

W. S. B.

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**AGENDA COVER MEMO**

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**DATE:** May 5, 2006  
**TO:** Lane County Board of Commissioners  
**DEPARTMENT:** Public Works  
**PRESENTED BY:** Sonny Chickering, County Engineer  
**AGENDA ITEM TITLE: ORAL REPORT/STATUS REPORT ON CITY OF EUGENE'S RIVER AVENUE IMPROVEMENT PROJECT**

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**I. MOTION**

None Requested.

**II. ISSUE OR PROBLEM**

The City of Eugene Plans to proceed with plans to construct improvements to River Avenue as soon as June 2006.

**III. DISCUSSION**

**A. Background:**

By order 05-2-9-5 dated February 9, 2005, the Board of County Commissioners approved the improvement of River Avenue from a point 200 feet east of River Road to a point 100 feet west of Beltline and authorized the City of Eugene to assess benefiting properties outside city limits in connection with the project.

Subsequent to the approval of the Order, the Board received a number of contacts from landowners whose property abuts the project area. The Board revisited the issue at its meeting on March 30, 2005, and heard a report from Kurt Corey, Eugene Public Works Director, wherein he assured the Board that the City would hold a hearing on the project on April 11, 2005, at which time City staff would have an opportunity to hear the concerns of affected property owners and interested parties regarding the scope of the project and the estimated costs proposed to be assessed to abutting owners.

The Board decided not to rescind the Order, but voted to authorize the chair to send a letter to Mayor Piercy regarding the project requesting that the concerns of the abutting owners be given consideration when making the decision as to whether to proceed with the project after the April 11, 2005 public hearing. A copy of the letter that was sent on behalf of the Board of County Commissioners is attached and marked as Attachment 1.

## **B. Analysis:**

Subsequent to the Public Hearing on April 20, 2005, the City Council voted against the formation of a Local Improvement District, cancelled the bid award and directed City staff to solicit additional input from property owners and stakeholders with the goal of modifying the design to gain greater acceptance on the part of property owners and users of the street.

Consistent with that direction, the City Public Works staff has now completed additional public outreach in connection with the project including abutting property owners, stakeholders and other interested parties, and has made revisions to the original design for the project that have the support of the stakeholders group.

The City Council approved the revised design concept for the project in December 2005, and sent a project update to owners, residents and interested parties on March 14, 2006. That letter identified a potential increase in the amount of the assessments of 15-20% over the originally-estimated amount of \$193,051.29. No objections from property owners were received in response to that letter.

The City held a Public Hearing to present the revised design on April 5, 2006, which was attended by about 15 people, and plans to hold a hearing regarding the formation of a Local Improvement District on June 6 or 7, 2006, with a bid opening scheduled for May 25, 2006.

On April 11, 2006, Mark Schoening, City Engineer, sent a letter to Sonny Chickering, County Engineer, updating him on the current status of the project and the efforts on the part of City Staff and the Council with regard to the concerns cited in the April 6, 2005 letter to the Mayor from the Board. A copy of Mr. Schoening's letter is included and marked as Attachment 2.

County Counsel reviewed Order 05-2-9-5 and has concluded that an additional Order approving the project and authorizing assessment outside city limits is not necessary, as the original Order is valid and has not been rescinded. The design details of the original project that have changed from the original design are:

- (a) 7-foot wide grassy bioswales for water quality on both sides of River Avenue between the curb and the sidewalk where possible, from River Road to a point just east of the Post Office instead of a piped storm system only.
- (b) a 7-foot vegetated bioswale for water quality on the south side of River Avenue in front of the Waste Water Treatment Plant from just east of the post office to the east end of River Avenue near the Beltline Highway, instead of piped storm system only.
- (c) All sidewalks are now 5 feet wide, instead of 7 feet wide for curbside and 5 feet wide for setback sidewalks.
- (d) On-street bike lanes (5 feet wide) on both sides from River Road stopping just east of the post office near the River Trail, instead of bike lanes for the entire length of River Avenue.
- (e) a 12-foot wide concrete multi-use path on the south side of River Avenue from a point just east of the Post Office to the east end of River Avenue near the Beltline Highway, instead of bike lanes on both sides of the street the entire length and no multi-use path.

(f) a continuous two-way left turn lane from just east of River Road to the east end of River Avenue near the Beltline Highway, instead of a turn lane only as far east as Ross Lane.

