

AGENDA COVER MEMO

W. S. A.
05-1-12-3

DATE: January 12, 2005
TO: Lane County Board of Commissioners
FROM: Public Works, Engineering Administration
PRESENTED BY: Sonny P. A. Chickering, County Engineer

**AGENDA
ITEM TITLE:** ORDER _____ /IN THE MATTER OF REAFFIRMING THE DESIGN
CONCEPT FOR BERNHARDT HEIGHTS ROAD, ADOPTED BY THE
BOARD 4 DECEMBER 2002 BY ORDER NUMBER 02-12-4-2, AND
APPROVING A MODIFIED ALIGNMENT.

I. MOTION

THAT THE RESOLUTION AND ORDER BE ADOPTED REAFFIRMING THE DESIGN CONCEPT FOR BERNHARDT HEIGHTS ROAD, ADOPTED BY THE BOARD 4 DECEMBER 2002 BY ORDER NUMBER 02-12-4-2, AND APPROVING A MODIFIED ALIGNMENT.

II. ISSUE OR PROBLEM

In 2002, the Board approved a design concept realigning Bernhardt Heights Road. While proceeding with the approved realignment, staff modified the alignment plan after further analysis. In addition, public comments from July 2004 indicated preference for fixing the existing alignment.

A public hearing was held before the Board on December 8, 2004 to again review the project alternatives and hear from residents on Bernhardt Heights Road. After the hearing, the Board gave support to the staff recommended alignment, but requested a more detailed cost estimate to account for guardrail and other improvements to the existing Bonneville Power Administration access road. This memo provides that information, and Board approval is sought for the modified realignment as discussed at the December 8 meeting.

III. DISCUSSION

A. Background.

The Board held a public hearing on November 6, 2002 to consider the realignment of the subject road. On December 4, 2002 the Board amended the 03-07 Capital Improvement Program (CIP) to include the Bernhardt Heights Realignment project under the General Construction Category in the amount of \$160,000 and in the Right-of-Way category for \$15,000. The Board also adopted a project design concept document. The project carried over to the 04-08 CIP document and was listed at the same cost. In May of 2004, a revised project cost of \$350,000 under General Construction and \$35,000 under Right-of-Way Acquisition was added to the 05-09 CIP and adopted by the Board.

Bernhardt Heights is a Rural Local Road serving nine private residences with an Average Daily Traffic (ADT) of 70. Zoning in the area is Rural Residential and Impacted and Nonimpacted Forest Lands. No new residential units are possible in the current 5-acre minimum rural residential zone--a zone change would need to be approved to allow smaller lot land divisions before growth could occur. Bernhardt Heights dead-ends and does not connect to any other public road outside of the highway.

B. Analysis.

The Board concurred with staff at the December 8 meeting that fixing the existing alignment is not a viable alternative for providing safe access to the properties on Bernhardt Heights Road. The Board affirmed their support for realigning the road, with the modified alignment as the preferred choice (alternative 2 in the December 8 Agenda Cover Memo). This is described below with a more detailed cost estimate as requested by the Board.

Modified Alignment

Construction of this alignment, from the point it diverges from the Bonneville Power Administration (BPA) access road to its endpoint, is estimated to cost \$330,000. Project right-of-way is estimated at \$35,000.

As requested by the Board, the cost associated with providing improvements to the BPA access road (including materials, equipment, and personnel) is estimated at \$15,000 for base rock reconditioning, \$10,000 for application of a chip seal, and \$50,000 for guardrail upgrades. County forces would conduct this work with the estimated total of \$75,000 coming from the maintenance budget.

The original alignment chosen by the Board utilizes the existing access road owned by BPA. The access road is approximately 2,600 feet long. It then transitions to a gravel logging road that accesses adjacent properties. The modified alignment will still use the BPA access road, but it takes a different course at the transition to the gravel section. This alignment is shown in Exhibit A to the attached Board Order. Exhibit A also shows the length of existing guardrail to be considered for upgrade.

The modified alignment provides some benefit over the original in the following manner:

- Decreased right-of-way impact to private property owners due to substantially more of the route traversing public property (BPA).
- Potential impacts to threatened and endangered species habitat appear to be greatly reduced.
- Requires a single drainage crossing as opposed to 2 on the original alignment. This reduces excavation work and wetland resource replacement requirements.
- Avoids impacting water sources for residents.
- Helps BPA with a maintenance issue for the main tower. BPA recently sold the Florence trunk line and right-of-ways to Lincoln PUD. In doing so, BPA sold all easement access to their main tower that carries power lines over the

Siuslaw River. The modified alignment would be able to provide access to the main tower from a public roadway.

- A major goal of the modified alignment is to take advantage of existing property lines for alignment, thereby reducing impacts to any one property owner.

Staff continues to communicate with the BPA and the railroad operator to refine the necessary agreements for construction of the new alignment.

C. Alternatives/Options.

- 1) **Approve the Order authorizing realignment of Bernhardt Heights Road on the modified alignment shown in Exhibit A to the Order.**
- 2) **Modify or terminate the project.**

D. Recommendation.

Alternative/Option 1 - Sign the Order authorizing Public Works staff to complete the modified alignment, including necessary improvements to the existing BPA access road.

IV. IMPLEMENTATION/FOLLOW-UP

Staff will inform the residents of the Board's action.

