaced road, which with the exception of an area that is blocked by several fallen

trees, is passable by a vehicle during the dry months of the year.

The portion between the gates traverses predominantly through land owned by the Templeton family and the Bureau of Land Management, but there is a short portion near the northerly end of the gated area where the road abuts two smaller ownerships owned by the Vernas on the west and the Organs on the east side of the road.

The attached aerial photo, marked as Attachment No. 1, shows the original County Road No. 50 right of way in red, the re-routed alignment in blue, and the BLM easement and private road in green.

In the early '90s, an effort was initiated by the Road Maintenance Section of the Engineering Division to vacate the gated portion of the original road, as well as the re-routed portion of the road. The intent was to correct the public record to reflect the true status of the road, reduce the County's potential for liability for this section of road, and relieve the two major properties of the burden of a County right of way.

This proposal was worked on by the County Surveyor and the Right of Way Manager at the time, but was never brought to the Board for consideration because Vacation of the subject section of road(s) requires the two major property owners to enter into a mutual access agreement to assure that both parties will retain a legal right of access once the vacation reverts the road to private status. This was never completed and no further progress was made in this regard.

Conversations with the Templetons and BLM in 2004 indicated that they were willing to tentatively agree to the mutual access agreement, and efforts were again made to bring the matter to the Board for consideration. The item was submitted to the Roads Advisory Committee for a recommendation. The RAC considered the proposal on September 28, 2005 and heard public comment from three persons, Mr. and Mrs. Verna, and Paul Templeton.

The Vernas commented that they were opposed to the vacation because they and some of their neighbors sometimes use the road between the gates for hiking and because they feel that the road should be available for use as an emergency escape route in case of a forest fire. The Vernas also object to the current practice of the Road Maintenance crew turning the grader around in the County right of way adjacent to their driveway because they are concerned that a tree may have to be removed from the existing right of way to allow the grader to make the turn without having to detach the roller/compactor from the rear of the grader.

Mr. Verna (and a number of neighbors living nearby) supports the continued existence of the gate, as it reduces through traffic on the road, which is gravel-surfaced from the northerly gate to the intersection with High Pass Road. He proposed that the County utilize a section of road south of the gate on the Templeton property for a turnaround, but leave the gate in place, as it helps to reduce littering and other illegal activities, due to the gate location being within sight of his driveway.

Paul Templeton commented that he and the other family members who share in the ownership of the various parcels of land favor the vacation and view the ability to restrict access, as would be the case with a private road, as a factor that would actually lessen the danger of a forest fire by restricting access to vehicles and persons that might contribute to the cause of a fire.

The Field Manager of the Eugene District Office of the Bureau of Land Management submitted written comments to the effect that BLM was unable to support vacation of the right of way until a reciprocal right of way agreement with the Templeton family has been executed.

The RAC voted to recommend the vacation of this portion of Templeton Road and to recommend that Public Works staff and the property owners should agree as to the location of the grader turnaround and as to the exact northerly terminus of the portion to be vacated.

The recommendation was incorporated into the Agenda materials submitted to the Board for the December 7, 2005 regular meeting. The Board heard public comment from a total of four persons. The attached draft copy of the minutes of that meeting includes a transcript of their comments.

Three options were considered by the Board at the completion of discussion regarding this matter:

(1) Direct the County Surveyor to initiate vacation proceedings on the original road right of way known as County Road No. 50 and for any public interest that may have been established over the as-traveled (re-routed) section.

(2) Direct the County surveyor to initiate vacation proceedings on the original County Road No. 50 right of way, legalization of the re-routed section as a public road, and withdrawal of County Road Status proceedings for the original right of way on each end of the re-routed section.

(3) Vacation of all the public's interest in the section from MP 2.432 to the north line of the Templeton family property.

A fourth, un-numbered option which would not resolve the status of either the Original County Road No. 50 or the re-routed section was to do nothing, leaving this section of road in the County-maintained system.