(g) a 5-foot curbside sidewalk on the north side of River Avenue from just east of the post office to the east end of River Avenue near the Beltline Highway, instead of a 7-foot wide sidewalk that was set back from the curb in a few areas to allow for a planter area.

(h) Trees on the north side of River Avenue from a point just east of the Post Office to the east end of River Avenue near the Beltline Highway to be planted at property owner discretion, instead of for the entire length of the project and on both sides of the street as in the original design which proposed the planting of trees at 30 feet on center.

### **C. Alternatives/Options**

This is an informational item only.

### **D. Recommendations**

Not applicable.

## **IV. IMPLEMENTATION/FOLLOW-UP**

None Required.

## **V. ATTACHMENTS**

Attachment 1 - Letter from Chair, dated April 6, 2005

Attachment 2 - Letter from Mark Schoening, dated April 11, 2006

Attachment 3- Order 05-2-9-5



## Lane County Board of Commissioners

Bill Dwyer  
Bobby Green, Sr.  
Faye Hill Stewart  
Anna Morrison  
Peter Sorenson

April 6, 2005

The Honorable Kitty Piercy, Mayor  
City of Eugene  
Eugene City Hall  
777 Pearl Street  
Eugene, OR 97401

Re: Improvement of River Avenue

Dear Mayor Piercy and members of the City Council:

On February 9, 2005, through Resolution and Order 05-2-9-5, the Board of County Commissioners approved the City's proposed improvement of River Avenue, and authorized the City to assess benefiting properties outside the City limits for a portion of that improvement. Since that time, the Board has received a number of contacts from landowners whose properties abut River Avenue.

Those individuals raised questions about the size, scope and cost of the project. In response to those comments, the Board, at its March 30, 2005 meeting, revisited the issue. During that review, Kurt Corey, Eugene Public Works Director, assured the Board that the City Council would hold a public hearing on the improvement project on April 11. Mr. Corey also assured the Board that the Council, if it so desired, could modify the scope of the project following that hearing.

After discussion, the Board chose not to rescind Order 05-2-9-5. However, the Board did express its concerns over the design and overall need for the project.

Specifically, the Board believes that:

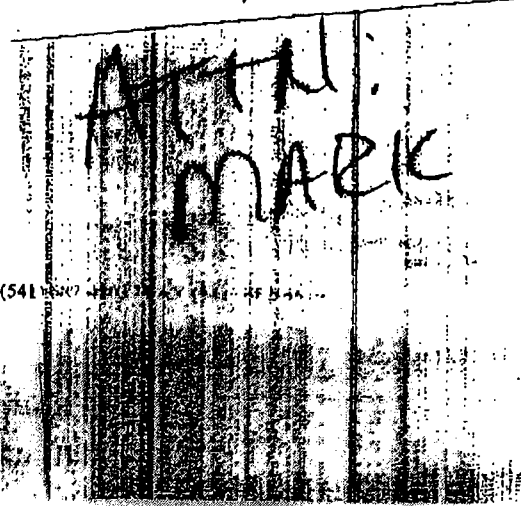
- a. there was insufficient community involvement associated with the project.
- b. the project is premature given the potential for size and scope changes that could result from ODOT decisions on Beltline and/or from conclusions of the River Road/Santa Clara study.
- c. the size and scope of the project are greater than is warranted by current or future conditions.
- d. the location of the bike path is inappropriate.

We urge you to consider these issues when making your decision whether to proceed with the project on April 11<sup>th</sup>.

Sincerely,

A handwritten signature in cursive script that reads "Anna Morrison".

Anna Morrison, Chair  
Lane County Board of Commissioners





**Public Works  
Engineering**

City of Eugene  
858 Pearl St  
Eugene, Oregon 97401  
(541) 682-5291  
(541) 682-5032 FAX

April 11, 2006

Sonny Chickering, P.E.  
Lane County Engineer  
3040 N Delta Hwy  
Eugene OR 97408

**SUBJECT: RIVER AVENUE TRANSPORTATION IMPROVEMENT PROJECT  
(CITY JOB 3693; LANE COUNTY RESOLUTION AND BOARD ORDER 05-2-9-5)**

Dear Sonny:

The City of Eugene is ready to move forward with the River Avenue Transportation Project utilizing County Resolution and Board Order 05-2-9-5 to allow assessment of unincorporated parcels in this project. As you know, in April of last year, the Board of County Commissioners expressed some concerns about this project.

