

Chapter 12.06

RS2477 ROADS

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12.06.010 Definitions. The following definitions apply to this chapter:

A. The definitions contained in ORS 368.001 shall apply to the terms "county road", "local access road", and "public road".

B. "RS 2477 road" means any county road or local access road in Douglas County that has been created on right of way granted pursuant to Revised Statute 2477 (43 US 932). (Ord. 94-8-1, 1994)

12.06.020 Short title. This chapter shall be known as "RS 2477 ordinance". (Ord. 94-8-1, 1994)

12.06.030 Purpose. This ordinance is designed to promote participation by the board and the citizens of Douglas County in any programs, regulations, decisions, and other actions of agencies of the United States that affect or purport to affect the status of any RS 2477 road, and to preserve the jurisdiction of the board over all RS 2477 roads. This chapter shall be liberally construed to protect the economy of the county and to promote the interests of the citizens of Douglas County in the management of public lands. (Ord. 94-8-1, 1994)

12.06.040 Jurisdiction.

A. The board reserves its rights to exercise jurisdiction over RS 2477 roads, including but not limited to its jurisdiction over vacation of RS 2477 roads.

B. Unless an RS 2477 road has clearly been established as a county road it shall be deemed a local access road.

C. Douglas County shall have no obligation or duty to reconstruct, maintain, or repair any RS 2477 road unless:

1. the road is classified as a county road; or
2. reconstruction, maintenance, or repair has been authorized pursuant to

ORS 368.031.

D. The board is not obligated to intervene or participate in any dispute between

property owners concerning the status of any RS 2477 road.

E. The degree to which the board takes or refrains from taking any action concerning any RS 2477 road is within the exclusive discretion of the board, unless the board is expressly required by law to take a specific action. (Ord. 94-8-1, 1994)

12.06.050 Vacation of roads. No RS 2477 road shall be obliterated, obstructed, abandoned, or closed without a finding by the board, pursuant to vacation proceedings before the board, that such action is in the public interest. The board shall not vacate an RS 2477 road without public notice and a public hearing in accordance with ORS 368.326 to 368.366 and ORS 368.401 to 368.426. (Ord. 94-8-1, 1994)

12.06.060 Acts of federal agencies. The board shall request written notice of any proposed action of a federal agency to close any road which may have been established as an RS 2477 road. The board shall participate in any proposed action to the extent the board deems necessary to protect the county's interest in any RS 2477 road. By participating in the proposed action of a federal agency the board shall not be deemed to waive its jurisdiction over RS 2477 roads under Oregon law. (Ord. 94-8-1, 1994)

12.06.070 Development. Establishment or recognition of an RS 2477 road under this chapter shall not abrogate, modify, or otherwise change any legal requirements for development of property that has access by such road or allow use or development of property in violation of federal, state, or local law, including land use ordinances. (Ord. 94-8-1, 1994)