The Direction given to staff upon completion of the the discussion was Option (2). This option would require that the re-routed section first be legalized pursuant to ORS 368.201, and that proceedings to withdraw County road status in accordance with ORS 368.026 for the entire section of road in this area be initiated, in order for it to revert to Public Road status.

Consistent with the Board's directions, Engineering Field Survey crews went out to the

section of road to retrace the original right of way for County Road No. 50 using GPS technology. This method was used to determine what additional field surveying was needed in order to carry out the Board's direction.

As a result of this work, it was determined that:

(a) the original right of way for County Road No. 50 is passable by motor vehicles only to the north and south of the re-routed section.

(b) the re-routed section consists of a dirt road bed that is passable by motor vehicles during the dry season of the year, except for one area where two trees have fallen across the road. The steepness of the grade of this road and the dirt surface very likely would render the road impassable to vehicles during the rainy season.

### **B. Policy Issues**

None known.

### **C. Board Goals**

This project is related to 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**

Maintenance and staff activities on Templeton Road are a Road Fund expense. Subsequent to the December 2005 meeting, it was determined that there is a substantial opposition on the part of the affected private landowner(s), which likely would require either the exercise of the power of Eminent Domain to condemn the needed right of way, or litigation in order to pursue establishment of the road through the Legalization process, at a much greater cost than originally anticipated.

### **E. Analysis**

Based on discussions with the stakeholders since the December 2005 Board meeting, it has become clear that the residents on the northerly end of Templeton Road are not in favor of the vacation of any portion of the road. They wish it to remain in its present legal status so that it will be available as an emergency escape route in case a forest fire renders the route to the north to High Pass Road impassable.

They also wish that the gate remain in place in the interest of public safety to deter motorists who might otherwise attempt to drive this section of road and very likely would become stuck or run off of the road grade. They feel that keeping the gates in place will help to reduce the danger during the fire season and reduce the incidence of illegal dumping and shooting of firearms in proximity to dwellings.

Legalization of the re-routed road would require extensive surveying and right of way

engineering, as well as a hearing process that would provide the opportunity for the affected owners to file claims for the loss of any improvements included within the right of way of any portion to be legalized, presumably including merchantable trees. The Templetons have indicated that they are not in favor of the legalization of the “defacto road” and prefer that the status of the road remain as is currently the case.

Major portions of the County Road No. 50 right of way are obliterated due to erosion and lack of maintenance over the years, and much work would be required to reconstruct the road along this right of way. This alignment would also involve some wetland impacts that would require permitting and possible mitigation, and it would require the removal of some trees that have grown up in the intervening time since the road was last used as the County Road.

Resolving the legal status of the re-routed section of the road could be accomplished either through Legalization, as previously directed, through the use of the Eminent Domain process, or by dedication. Pursuant to ORS 368.201, the County may initiate proceedings to legalize a County road if any of the following conditions exist:

- (1) If through omission or defect, doubt exists as to the legal establishment or evidence of establishment of a public road.
- (2) If the location of the road cannot be accurately determined due to:
  - (a) numerous alterations of the road;
  - (b) a defective survey of the road or adjacent property; or
  - (c) loss or destruction of the original survey of the road.
- (3) If the road as traveled and used for 10 years or more does not conform to the location of a road described in the County records.

The re-routed portion of the road would appear to meet only condition (3), in that documents in the files of the Engineering Division indicate that this road was nominally used as a County road for at least 10 years prior to the installation of the gate in 1986, but if the statute is to be interpreted to mean to refer to the immediately-preceding 10 years, then there is some doubt as to whether this would meet the standard of having been “traveled and used” for 10 years or more.

If the Board passes an Order authorizing acquisition of right of way and exercise of the power of Eminent Domain, if necessary, in order to formally establish the re-routed road as a County Road, it may be necessary to acquire approximately 10 acres of land to accommodate a 60-foot wide right of way over a distance of about 1.4 miles. The acquisition also would require compensating the owner for the value of any merchantable timber contained within the proposed right of way.