ATTACHMENTS

Board Order with Exhibits:

- A – modified alignment for Bernhardt Heights Road
- B – List of properties from which project right-of-way may be acquired

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

ORDER NO.)
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WHEREAS, the Bernhardt Heights Road project has been approved with an increased funding amount of \$350,000 for construction and \$35,000 for right-of-way through adoption of the FY 2005-2009 Capital Improvement Program in May 2004; and

WHEREAS, the Bernhardt Heights Road Design Concept and Findings was originally adopted by the Board on December 4, 2002 by Order No. 02-12-4-2; and

WHEREAS, as County staff proceeded toward construction of the Bernhardt Heights Road project as authorized by the Board, additional analysis produced a modified alignment plan as shown in Exhibit A; and

WHEREAS, the modified alignment was presented to the Board at the December 8, 2004 public hearing; and

WHEREAS, the Board reaffirms the findings of the 2002 design concept in support of realigning Bernhardt Heights Road; and

WHEREAS, the Board supports modification of the road alignment as shown in Exhibit A; and

WHEREAS, properties from which right-of-way may be acquired for the project are shown in Exhibit B; and

WHEREAS, the Board concurs in the necessity of the improvement and believes that the proposed project is most compatible with the greatest public good and the least private injury; **NOW THEREFORE, BE IT**

RESOLVED, that the Board approve the modified alignment from Exhibit A; **AND, BE IT**

RESOLVED, that staff prepare a right-of-way plan necessary to construct the road; pursue all necessary planning actions; acquire right-of-way and prepare plans and specifications for improvement of Bernhardt Heights Road, pursuant to this Order and Order No. 02-12-4-2, which contains the original Board authorization and attached Bernhardt Heights Road Design Concept and Findings; **AND, BE IT**

RESOLVED, that under the authority granted in ORS Chapter 35 and consistent with ORS Chapter 281, that there exists a necessity to acquire and immediately occupy real property in order to realign Bernhardt Heights Road to serve the needs of Lane County for the general use and benefit of Lane County; **AND, BE IT**

RESOLVED AND ORDERED, that the Director of the Department of Public Works or the Director's representative is hereby delegated the authority to purchase the necessary real property in accordance with Lane Manual Chapter 21 and to execute related instruments to accomplish the property acquisition. If Lane County is unable by negotiations to reach an agreement for the acquisition of the

necessary real property rights, the Office of Legal Counsel of Lane County is hereby authorized to commence and prosecute in the Circuit Court of Lane County, in the name of Lane County, any necessary proceedings for the condemnation and immediate possession of necessary real property rights and for the assessment of damages for the taking thereof.

DATED this _____ day of _____ 2005.

Chair, Lane County Board of Commissioners

WITNESS MY HAND

1-4-05 Lane County



IN THE MATTER OF REAFFIRMING THE DESIGN CONCEPT FOR BERNHARDT HEIGHTS ROAD,
ADOPTED BY THE BOARD 4 DECEMBER 2002 BY ORDER NUMBER 02-12-4-2, AND APPROVING A
MODIFIED ALIGNMENT.



Bernhardt Heights Road Lane County Road No. 5052

No Scale

Design Alignment
Existing Guardrail

Legend:



EXHIBIT B

Lane County Department of Public Works
Road Assessment System Property Listing - Sorted by Parcel Number
Bernhardt Heights Road

Parcel Number	Tax Lot Information	Account Number	Name and Address
1358-01	18-11-16-00		CENTRAL OREGON & PACIFIC RAILROAD 400 WEST 15TH STREET SUITE 1700 AUSTIN, TX 78701-
1358-02	18-11-15-00 TL #1100	0770337	COAST MARINA AND RV PARK PO BOX 1218 FLORENCE, OR 97439-
1358-03	18-11-16-00 TL #100	0770428	DAVIDSON INDUSTRIES, INC PO BOX 7 MAPLETON, OR 97453-
1358-04	18-11-16-00 TL #701	1060506	BONNEVILLE POWER ADMIN PO BOX 3261 PORTLAND, OR 97208-
1358-05	18-11-16-00 TL #600	0770493	BONNEVILLE POWER ADMIN PO BOX 3261 PORTLAND, OR 97208-
1358-06	18-11-16-00 TL #503	1304458	MORSE WENDELL & VERNA E PO BOX 1237 FLORENCE, OR 97439-
1358-07	18-11-16-00 TL #1001	1367380	PERKINS ARTHUR Y 7681 BERNHARDT HEIGHTS RD FLORENCE, OR 97439-
1358-08	18-11-16-00 TL #500	0770469	PETERSON GARY M & DEBORAH L PO BOX 2174 FLORENCE, OR 97439-
1358-09	18-11-16-00 TL #501	1645603	GRAY DANIEL A 7697 BERNHARDT HEIGHTS RD FLORENCE, OR 97439-

Monday, November 29, 2004

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EXHIBIT B

Lane County Department of Public Works
Road Assessment System Property Listing - Sorted by Parcel Number
Bernhardt Heights Road

Parcel Number	Tax Lot Information	Account Number	Name and Address
1358-10	18-11-16-00 TL #505	1645512	WILLS LINN W & KATHY A 07549 HWY 126 FLORENCE, OR 97439-