



OPINION

Offbeat Oregon History: The 804 road



The Oregon State Parks Department is not usually known for taking public access away from people. But with a hasty and heavy-handed move to establish Smelt Sands Park in Yachats, it did just that — and Yachats residents, for the next 10 years, lost their access to part of the shoreline as a result.

In the days of the pioneers along the Oregon Coast, the few residents in the area of what's now Yachats got their supplies from Waldport, seven miles to the north. To get to Waldport, they traveled on the beach — part of the popular usage of beaches for transportation that led Governor Oswald West to officially designate them as state highways.

But when that sandy "highway" reached a certain point, close to what's now Yachats, the beach

ran out, and was replaced with a jagged line of rocky outcroppings jutting right into the sea.

Fortunately, just behind those rocks was a lovely flat shelf of land, and across that grassland there was already a footpath that paralleled the sea; the Native Americans of the area, faced with the same transportation challenges as the newcomers, had already solved the problem.

The settlers improved the trail to make it into a wagon road, and that wagon road became County Road 804. Yachats residents used it regularly until 1916, when an inland route was built (following what would later be Highway 101).

After that, the 804 road fell into disuse. But local residents continued to use it as a walking path — and, of course, any of them was welcome to bring a vehicle on it any time.

Half a century rolled by. Then, suddenly, everything changed. The Oregon State Parks Department wanted to develop a park at Smelt Sands, and the 804 Road bisected it. In order to legally make their park, they needed the county to vacate the right of way.

Well, the county didn't move quickly enough for the parks department's taste, so in 1977 they got heavy: They appealed to the state attorney general. The A-G responded with a ruling holding that because it had not been "maintained" since 1916, the 804 Road right-of-way was effectively vacated. Essentially, the A-G ignored the road's considerable foot traffic, and, pointing to the absence of cars using it, claimed it had already been abandoned.

And, just like that, the 804 Road was gone. In blissful and happy ignorance of the damage they'd just done, the parks department got started on Smelt Sands. And, of course, some of the property owners across on whose property the 804 Road had fronted now moved to exclude their neighbors from using it.

There followed a ten-year legal civil war in Yachats, pitting neighbor against neighbor. 804 Road partisans argued that a public easement already existed, independent of the road — essentially through squatters' rights, because it had been in continuous unchallenged use for 60 years. What they hoped would be overlooked was the fact that the reason that use had gone unchallenged was that no one would ever challenge users of a county road the way they would squatters on private land.

804 Road opponents argued that it was now unencumbered private property, and vacating the road having extinguished the public's right to use

it, they were within their rights to decide if they'd allow access or not; and, furthermore, they argued that letting anybody cross their property would invite trouble and vandalism unless it were policed, which there were no plans to do. What they hoped would be overlooked was the fact that as far as anyone knew, no one had ever before tried to vacate a right-of-way for a road that was in active use.

Of course, the whole thing ended up in court. The result was a victory for the public-access side of the argument; the property owners appealed the ruling to the Supreme Court, which upheld the ruling in 1985.

And finally, in 1990, after all the surveying and platting and planning was finished, the 804 Trail was handed off to the Oregon State Parks Department — and for the first time in 13 long years, residents of Yachats could walk the 804 trail unchallenged.

A half-dozen or so years later, after the wounds and scars of battle had healed, the department negotiated to acquire an oceanfront right-of-way south of Smelt Sands, to extend the 804 trail all the way to the Yachats River. This trail had to be partly routed on roads, but they're nice quiet roads, and the overall experience isn't much diminished.

Incidentally, it was on the original 804 Road, the three-quarter-mile stretch that's now called the 804 Trail North, during an early-morning walk by the sea in the summer of 2008, that plans for the Offbeat Oregon History newspaper column were conceived and largely doped out.

LETTERS TO THE EDITOR

In support of Measure 20-278

I am writing this letter to the editor to support the RENEWAL of the South Lane County Fire & Rescue levy. The proposed local option levy renewal will continue to impose \$.47 per \$1,000 of assessed value for general operations for five more years allowing the continued excellent service we currently receive.

In addition, the continued presence of 24/7/365 staffing assists in maintaining the District's ISO Rating of 2/4/10W. ISO is the acronym for Insurance Services Office, an organization that is an advisory and rating organization for the property/casualty insurance industry to provide statistical and actuarial services (many home owners' insurance companies use this information to set home owner's insurance rates). The ISO rate mentioned above likely reduces your home owner's insurance by an equal or greater amount than the levy amount on your property tax bill.

Without the additional tax revenue generated by the levy, the District will be forced to reduce existing staffing levels and cut service, negatively impacting the District's service area and ISO rating. Specifically, the District would reduce or eliminate its paramedic level ambulance service due to the elimination of up to nine (9) firefighter/paramedic positions District wide.

To sum all of this up — The levy is a RENEWAL so your property taxes won't go up by its passage, your home owner's insurance is

likely lower (check with your insurance company if it isn't) because the levy is in place and we will see dramatic cuts in services if we don't continue the levy. I hope that you will help support our community and yourself by voting yes to ballot measure 20-278.

Mike Fleck
Cottage Grove

More support for fire levy

It was approximately 2:24 am when I witnessed my husband's heart stop beating, his breathing stop, and his body go limp. I immediately called 911 and was walked through administering CPR. What seemed like hours of chest compressions had only been a few minutes before the paramedics were at my door. Because of their quick response time my husband has been given a second lease on life! Some of you may have experienced a similar situation, others may have never had to use South Lane Fire District's services but you never know when you might. If this levy is not renewed, I hate to think how differently things might turn out because every second counts. Join me in supporting levy 20-278 and vote yes to renew the levy and maintain the amazing services we receive. The cost to maintain those services? - 47 cents per \$1,000 of assessed value. The benefit of receiving those services? - Priceless!!

Beth Martin

Have something to say?
Write a letter to the editor by emailing cmay@cgsentinel.com.



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Subscription Mail Rates in Lane and Portions of Douglas Counties:

Ten Weeks \$9.10
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In foreign countries, postage extra.

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Periodicals postage paid at Cottage Grove, Oregon.

Postmaster: Send address changes to P.O. Box 35, Cottage Grove, OR 97424.

Local Mail Service:

If you don't receive your Cottage Grove Sentinel on the Wednesday of publication, please let us know.
Call 942-3325 between 8:30 a.m. and 5 p.m.

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