Acquisition of the necessary right of way through dedication is not a viable option either, because the Templeton family members have indicated that they are not in favor of dedicating the needed right of way even if it would allow the vacation of the superseded portion of the Legal County Road No. 50 right of way to go forward.

To summarize:

(a) The neighbors want this section of Templeton Road to remain under Lane County jurisdiction as a County road so that it may continue to serve as an escape route in the case of a forest fire. Residents in the area have also stated that they wish the road to remain available for hiking and horseback riding, but do not wish that it be improved and opened for traffic.

(b) BLM will not consent to any vacation of the road unless and until a mutual access agreement can be successfully negotiated between the Agency and the Templeton family, and the Templeton family is opposed to any change in the legal status of Templeton Road that would not involve vacation of the public's interest.

(c) Liability exposure resulting from this gated County road is probably no greater than from other County roads gated for public safety reasons, such as Richardson Upriver Road, Hall Road, and DeBerry Road.

(d) BLM wishes to have the status of the defacto road clarified, but if the status of this section of road is challenged at some time in the future, the agency has, but does not typically use, the power of Eminent Domain.

(e) Public Works staff is not aware of any complaints from the general public due to motorists not being able to travel beyond the gates on either end of the gated section. Hunters can park at the gates and walk to the BLM land during hunting season.

(f) The Board's direction did not include making any improvements to the road upon completion of the process to resolve the legal status. However, if it was desired to remove the gates and open the road as a through route, it is estimated that the costs of improving the road with crushed rock surfacing to make it passable in the rainy season would cost approximately \$300,000-\$400,000. Bringing this road up to County standards (18' wide driving surface with oil mat surfacing) could cost as much as \$600,000-\$700,000. Both estimates are based on historical costs of similar projects in the recent past. However, we have not done any detailed scoping of either the gravel or paved alternatives for road improvements.

In view of (a) the higher than anticipated estimated costs for resolving the legal status, (b) the fact that the nearby residents do not favor any change in either the legal status or the maintenance level of this road, and (c) the fact that the major private landowner is opposed to the legalization of the re-routed road section, and likely would oppose it through legal action, it is recommended that the Board reconsider its previous direction with regard to this portion of Templeton Road.

## **F. Alternatives/Options**

Based on information gathered in discussions with the residents and with Paul Templeton representing the Templeton family, and the fact that there appears to be no pressing

public need to resolve the status of this portion of road or to construct any improvements to make it more passable beyond what is needed for possible future use as an emergency escape route in case of a forest fire, the alternatives are:

1. As previously directed, notify the County Surveyor to initiate vacation proceedings on the superseded portion and initiate Legalization proceedings for the "rerouted" portion. Once this is completed, initiate Withdrawal of County Road Status proceedings for the remaining portions of the original County road and the legalized re-routed portions of the road between approximate MP 2.432 and MP 3.77.
2. Cease further activities with regard to resolving the status to this portion of County Road. Direct the County Engineer to assume maintenance responsibility for the gate at approximate MP 3.82, with a Lane County Lock to be installed and with the County Engineer being responsible for the distribution of keys to the County lock.
3. Pursue another course of action as directed by the Board.

At a minimum, keys will be distributed to Oregon Department of Forestry, Paul Templeton, Bureau of Land Management and other affected agencies, and at least two other adjacent owners to facilitate the use as a fire escape route.

#### **IV. TIMING/IMPLEMENTATION**

If directed, the County Surveyor will process appropriate Agenda materials for Board consideration.

#### **V. RECOMMENDATION**

Option 2.

#### **VI. FOLLOW-UP**

Provided the northerly gate is to remain, a Facility Permit will be issued to allow the most southerly gate to remain in its present location. A Lane County lock will be installed and keys distributed to adjacent property owners and emergency service providers as needed.

#### **VII. ATTACHMENTS**

Attachment No. 1—Aerial photo showing original Co. Road No. 50 alignment, re-routing and BLM Roads.