Specifically, the Board's stated concerns were that:

- a. there was insufficient community involvement associated with the project;
- b. the project is premature given the potential for size and scope changes that could result from ODOT decisions on Beltline and/or from conclusions of the River Road/Santa Clara study;
- c. the size and scope of the project are greater than is warranted by current or future conditions; and
- d. the location of the bike path is inappropriate.

Through a combination of project changes and community involvement, we believe that we have addressed the Board's concerns and have garnered support for the project by the majority of the property owners and community members.

The City has done extensive outreach for the River Avenue Improvement Project since last April. We have met twice each with both River Road and Santa Clara Community Organizations, the property owners and residents, and the Eugene Bicycle Coalition. A Stakeholders group comprised of representatives of both community organizations, the Eugene Bicycle Coalition, and property owners met, debated, and redesigned the project. The current concept for the design has broad support of the stakeholders group.

The Stakeholders heard from an ODOT representative and debated the timing of the project with respect to future projects and determined to move forward with the project. The current size and scope of the project was developed by the stakeholders. The current design and location of the bike path was determined by the stakeholders group.

Following the development of the stakeholder design Eugene City Council reviewed a report of the public outreach process and approved the stakeholder developed concept design in December 2005.

On March 14, 2006, a project update was sent to property owners, residents, and interested parties including the Lane County Board of Commissioners. In the letter we identified a potential cost increase of assessments of 15-20%. We have received no objections from property owners in response to that letter.

We are now completing the construction drawings based on the stakeholders design concepts and continuing with our outreach work. We held a community meeting to present the design details April 5, 2006, from 6:00 p.m. to 7:30 p.m. at the Wastewater Plant. About 15 people attended and expressed support for the project. A few questions were raised and we will be sending a "Questions and Answers" letter to all attendees to summarize the meeting.

This spring we will be bidding the project and conducting a public hearing on the formation of the Local Improvement District. City staff will be requesting that the City Council form a Local Improvement District and if approved, a construction contract will be awarded.

I appreciate working in partnership to facilitate improvements to our community.

Sincerely,

  
Mark Schoening, P.E.  
City Engineer

**PASSED**

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

**RESOLUTION & ORDER NO.**

05-2-9-5

**(IN THE MATTER OF AUTHORIZING  
THE CITY OF EUGENE TO ASSESS  
OUTSIDE CITY LIMITS FOR STREET  
IMPROVEMENTS TO RIVER AVENUE**

**WHEREAS**, the City of Eugene plans to improve River Avenue from 200 feet east of River Road to 100 feet West of Beltline Highway during the summers of 2004 and 2005; and

**WHEREAS**, proposed for inclusion in this assessable project are ten properties that fall outside Eugene city limits. These properties are proposed to be part of the City of Eugene's proposed River Avenue Local Improvement District (LID); and

**WHEREAS**, per ORS 223.878, cities may assess outside city limits for local street improvements subject to certain conditions. For assessment purposes, properties outside city limits must be treated in the same manner as those within city limits and have the same rights and remedies; and

**WHEREAS**, the Board resolved by Resolution No. 00-8-9-1, to adopt policies for use by the City of Eugene when assessing City road improvements to benefiting properties outside the City; and

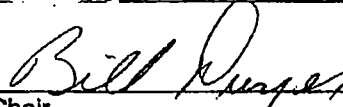
**WHEREAS**, said policies were subsequently adopted by the city of Eugene as amendments to Section 7.175 of the Eugene Code; and

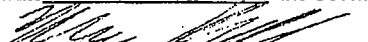
**WHEREAS**, per ORS 223.878, Lane County, by resolution, must approve the improvement and assessments against benefiting properties that fall outside city limits. The estimated assessment against the ten properties is shown on the attached exhibit; **NOW THEREFORE BE IT**

**ORDERED AND RESOLVED** that Lane County approve the Improvement of River Avenue, and

**BE IT FURTHER ORDERED AND RESOLVED**, that the City of Eugene is authorized to assess the benefiting properties described as Tax Lots 17-04-13-00-02900, 17-04-13-00-03000, 17-04-13-00-03200, 17-04-13-00-03400, 17-04-13-00-03500, 17-04-13-00-03501, 17-04-13-00-03502, 17-04-13-00-03600, 17-04-13-00-3601 and 17-04-13-22-00902 for improvements to River Avenue in accordance with ORS 223.878 and Eugene Code 7.175(5).

**DATED** this 21~~th~~ day of February, 2004.

  
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Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM  
Date 7-21-04 Lane County  
  
\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL