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ORIGINAL

Memorandum Date: October 5, 2009

Order Date: October 21, 2009

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 NAMING SPINDRIFT WAY, A PRIVATE ROAD (17-12-25 & 36)

I. MOTION

To approve the Order to name Spindrifft Way, a private road (17-12-25 & 36).

II. AGENDA ITEM SUMMARY

The Board is being asked to approve the Order to name Spindrifft Way, a private road.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The Lane County Surveyor's Office of the Department of Public Works has received an application from Betz/Evans and Associates and other residents owning property abutting this private road, to name the road Spindrifft Way. As per Lane Manual 15.020 and 15.025, a public hearing is necessary since the signatures on the application represent more than 50% but less than 100% of abutting properties. The naming request is being made to satisfy a Lane County Planning condition of tentative approval for a partition plat submitted by Betz/Evans and Associates (Planning Action number PA 06-5430, tax lots 17-12-36-402, 404) which states "Prior to submitting the final plat for review, the applicant is required to file all necessary applications to formally name the private road easement from the intersection with Rustic Lane to the southwest terminus near tax lot 404".

As part of their August 18, 2009 agenda, the Board of Commissioners approved Resolution and Order No. 09-8-18-6 setting a public hearing date of October 21, 2009 to consider this request for naming.

The private road to be named Spindrifft Way was legally established by separate 40 feet wide easements recorded in the Lane County Office of Deeds and Records on April 11, 1991, Reel 1690R, Reception Number 9116520; on May 13, 1991, Reel 1695R, Reception Number 9122047; and on April 22, 2005, Reception Number 2005-028998.

The road is located in Sections 25 and 36, Township 17 South, Range 12 West of the

Willamette Meridian, approximately 5 miles north of Florence, Oregon east of Highway 101 between Sutton Lake and Mercer Lake, beginning approximately 0.05 mile northwesterly from the junction of Black Bear Road with Rustic Lane, and extends approximately 1.02 miles southwesterly from its junction with Rustic Lane to its terminus in the vicinity of tax lots 404 and 1100 of Assessor's Map 17-12-36. The portion of road to be named Spindrift Way currently serves five addresses.

Notice of this proposed name, "Spindrift Way", was sent to Lane Council of Governments, U.S. Postal Service, "911" Communication Service Center and various county and other public agencies having an interest in road names, including Transportation Planning and Lane County Planning and Rural Addressing sections of the Lane County Department of Public Works, and to the adjoining and other area landowners. Julie Cowan, owner of tax lot 17-12-36-401 having an address of 88985 Rustic Lane, responded with an objection indicating she wants the name to remain Rustic Lane. "911" Communication Service Center responded in support of the naming. Fire Marshall Sean Barrett of Siuslaw Valley Fire and Rescue responded in support of the naming and stated it may make it less confusing to find addresses in the area. The other agencies and landowners either had no objection or did not comment on the proposed name.

In response to this application, the Surveyor's Office is presenting an Order with the requested name of Spindrift Way to the Board of Commissioners for their consideration and approval or denial.

B. Policy Issues

Lane Manual 15.015 states that the Board of County Commissioners shall review and take appropriate action on a road naming or renaming when any private road or private road easement requires a name in order to promote the health, safety and welfare of the public. The naming of this road will satisfy one of Lane County Planning's conditions of tentative approval associated with the primary applicants' partition plat.

C. Board Goals

Part of Lane County's Strategic Plan is to contribute to the safety and well-being of the people within Lane County (Lane County Strategic Plan, Goals, P. 7). The naming of this road will be in conformity with this part of the Strategic Plan in that it will provide for distinct addresses that will facilitate delivery and emergency services along the portion to be named.

D. Financial and/or Resource Considerations

Estimated cost of processing this naming with a public hearing is \$2500. The application fee for road naming is currently \$100. There are no other apparent financial or resource considerations associated with this action.

IV. ANALYSIS

Chapter 15 of the Lane Manual provides a process for the naming and renaming of

roads within the County. An application for naming or renaming of a road may be made by the property owner(s) or persons living along the road, by any public or semi-public agency whose function is affected by road names, or by the Board of Commissioners.

Approving the road naming request would provide for distinct addresses that will assist the public, emergency vehicles, and other service carriers in locating the parcels affected by the naming. The portion of road that was legally named Rustic Lane in 1977 by Board of Commissioners Ordinance Number RN 110-77, from which most Rustic Lane addresses have been taken, is located easterly and southerly from the portion of road herein proposed to be named Spindrift Way, and the naming of Spindrift Way would eliminate the confusing "double fork" effect of Rustic Lane which has previously existed. The naming of this road would satisfy one of Lane County Planning's conditions of tentative approval associated with the primary applicants' partition plat.

The proposed name meets all the naming criteria listed in Chapter 15 of the Lane Manual.

Requirements for notice have been met, and the Board has the authority to name this private road.

The applicants have submitted a valid application and are qualifying applicants as stated in Lane Manual 15.020(2)(a).

V. ALTERNATIVES/OPTIONS

The Board of County Commissioners has the option to:

1. Support naming this private road Spindrift Way.
2. Propose a different name for the road and proceed with the usual road naming process for the new proposed name.
3. Continue the naming procedures for further consideration.
4. Discontinue the naming proceedings.

VI. TIMING/IMPLEMENTATION

Timing is important in this matter, as the naming of this road will provide for establishment of distinct addresses for existing and recently established parcels, and will facilitate satisfaction of requirements for future parcel development regarding road naming and addressing.

VII. RECOMMENDATION

It is recommended that the Board support Option Number 1, naming this private road Spindrift Way.

No objections to the proposed name have been received from any of the various county and public agencies that the notice was sent to. The general public will benefit by this action in that emergency and mail delivery vehicles, as well as the public, will be able to locate properties by addresses with a distinct road name.

VIII. FOLLOW-UP

If the Board of County Commissioners approves the Order to name this private road, it is to be forwarded to the Lane County Clerk for filing, after which copies are to be forwarded to the County Surveyor, County Assessor and Rural Addressing section of the Land Management Division for appropriate action. If the Order is denied, an Order to Deny will be presented to the Board at a later regularly scheduled meeting.

IX. ATTACHMENTS

Order w/attachments:

Exhibit A—Affidavit of Posting, Publication and Mailing
Attachment - Site Map

Contact Person: Mike Jackson x-4198

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

**IN THE MATTER OF NAMING SPINDRIFT WAY, A) ORDER NO.
PRIVATE ROAD (17-12-25 & 36))**

WHEREAS, this matter now coming before the Board, upon Resolution and Order Number 09-8-18-6, for the proposed naming of Spindrift Way, a private road; and

WHEREAS, the Lane County Surveyor's Office of the Department of Public Works has received a valid application from Betz/Evans and Associates and other residents owning property abutting the private road proposed to be named Spindrift Way; and

WHEREAS, the naming request is being made in order to satisfy a Lane County Planning condition of tentative approval for a partition plat submitted by Betz/Evans and Associates (Planning Action number PA 06-5430, tax lots 17-12-36-402, 404); and

WHEREAS, in accordance with Lane Manual 15.020 and 15.025, a public hearing is necessary for processing this action since the signatures on the application represent more than 50% but less than 100% of abutting properties; and

WHEREAS, the private road to be named Spindrift Way was legally established by separate 40 feet wide easements recorded in the Lane County Office of Deeds and Records on April 11, 1991, Reel 1690R, Reception Number 9116520; on May 13, 1991, Reel 1695R, Reception Number 9122047; and on April 22, 2005, Reception Number 2005-028998; and

WHEREAS, the subject road is located in Sections 25 and 36, Township 17 South, Range 12 West of the Willamette Meridian, approximately 5 miles north of Florence, Oregon east of Highway 101 between Sutton Lake and Mercer Lake, beginning approximately 0.05 mile northwesterly from the junction of Black Bear Road with Rustic Lane, and extends approximately 1.02 miles southwesterly from its junction with Rustic Lane to its terminus in the vicinity of tax lots 404 and 1100 of Assessor's Map 17-12-36; and

WHEREAS, confusion has existed that the portion of road to be named Spindrift Way is a part of Rustic Lane; and

WHEREAS, the portion of road that was legally named Rustic Lane in 1977 by Board of Commissioners Ordinance Number RN 110-77, from which most Rustic Lane addresses have been taken, is located easterly and southerly from the portion of road herein proposed to be named Spindrift Way; and

WHEREAS, the naming of Spindrift Way would eliminate the confusing "double fork" effect of Rustic Lane which has previously existed; and

WHEREAS, the portion of road to be named Spindrift Way currently serves five addresses; and

WHEREAS, the proposed name, Spindrift Way, meets all the criteria in Lane Manual Chapter 15; and

WHEREAS, Lane Council of Governments, U.S. Postal Service, "911" Communication Service Center and various county and other public agencies having an interest in road names, including Transportation Planning and Lane County Planning and Rural Addressing sections of the Lane County Department of Public Works, and the adjoining and other area landowners were notified by mail regarding the proposed road naming; and