Attachment No. 2—Minutes from BCC Meeting of December 7, 2005.

TO HIGH PASS ROAD

GATE  
M.P. 3.82 +/-

APPROXIMATE LOCATION  
OF TURNAROUND

TEMPLETON PROPERTY

BLM EASEMENT

GRAVELED ROAD

APPROXIMATE LOCATION OF  
LEGAL COUNTY ROAD

TEMPLETON PROPERTY

BLM PROPERTY

BLM PROPERTY

UNGRAVELED ROAD, CIRCA 1970

GATE, END OF COUNTY  
MAINTENANCE  
M.P. 2.432 +/-

GATE  
M.P. 2.572 +/-

COUNTY MAINTAINED ROAD

TEMPLETON PROPERTY

TO HALL ROAD



ATTACHMENT 2

**BOARD OF COMMISSIONERS'  
REGULAR MEETING**

December 7, 2005

9:00 a.m.

Commissioners' Conference Room

Commissioner Anna Morrison presided with Commissioners Bill Dwyer, Bobby Green, Sr., Peter Sorenson and Faye Stewart present. County Administrator Bill Van Vactor, County Counsel Teresa Wilson and Recording Secretary Melissa Zimmer were also present.

1. **ADJUSTMENTS TO THE AGENDA**

Item 7 b. is rolled to December 14. There will be an item 7 f. on future agenda items. Item 10 b. should be range 6 instead of range 2.

2. **PUBLIC HEARINGS**

None.

3. **PUBLIC COMMENTS**

Zachary Vishinoff, Eugene, commented that one of Triad's back up sites is called the western site. He said in the east campus neighborhood the university still owns 84 houses. He said they usually sell the houses at \$1 per piece. He hoped the Board could ask the city when they are going to sell and for how much. He said there is a gateway problem of putting the interchange at Franklin. He said if they put in a \$200 million project, they would have an obvious entrance to the community. He thought it was a marketing ploy instead of an engineering issue.

Dwyer thought Vishinoff's time would be better spent at the Eugene City Council because the university housing is in the city. He thought the Policy Housing Board should take note of those houses and have a discussion. He said that was the appropriate level of inquiry regarding the value. With regard to Franklin Boulevard, he said the engineering and financial challenges and federal rules associated with interchange spacing will eliminate the Franklin Boulevard and result in a grand upgrade to the existing Glenwood exchange.

Joseph Verna, Junction City, said there are 12 tax lots on Templeton Road instead of 11 tax lots. He said he moved on Templeton in 1973 and they paid \$200 in taxes and the road was graded every spring. He said in the late 1970's there was a fire. He indicated that Darryl Templeton came to him in 1986 and said he had a problem with people coming in and cutting firewood and trespassing. He requested that a gate be put on the road near his home and he had no problem with that. He was given a key. He said the

## ATTACHMENT 2

County stopped grading it in 1986 because they were never given a key to the gate. He said they now have a key. He said the County issued nine building permits in the 80's and 90's for three quarters of a mile. He noted currently there are 21 adults, 8 children who reside there and there are three vacant lots with the possibility of 40 or more people living there in the future. He said the road had existed for 109 years and there are more people now than ever before. He said in April 1986 the County decided to vacate the road. He said they claimed the road was changed in the 70's and had a partial right of way. He said in an April 5 letter from the County right of way manager stated that the relocated section was surveyed prior to 1970 with the intent of approving it although it appears improvement were minimal grading and rock. He said when they moved there in 1973 there was no evidence of the road. Presented a petition of 19 signatures. He was concerned of fire safety.

Frank Marrs, Junction City, stated the issue is fire safety. He said there is one road going up the hill and if there was a fire below his house there would be no way out if they closed the road. He didn't think they should allow having so many people living on the hill and no way out if they had a fire.

Paul Templeton, Cheshire, noted there is no road but there is a right of way. He said the map Frank Simas, Public Works, was different than he remembered. He commented that the right of way was a nuisance to everyone. He suggested sending out the County surveyor out to determine where the right of way is. He urged the Board to vacate the section of the right of way.

Ann Verna, Junction City, stated she has on Templeton Road for 33 years and she always walks on the road. She noted that a lot of people use it. She thought it was County Road number 50. She said the County use to maintain it before the gate was put in. She said they don't want the gate removed, they want access in case there was a fire.. She said 29 people live there. She didn't want to see the road go to private hands because of the people using the road.

#### 4. EMERGENCY BUSINESS

None.

#### 5. COMMISSIONERS' REMONSTRANCE

None.

#### 6. RESOLUTIONS

None.

#### 7. COMMISSIONERS' BUSINESS

- a. REPORT/Extension Service Quarterly Report.

## ATTACHMENT 2

- b. RECOGNITION/Recognizing Mike Cowles for Receiving the Outstanding Proval User of Year Award.
- c. ORDER 05-12-7-1/In the Matter of Awarding Non-Cash S.A.V.E. Awards to Miriam Bolton, H&HS Administration and Judy Borgstahl, H&HS Administration.
- d. REPORT/Valuations in Measure 37 Cases.
- e. ORDER 05-12-7-2/In the Matter of Extending the Use of Transient Room Tax Funds for Capital Improvements at the Lane County Fairgrounds.

### 8. COMMITTEE REPORTS

### 9. COUNTY ADMINISTRATION

- a. Announcements

### 10. PUBLIC WORKS

- a. EIGHTH READING AND DELIBERATION/Ordinance No. PA 1221/In the Matter of Amending the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) to Clarify and Provide Greater Flexibility for Public Safety Service Delivery in the Eugene-Springfield Metropolitan Area (Metro Plan, Growth Management, Policy 15) (NBA & PM 4/5/05, 4/19/05, 5/10/05, 6/1/05, 8/31/05 & 9/27/05).

Howe recalled this came before the Board in the spring. He noted that Springfield acted and approved this proposal. He added that Eugene did not. He said that the Board of Commissioners had not acted on this yet.

MOTION: to move that this be postponed indefinitely.

Dwyer MOVED, Sorenson SECONDED.

VOTE: 5-0.

- b. DISCUSSION/Direction to Staff Regarding Initiation of Proceedings to Either Vacate or Withdraw County Road Status from a Portion of Templeton Road, County Road No. 50, in Section 2 and 11, T. 16 South, Range 2 West, Willamette Meridian.

Ollie Snowden, Public Works, explained that over the years the department had occasionally initiated road vacation requests or road legalization requests. He said that would go to the County Surveyor who would bring it back to the Board

## ATTACHMENT 2

for a hearing. He indicated that because the process broke down recently, they wanted to come back with the engineering division to give information before they go to the County Surveyor.

Frank Simas, Public Works, distributed information and an aerial photo he entered into the record. He said for Templeton Road from High Pass to the haul road is shown as a County maintenance road. He indicated that the center section of the road had not been receiving county maintenance since 1986 and that was when the gate on the north end at Milepost 3.82 was installed. He noted there was a facilities permit for that gate. He reported the road had not been generally open for public use since that time and receives no maintenance. He noted that Paul Templeton recalled on the south end having two additional gates. Simas noted that Templeton stated those gates had never been opened in the past 60 years.

Simas noted around 1970 there was an agreement and the road was moved east. He said it was never followed up with any legal establishment or acquisition of right of way. He said that became the traveled county right of way. He indicated this road had been used for timber harvest transport and the Templeton family and BLM has a 200 acre parcel on the south end of the Templeton property that they utilize Templeton Road to access. He added they also have other ownership on the west and they access it by the BLM easement. He said the easement is not for public use, it would be controlled by the Templeton family and the BLM has the right to use it, but it is not available for public use.

Simas said that BLM sees the non-establishment of alignment as a negative for their timber resource land. He thought there was some doubt since it had never been through an establishment process if they were to allow a timber harvest contract.

