



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: October 16, 2024

SUBJECT: Approval of Order Number 2024-040 establishing Wood Avenue and a portion of NW 39th Avenue as County Roads

RECOMMENDED MOTION:

Move approval of Order Number 2024-040 establishing Wood Avenue and a portion of NW 39th Avenue as County Roads.

BACKGROUND AND POLICY IMPLICATIONS:

A *public road* is a road over which the public has a right of use that is a matter of public record (Oregon Revised Statute (ORS) 368.001(5)). The Board of County Commissioners has jurisdiction over all public roads in Deschutes County that are not state highways, federal roads, or city streets. This jurisdiction applies to the exercise of governmental powers relating to a road, such as matters associated with land use planning and permitting, health and public safety, and the Oregon Vehicle Code.

A *county road* is a public road under the jurisdiction of Deschutes County that has been designated as a county road by resolution or order of the Board of County Commissioners (ORS 368.001(1) and 368.016). County roads in Deschutes County are operated and maintained by Deschutes County Road Department.

A *local access road* is a public road under the jurisdiction of Deschutes County that is not a county road (ORS 368.001(3) and 368.031). Local access roads are not operated and maintained by Deschutes County Road Department, as the County is prohibited by state law from spending county funds on local access roads except in certain situations, such as emergencies.

Wood Avenue was recently improved as part of the US20: Tumalo to Cooley Road project, a cooperative improvement project between Deschutes County and the Oregon Department of Transportation. Prior to the project, Wood Avenue was a stubbed local access road that only connected to Bailey Road. With the project, Wood Avenue was widened and extended south to O.B. Riley Road to provide a connection between Bailey Road and US20 via O.B. Riley Road, as left turns onto Bailey Road from westbound US20 are no longer possible

with the roundabout improvements on US20. Wood Avenue, which was improved with County road funds, now carries higher traffic volumes due to through traffic between Bailey Road and O.B. Riley Road; as such, Road Department staff find that it is appropriate to include Wood Avenue as part of the County-maintained system.

In 2006, the Board of County Commissioners adopted Resolution Number 2006-049, declaring a suspension on the establishment of new public roads created by private land development as county roads due to declining road funds. At the time of adoption of the resolution, a list of land use applications had been approved but not yet initiated; as such, the resolution indicated that proposed roads in those developments would be considered for acceptance as county roads. "TP-06-971", approved earlier in 2006, was included in that list of land use applications.

The 2006 suspension resolution was superseded in 2009 with Resolution Number 2009-118, which continued the suspension on the establishment of new public roads created by private land development as county roads; however, the 2009 suspension resolution did not list any exceptions for ongoing land use applications. Current Road Department staff believe that this was an oversight, as some of the land developments listed in the 2006 resolution had not been completed by 2009.

The Glenn Meadow, Phase III subdivision plat, which was approved under TP-06-971 in 2006, was recorded in March 2019 and included a segment of NW 39th Drive contiguous with county road segments on either end. Road Department staff find that it is appropriate to include the segment of NW 39th Drive within the Glenn Meadow, Phase III subdivision as part of the County-maintained system to honor the intent of the 2006 resolution and to provide contiguous County maintenance of the loop road.

Adoption of Order Number 2024-040 will establish Wood Avenue and the segment NW 39th Drive within the Glenn Meadow, Phase III subdivision as county roads and will allow for continued County maintenance of those roads.

BUDGET IMPACTS:

No initial budget impacts would occur, and minimal ongoing budget impacts are anticipated. The subject road segments would comprise approximately 0.42 mile of additional road into the County-maintained road system. The subject road segments exist within localized road grids that are already maintained by the Road Department.

ATTENDANCE:

Cody Smith, County Engineer/Assistant Road Department Director