WHEREAS, Julie Cowan, owner of tax lot 17-12-36-401 having an address of 88985 Rustic Lane, responded with an objection indicating she wants the name to remain Rustic Lane; and

WHEREAS, "911" Communication Service Center responded in support of the naming; and

WHEREAS, Fire Marshall Sean Barrett of Siuslaw Valley Fire and Rescue responded in support of the naming and stated it may make it less confusing to find addresses in the area; and

WHEREAS, the other agencies and landowners either had no objection or did not comment on the proposed name; and

WHEREAS, authority was granted to Lane County by Lane Code Chapter 15 and the Lane County Home Rule Charter regarding procedures and requirements relating to the naming and renaming of roads in Lane County; and

WHEREAS, Lane County has jurisdiction for the naming of this private road; and

WHEREAS, notice has been provided in accordance with Lane Manual 15.025(9), including notification of these proceedings by posting, publication and mailing to abutting owners by the County Surveyor, and evidenced by the Affidavit of Posting, Publication and Mailing dated October 5, 2009, marked as Exhibit "A", attached hereto and made a part hereof by this Order; and

WHEREAS, all procedures under the provisions of Lane Manual Chapter 15 related to road naming and renaming have been complied with; and

WHEREAS, the applicants have submitted a valid application and are qualifying applicants as stated in Lane Manual 15.020(2)(a); and

WHEREAS, the Board is of the opinion that approving the naming as applied for is in the best interest of the public; now, therefore, it is hereby

ORDERED, that the private road above described, and as shown on the site map attachment included herewith, is hereby named Spindrift Way; and it is further

ORDERED, that this Order be entered into the Lane County Board of Commissioners Journal of Administration.

DATED this _____ day of _____, 2009.

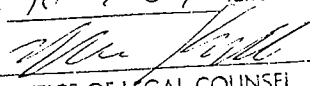
Chair
LANE COUNTY BOARD OF COMMISSIONERS

Attachments:

- Exhibit A—Affidavit of Posting, Publication and Mailing
- Attachment—Site Map

APPROVED AS TO FORM

Date 10-4-09 lane county



OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

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

IN THE MATTER OF NAMING SPINDRIFT WAY, A) AFFIDAVIT OF POSTING,
PRIVATE ROAD (17-12-25 & 36)) PUBLICATION
) AND MAILING

I, Mike Jackson, Lane County Surveyor, certify as follows:

That on the 23rd day of September, 2009 I caused to be posted four (4) copies of the Notice of Hearing in the above entitled matter in four places, positioned to be visible to the traveling public, as follows:

1. Posted on a 4" x 4" x 8' sign post bearing signs that read Rustic Lane and Black Bear Road on the southerly side of Rustic Lane and the easterly side of road to be named Spindrift Way at the true junction of Rustic Lane with the beginning of the subject road to be named Spindrift Way.
2. Posted on a 4" x 4" x 8' sign post bearing signs that read Rustic Lane and Black Bear Road on the easterly side of the true Rustic Lane and southerly side of Black Bear Road, this junction being approximately 0.05 miles southeasterly from the junction described in #1 above.
3. Posted on a 6" x 6" x +/-20' wooden pole bearing two communications receivers at milepost 0.4 of the road to be named Spindrift Way, on the westerly side of said subject road, just northerly from its junction with a road to Heceta Water District water tank.
4. Posted on a 6" x 6" x 7' gate post supporting a locked chain link gate across the road to be named Spindrift Way at milepost 0.8 of said subject road.

I further certify that on the 17th day of September, 2009 notice was sent by General Mail to the abutting property owners affected by the proposed road action and to private and public agencies having an interest in these road naming proceedings, in accordance with Lane Manual Chapter 15. Also, on October 14, 2009 notice is scheduled to run in the Register Guard, and on October 14, 2009 notice is scheduled to run in the Siuslaw News.



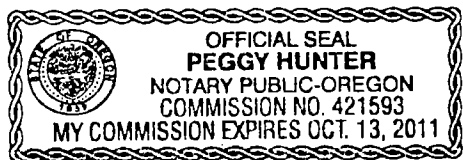
Mike Jackson
Lane County Surveyor

State of Oregon)
County of Lane)

Subscribed and sworn to before me this 5th day of October, 2009 by
Mike Jackson.



NOTARY PUBLIC FOR OREGON
My Commission Expires:



ATTACHMENT

SECTIONS 25 & 36, TOWNSHIP 17 SOUTH,
RANGE 12 WEST, WILLAMETTE MERIDIAN
LANE COUNTY

NOT TO SCALE