Dwyer asked about prescribed rights.

Simas responded if they did have a prescriptive right, they might be required to go to court to perfect it.

Dwyer asked if they know people had been using the road for the past 40 years, why they would want to require them to go to court to preserve their prescribed right. He commented that the BLM wouldn't care about the right to egress or to go in and out. He asked about the other people who were affected on the road.

Simas said the BLM issues are stated in a letter. He noted the Vernas' concerns were the availability of the county road for emergency egress if there is a forest fire. He added people walk on the road. He noted there had been some usage with the people parking at the end of the maintained portion and walking in to go hunting.

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Dwyer commented that the county road status and the public road status are two different things. He noted one deals with maintenance and the other with access. He didn't want to deprive anyone access to the road.

Morrison asked if they made this an actual public road under Lane County guidelines, if they would have to start maintaining the road and bringing it up to current code.

Simas said they could make it a public road but they did not have to maintain it.

Dwyer wanted Option 2.

MOTION: to move to direct the County Surveyor to initiate a vacation proceeding on the superseded section and legalization of the public road proceeding for the as traveled portion and withdraw County road status for the portion of the original right of way between Mile Post 2.432 to 3.77.

Dwyer noted that it would require hearings to protect the people who travel and use the roads.

Dwyer MOVED.

Simas noted he hadn't talked to anyone who wants this to be a through road.

Morrison's concern is that they address it and don't allow it to go on forever without having something done so it takes the issue off the table once and for all.

Simas explained that a public road would be one not maintained by the County and gates could be allowed to remain at the County maintained mileage.

Sorenson asked if they contacted any fire district.

Simas indicated that they contacted the Lane Rural Fire and Rescue, the Oregon Department of Forestry and the Lane County Sheriff and they didn't have any objections to the vacations and withdrawal of County road status. He noted the general public didn't have the ability to go past the gate because they don't have a key.

Sorenson asked if there was a way to reconcile what the property owner was concerned about regarding vandalism and having the road gated. He asked when people from the public who have legitimate reasons to gain access to BLM lands, if they could use the public road.

Simas responded that he didn't know how it could work to provide protection for fire and illegal activity and have public access on a public road basis.

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Sorenson SECONDED.

Stewart asked what the BLM easements were.

Simas indicated that the existing BLM easement was a private easement for the use by the BLM. He said they would have the same rights as the public to access their property. He indicated if it is changed into an access road, there wouldn't be any maintenance on the road.

VOTE 5-0.

### 11. CONSENT CALENDAR

A. Approval of Minutes: None.

B. County Counsel

1) ORDER 05-12-7-3/In the Matter of Approving Amendments and Restatements of the Lane County ICMA and NACo Deferred Compensation Plans to Comply with IRS Code and Regulations.

C. Health and Human Services

1) ORDER 05-12-7-4/In the Matter of Approving the Submission of Continuation Grant Application for the Community Health Centers in the Amount of \$3,299,000 for FY 2006-2007 Through FY 2010-2011 and an Expanded Medical Capacity Grant for FY 2006-2007 and FY 2007-2008 in the Amount of \$1,300,000 To the Federal Department of Health & Human Services.

D. Public Works

1) ORDER 05-12-7-5/In the Matter of Appointing the Investment Manager of the Oregon State Excess Fund as Attorney-in-Fact for Lane County in a Limited Capacity and Authorizing the County Administrator to Sign the Power of Attorney.

MOTION: to approve the Consent Calendar.

Dwyer MOVED, Stewart SECONDED.

VOTE: 5-0.

ATTACHMENT 2

12. **CORRESPONDENCE TO THE BOARD**
13. **COMMISSIONERS' ANNOUNCEMENTS**
14. **REVIEW ASSIGNMENTS**
15. **EXECUTIVE SESSION as per ORS 192.660**

Yes.

16. **OTHER BUSINESS**

There being no further business, Commissioner Morrison recessed the meeting at 11:50 a.m.

Melissa Zimmer  
Recording Secretary