

W.T.A.

Memorandum Date: August 30, 2006
Order Date: TBD

TO: Board of County Commissioners
DEPARTMENT: Public Works
PRESENTED BY: Sonny Chickering, County Engineer
AGENDA ITEM TITLE: WORK SESSION/IN THE MATTER OF REVIEWING
OPTIONS FOR ADDRESSING COMPLAINTS REGARDING
PUBLIC TRAFFIC USING AN UNIMPROVED PORTION OF
GRAND AVENUE (A LOCAL ACCESS ROAD) IN
GLENADA

I. MOTION

NONE

II. AGENDA ITEM SUMMARY

The purpose of this work session is to present information and alternatives to address citizens' complaints regarding public safety on an unimproved portion of Grand Avenue (this section a Local Access Road) in Glenada, just south of Florence.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

There has been no previous Board action on this item.

B. Policy Issues

The portion of road in question is a Local Access Road (LAR). Pursuant to Board Order 06-1-18-8 and ORS 368.031(2), the Department of Public Works is authorized to investigate complaints and inquiries related to conditions on LARs and to take appropriate action as necessary to protect public safety, including research to determine the status of roads, placement of appropriate signage and/or barricades if warranted, advising the Board when necessary for direction as to how to proceed, and seeking removal of road hazards at the owner's expense pursuant to ORS 368.261 through 368.281 or Lane Code 15.210(11).

C. Board Goals

This investigation addresses the County Goal of Contributing to "appropriate community development in the area of transportation infrastructure" and furthers the goal of promoting public safety within Lane County.

D. Financial and/or Resource Considerations

Unless otherwise directed as outlined in Board Order 06-1-18-8, the cost to remove road hazards would be at the owner's expense pursuant to ORS 368.261 through 368.281, or Lane Code 15.210(11). In the case of this request, roadside hazard removal is construed as gating and signing for road closure.

E. Analysis

Citizen Complaints and Requests

Two adjacent property owners have provided written material stating there is a public safety issue on the eastern terminus of Grand Avenue in the Glenada area of Florence. Please refer to Attachment A for copies of their emails. In summary, they report frequent and dangerous incidents of excessive speed and reckless driving caused on a localized short dirt section of unsafe road on Grand Avenue between Laurel Street and Hemlock Street.

The property owners feel public safety concerns on Grand Avenue have been ongoing and are continuing to escalate, thereby creating a critical need for an evaluation for a change of right-of-way status, motor vehicle access restrictions, and/or additional law enforcement. They have had numerous contacts with the Lane County Sheriff and State Police; and have told staff that both agencies have witnessed the unsafe road conditions and driving activity.

This portion of road was reviewed by Commissioner-Elect Bill Fleenor, Commissioner Bill Dwyer and Public Works Director Ollie Snowden on July 21, 2006. The site was visited by Engineering Division staff on August 2, 2006. Staff has been directed to review the situation and offer alternative recommendations.

Road Condition.

Please refer to Attachment B for the road location vicinity map. Grand Avenue is a Lane County Road from Highway 101 to Spruce Street (0.23 miles). It is a 16 foot wide asphalt surface treated roadway maintained by the County. Beyond Spruce Street, Grand Avenue is a Local Access Road. It was dedicated in the Amended Plat of El Carmel Addition to Glenada, and the right-of-way is 60 feet.

The County Surveyor's Office was contacted to verify that no portions of Grand Avenue have previously been vacated.

From Spruce Street to Laurel Street (0.18 miles), the road is improved with gravel surfacing approximately 24 feet wide, installed under facility permit by local residents. From Laurel Street to Hemlock Street (0.09 miles), Grand Avenue can be characterized as a one-lane traveled path built on native ground, having no road base and not constructed to any road design standards. The road is surrounded by dense conifer forest, which restricts visibility. This is the section of road in question.

Along the steepest and most rutted location, it is depressed into the native ground from 2 to 8 feet, and the land adjacent to the road is heavily vegetated. Grades on the steepest portion of this section of Grand Avenue road appear to be in the range of 15% to 20%, and the road is so deteriorated that County staff did not feel comfortable driving their passenger vehicle over this section. On the lower section near Laurel Street, there is a lot of dust that gets kicked up into the air since the road is sitting on native sand and silt. There is a power pole line on the north side of the road, and the road appears to be more or less centered in the existing right-of-way. But, there appears to be a fence encroaching into the right-of-way for the parcel on the northwest corner of Laurel Street and Grand Avenue (Leach Property).

Property Access

According to property information on RLID, there is only one parcel (19-12-02-31-04400, TL 4403, Kimberly I. Martin-Vonflatern) between Laurel Street and Hemlock Street that has a permanent and active Grand Avenue address and access. All other tax lots fronting Grand Avenue are owned by Leach, Ulrich or Rainwater. A trailer sits on the Martin-Vonflatern parcel and lies approximately halfway into the right of way of Birch Street (See Attachment C). Birch Street lies between Laurel Street and Hemlock Street but hasn't been constructed as a road. There is a driveway appearing to be partially constructed in the right-of-way of Birch Street, but the driveway doesn't appear to be used much. It is reported to serve a "camping cabin" and it seems to serve property that has access from Hemlock Street.

Properties along Hemlock Street seem to be getting access by using Harvard Avenue and Glenada Road, to the north, which ties into Highway 101. As depicted on Attachment B, most of Hemlock Street was dedicated in the Amended Plat of El Carmel Addition to Glenada; but there appears to be a portion to the north that is showing up as a private road. It is uncertain how this would affect legal access to area-wide lots. Although Grand Avenue is platted east of Hemlock Street, the natural terrain is very steep; and if the road were ever built, it would need to fill a very significant coastal canyon area, involving

steep grades and excessive fills.

Problem Activities

While at the site, staff witnessed 3 vehicles traveling along the subject portion of Grand Avenue. It is reported that this section of road is being used as a cut through by residents. Residents complain of erratic, "off-road" type driving with high speeds, wheelies, and "doughnut-cutting" maneuvers at Laurel Street. Residents also complain of being sprayed with rock from speeding vehicles as they walk in this area. The restricted visibility due to vegetation contributes to this situation as well. Evidence of a broken exhaust pipe from a car and excessive holes worn down by recreational users was seen by staff.

Siuslaw Valley Fire and Rescue was contacted by staff to discuss the overall condition and ability to use this portion of Grand Avenue for emergency and fire access protection. Under section 15.045(2)(a) of Lane Code:

(2) When a Public Road or Local Access Road is used to provide access to a vacant lot or parcel where development other than a land division is proposed, prior to land use and zoning authorization for the proposed development the following shall apply:

(a) The applicant for the proposed development shall provide written certification from the applicable Fire District, on a form prepared by Lane County, that the Public Road or Local Access Road meets minimum Fire District requirements to provide emergency services to the property.

Even though there is no land division being proposed along this stretch of Grand Avenue, the Fire Chief for Siuslaw Valley Fire and Rescue clearly stated that the existing section of road does not provide minimum safe passage to adjacent properties for emergency service purposes. However, the Chief states that they are not currently using this section of Grand Avenue to serve properties on Hemlock Street. Therefore, closing this section of Grand Avenue would not affect existing EMS service times.

In summary, it is the professional opinion of Lane County Public Works staff that keeping this section of road open to the public without further mitigation is unsafe, and that its current use between Laurel Street and Hemlock constitutes a public nuisance.

Roads Advisory Committee Input

A draft of this Board Memo was presented to the Lane County Roads Advisory Committee (RAC) on August 23rd. Discussion centered around the following issues:

- How many calls to Lane County Sheriff's have been made over the past five years to better get a handle on documented complaints? Based on a request to LCSO, there has been one documented call since 1/01/00 on Grand Avenue, occurring July 2, 2006.
- Did Lane County authorize a one-time maintenance improvement on Grand Avenue in association with a holiday season tree event at the old nursery at the corner of Grand Avenue and Laurel Street? Based on a review of our records, no Board Order or Facility Permit could be found.
- How effective will gates be given local experience by Forest Service and BLM that some people ignore them or vandalize them?
- If a municipal water system ever serves the Glenada area, will there be more of a demand for road connectivity, thus making road vacation a less viable solution in the long run?
- Is the 'abuse' of this section of road due mainly to bad neighbors in the area, and can Lane County do anything about this activity?

F. Alternatives/Options

Various alternatives or options are available to the Board, each with their own advantages and disadvantages. They are as follows:

1. Approve the installation of gates on Grand Avenue, one just east of Laurel Street, and the other just west of the mobile home residence (Martin-Vonflatern property). See attachment D.

Under this option, the Board would be recognizing the current unsafe condition of the road, and would be responding by closing the steepest and most unsafe section of the road that is currently being abused. Two gates would be recommended in order to adequately and safely close the most unsafe portion of road. The access for the camping cabin would need to be addressed, with a possibility that it could be from Hemlock Street. One strong concern of the area residents deals with the fear of retaliation from people using the road now for recreational and illegal purposes. They are advocating that any action to gate the road be under the auspices and decision authority of Lane County. The gate(s) would normally be installed at property-owner expense under the authority and conditions of a Lane County Facility Permit.

2. Vacate the section of Grand between Laurel Street and Hemlock Street.

Due to overall transportation circulation and accessibility, vacation of a segment

of roadway such as this may not make the most sense. However, based on the existing topography, limited amount of development potential in the area, and ability for properties along Hemlock to gain access via Glenada Street; it would be an option to consider. Vacation of the roadway would keep the issue of road closure in the hands of the adjoining property owners, who could choose to fence off or revegetate the road.

3. Improve the section of road to LAR standards.

Another option would be to upgrade the section of road to meet current LAR standards, which would be to provide a road that is acceptable to the local fire and emergency service providers. Under this option, the road would probably need to be engineered and constructed with adequate road base, ditches, and width. Constructing the road to LAR standards would probably not address the public's overall safety concern, as they feel traffic would continue to speed down the road, destroying the gravel, ditches and roads that they have been required to construct (and maintain). This would probably cost around \$25,000 to \$50,000 to construct, and under current policy, would be the requirement of the adjacent landowners. Ongoing gravel maintenance issues appear likely with this option as well.

4. Do-Nothing Alternative.

A final option would be to do nothing, and continue to let the neighbors deal with the use of the road. It appears that "doing nothing" will require on-going and additional law enforcement resources, which may not be possible from Lane County or mitigate the problems.

IV. TIMING/IMPLEMENTATION

If the Board selects option number one, it is uncertain how much public notification or process would be required. Once ultimately approved, the gates could be installed under a facility permit by the property owners or by the County in a reasonably short period of time.

V. RECOMMENDATION

Staff recommends Option One (approve installation of gates) at property-owner expense under the authority and conditions of a Lane County Facility Permit.

VI. FOLLOW-UP

Staff will follow-up as directed by the Board.

VII. ATTACHMENTS

Attachment A: Copies of Citizen Requests

Attachment B: Road Location Vicinity Map

Attachment C: Vanflatern Parcel

Attachment D: Alternative #1 Gate Locations

ATTACHMENT A

From: MORGAN Bill F
Sent: Tuesday, August 15, 2006 3:56 PM
To: MORGAN Bill F
Subject: Leach email

-----Original Message-----

From: Mary Jo Leach [mailto:maryooots@yahoo.com]
Sent: Friday, July 21, 2006 3:07 PM
To: CHICKERING Sonny A
Subject: Road Condition of Grand Avenue in Glenada

Y! PhotoMail

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Click a photo to view a larger version on Yahoo! Photos. See links above for more options.

We are contacting you because of our concern over the unsafe and perilous conditions of Grand Avenue. In the winter time, it is a playground for 4-wheelers, and in fair weather, it is a speedway for reckless drivers. This thoroughfare which we have established, and maintained has been destroyed systematically by their actions. We have contacted both Lane County Sheriff, and the State Police, but conditions have not changed. The road is an attractive nuisance to the 18-25 year old, male auto and ATV drivers of the area. It is unfit for safe travel by vehicle, and is frequented by pedestrians and animals, whose well-being is at peril should they use the road to travel. We personally have been struck by rocks from these vehicles as they spin their way up the hill.

This is an emerging community where many have invested considerable resources, we feel that we are entitled to the quiet enjoyment of our property, safe passage to our homes; free of harassment by these reckless drivers and without clouds of dust, spinning tires, air born rocks, deafening noise, and general fear.

This road surface either needs to be improved, or the section between Laurel Street, and Hemlock Street, permanently closed in the name of public safety. Please review the attached photos and give us your comments.

We would appreciate your passing this email along to Mr. Bill VanVactor, since we were unable to locate his email address, and to anyone else that should be involved in resolving this situation.

Sincerely, Henry and Mary Jo Leach
85219 Laurel Street
Florence, OR 97439
541-997-7354



corner_of_Grand
_Birch



West_view_down_
Grand

Attachment A

From: MORGAN Bill F
Sent: Tuesday, August 15, 2006 3:55 PM
To: MORGAN Bill F
Subject: Ulrich email

From: Nancy Ulrich [mailto:njunor@charter.net]
Sent: Sat 7/29/2006 12:24 PM
To: SNOWDEN Oliver P; DWYER Bill J
Cc: Fleenor, Bill
Subject: Public Safety

Dear Commissioner Dwyer and Director Snowden,

I have been informed that you and Bill Fleenor visited Florence to inspect Grand Avenue to address public safety concerns July 21, 2006. As a neighboring property owner and resident at 85201 Laurel Street, I appreciate your attention to this important matter.

The public safety issue on Grand Avenue has been ongoing and is continuing to escalate, thereby creating a critical need for an evaluation for a change of right-of-way status and/or motor vehicle access and law enforcement. I have had numerous contacts with the Lane County Sheriff and State Police. Both have witnessed the unsafe road conditions and dangerous activity and are in agreement that there needs to be a change in the road conditions and dangerous motor vehicle access, along with support from law enforcement, in order to restore the safety of pedestrians as well as motor vehicles on the eastern terminus of Grand Avenue.

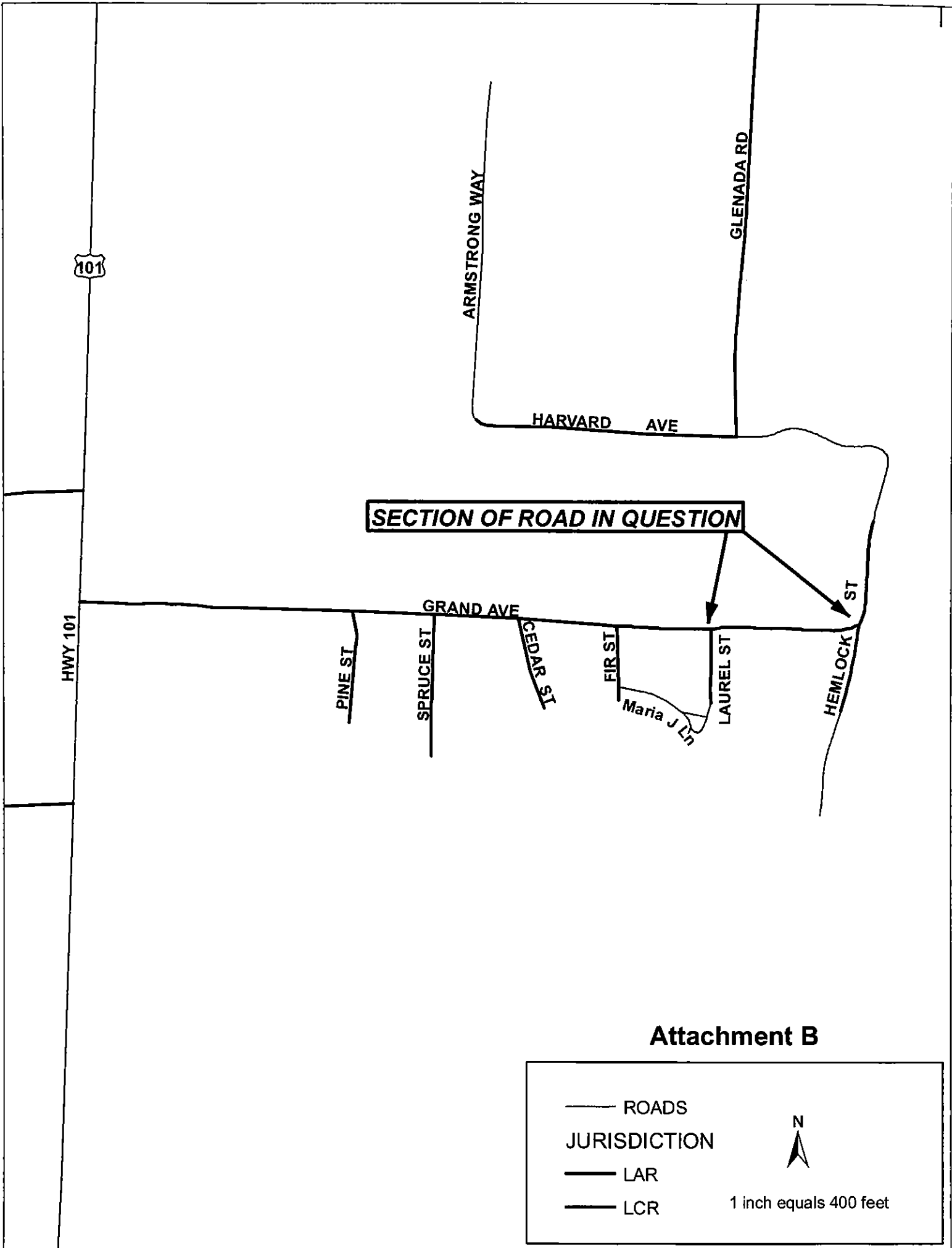
It is with great concern that I am asking for your assistance and action on this matter, on behalf of my personal safety as a resident in this immediate area as well as that of all neighboring residents and public at risk. Please help us take action to improve these conditions and create a safe and legal environment before we are all saddened by a serious accident resulting from the current and potentially illegal abusive and negligent motor vehicle traffic on Grand Avenue.

Respectfully,

Nancy Ulrich
85201 Laurel Street
P.O. Box 2667
Florence, OR 97439


541 997-8424 Home
541 999-2424 Cell

Cc: Bill Fleenor



SECTION OF ROAD IN QUESTION

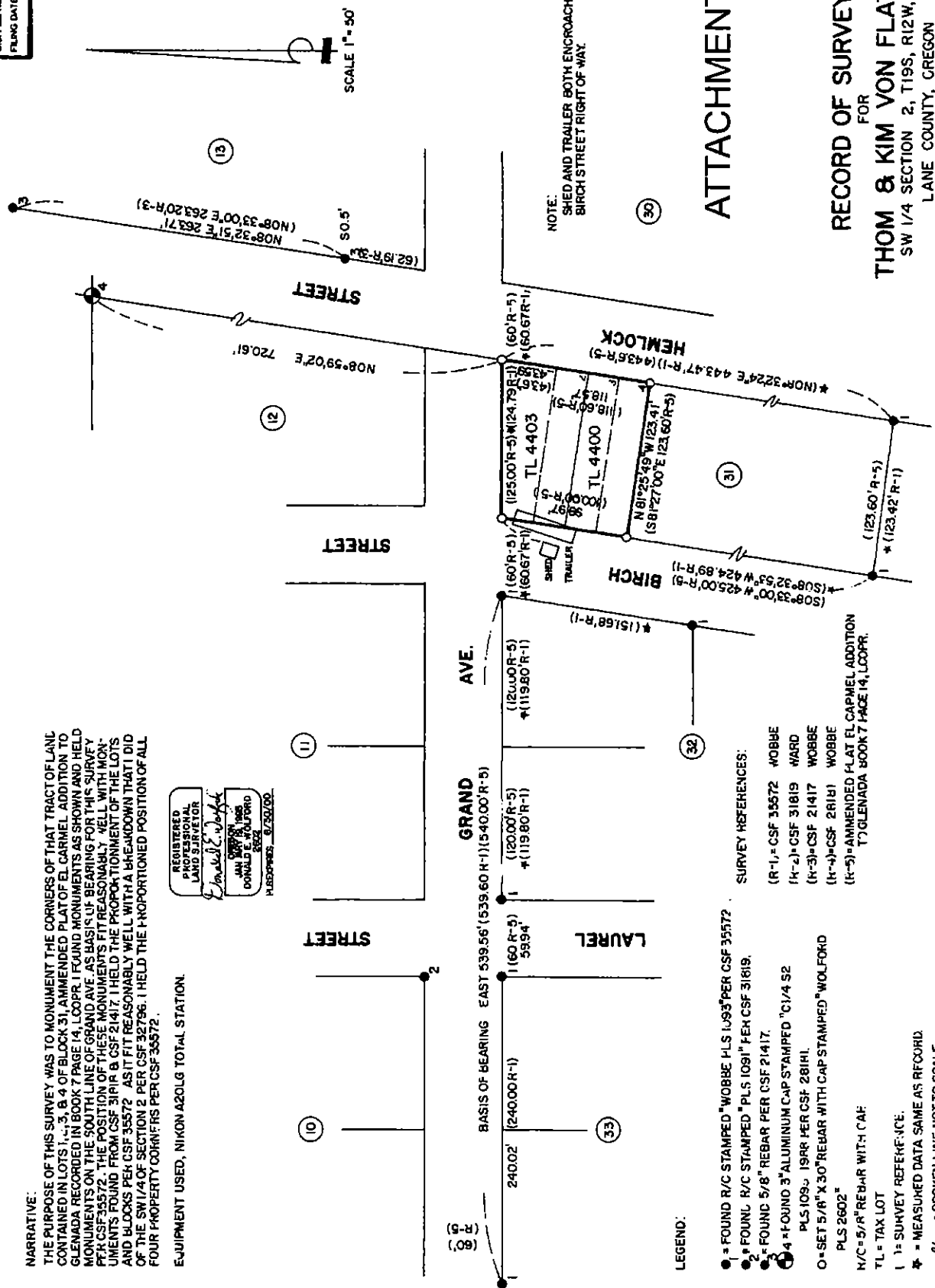
Attachment B

—	ROADS	 1 inch equals 400 feet
—	JURISDICTION	
—	LAR	
—	LCR	

NARRATIVE:
 THE PURPOSE OF THIS SURVEY WAS TO MONUMENT THE CORNERS OF THAT TRACT OF LAND CONTAINED IN LOTS 1, 3, & 4 OF BLOCK 31, AMENDED PLAT OF EL CARMEL ADDITION TO GLENADA RECORDED IN BOOK 7 PAGE 14, LOOPR. I FOUND MONUMENTS AS SHOWN AND HELD MONUMENTS ON THE SOUTH LINE OF GRAND AVE. AS BASIS OF BEARING FOR THIS SURVEY PER CSF 35572. THE POSITION OF THESE MONUMENTS FIT REASONABLY WELL WITH MONUMENTS FOUND FROM CSF 31819 & CSF 21417. I HELD THE PROPORTIONMENT OF THE LOTS AND BLOCKS PER CSF 35572. AS IT FIT REASONABLY WELL WITH A BREAKDOWN THAT I DID OF THE SW 1/4 OF SECTION 2 PER CSF 32796. I HELD THE PROPORTIONED POSITION OF ALL FOUR PROPERTY CORNERS PER CSF 35572.

EQUIPMENT USED, NIKON A20LG TOTAL STATION.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Donald E. Wolford
 JAN 27 1988
 DONALD E. WOLFORD
 2022
 HUSBANDS: 07/20/00



NOTE:
 SHED AND TRAILER BOTH ENCRACH ON
 BIRCH STREET RIGHT OF WAY.

ATTACHMENT C

RECORD OF SURVEY
 FOR
THOM & KIM VON FLATERN
 SW 1/4 SECTION 2, T19S, R12W, W.M.
 LANE COUNTY, OREGON

DOAN WOLFORD, PLS.
 87180 MUNSEL LAKE RD.
 FLORENCE, OR 97439
 (541) 997-4455

LEGEND:

- = FOUND R/C STAMPED WOBBE PLS 1093 PER CSF 35572
- = FOUND H/C STAMPED PLS 1091 PER CSF 31819
- = FOUND 5/8" REBAR PER CSF 21417
- = FOUND 3" ALUMINUM CAP STAMPED "C1/4 S2 PLS 1093, 1988 PER CSF 28181
- = SET 5/8" X 30" REBAR WITH CAP STAMPED "WOLFORD PLS 2602"
- H/C = 5/8" REBAR WITH CAP
- TL = TAX LOT
- 1 = SURVEY REFERENCE
- * = MEASURED DATA SAME AS RECORD
- /- = BROKEN LINE NOT TO SCALE
- CSF = COUNTY SURVEY FILE
- LCDF = LANE COUNTY OREGON HISTORICAL

SURVEY REFERENCES:

- (R-1) = CSF 35572 WOBBE
- (R-2) = CSF 31819 WARD
- (R-3) = CSF 21417 WOBBE
- (R-4) = CSF 28181 WOBBE
- (R-5) = AMENDED PLAT EL CARMEL ADDITION TO GLENADA BOOK 7 PAGE 14, LOOPR.

1912022002701
SEDLACK DAVID M 1-2

1912022000800
RIGGS DOUGLAS MARY

1912022000700
RIGGS DOUGLAS LYLE
& MARY LYNN

1912022
DIN STEVE
NET L

19120
MCCABE
& DEB

HARVARD AVE
GLENADA RD

**Pvt Road
Behind
Hemlock St**

1912023102500
SEAVER JOHN
N JR TE

1912023102100
BALES MICHAEL

1912023104800
GLENADA ODD FELLOWS CEMETERY ASSOC

1912023100100
HECETA LODGE CEMETERY

1912023101000
RAFF AND TODD W
EVA MARIE

1912023100000
RAINWATER RONALD D

1912023100000
LEACH HENRY G

1912023100900
RAINWATER JOSEPH D & MAXINE

1912023100000
RAINWATER RONALD D

1912023100000
HANEY JESSIE

1912023102501
CARTER CON TONY

1912023100000
LEACH HENRY G

1912023100800
LEACH HENRY G

1912023100500
HANEY JESS F TE

1912023100501
MCCARTHY MICHAEL D

GRAND AVE

GRAND AVE

BIRCH (PLANTED)

HEMLOCK ST

1912023103904
BOHEMYER
GLENDA MILLE

LAUREL ST

1912023104301
ULRICH NANCY J

1912023104403
MARTIN-VONFLATERN KIMBERLY I

1912023104400
MARTIN-VONFLATERN KIMBERLY I

KIST

Attachment D

1912023103903
ON THOMAS A
& MARIA J

**Pvt
Dwy**

1912023100000
ULRICH NANCY J

1912023104000
HULL RONALD B

1912023104400
GERETY NICHOL

**Grand Ave. (Local Access Road)
In Glenada, South of Florence**

I Proposed Gate Locations
for Alternative One

Tax Lots



1 inch equals 100 feet