

After recording, return to:
Board of County Commissioners
Columbia County Courthouse
230 Strand, Room 331
St. Helens, OR 97051

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of the Vacation of a Portion of Pine
Avenue near Scappoose in Columbia County, Oregon

ORDER NO. 8-2021

WHEREAS, pursuant to ORS 368.341(1), the Board of Commissioners for Columbia County, Oregon, may initiate proceedings to vacate property under ORS 368.326 to 368.366; and

WHEREAS, Pine Avenue is a platted, unconstructed right-of-way near Scappoose, Columbia County, Oregon; and

WHEREAS, on February 8, 2021, Trevor and Kara Rogers, who own the property abutting both sides of the platted right-of-way, filed with the Board a Petition, which is attached hereto as Exhibit 2 and incorporated herein by this reference, requesting that the Board vacate that portion of the unnamed Right-Of-Way; and

WHEREAS, the County Public Works Department has filed a report, dated March 3, 2021, attached hereto as Exhibit 1 and incorporated herein by this reference, indicating that the proposed vacation would be in the public interest; and

WHEREAS, the area proposed for vacation is described in Exhibit 5 and generally depicted in Exhibits 2A through 4, all of which are attached hereto and incorporated herein by this reference; and

WHEREAS, in accordance with ORS 368.351, the Petition contains the acknowledged signatures of owners of 100 percent of the land abutting the property proposed to be vacated and the acknowledged signatures of 100 percent of the owners of property abutting any public property proposed to be vacated; and

WHEREAS, because the Petition meets the signature requirements of ORS 368.351, the Board may make a determination about the vacation without holding a hearing if the county road official files with the Board a written report that contains an assessment that the vacation is in the public interest; and

WHEREAS, the petition submitted by Trevor and Kara Rogers complies with the petition requirements of ORS 368.341(3); and

WHEREAS, the Board finds that the petition, meets the requirements of ORS 368.341 and contains the acknowledged signatures and owners' approval as required by ORS 368.351; and

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Vacation of Pine Avenue near Scappoose, Oregon, as more particularly described in Exhibit 5 is in the public interest.

2. The property described in Exhibit 5 is hereby vacated, and shall hereby vest in the abutting property owners as provided in ORS 368.366(1)(d) by extension of said owners' abutting property boundaries to the centerline of the vacated platted right-of-way.

3. This vacation is being made with a specific reservation of any existing rights-of-way for utility easements.

4. Pursuant to Order No. 55-2001 and the decision of the Board of County Commissioners, the required fee of \$1,000 for vacations of public rights-of-way was paid by the petitioner; \$500 was deposited directly into the County Road Fund and \$500 into the General Fund, Fees for Services, Road Vacations, Line Item No. 100-00-00-3255, out of which the following costs shall be paid:

SERVICE	FEE	SUBTOTAL
Filing Petition by the Clerk	\$28.50	\$28.50
Review for Correct Property Description by County Surveyor [if required]	\$30.00 [per parcel]	\$ 00.00
Hearing (if required)	\$100.00	\$00.00
Recording Final Order by the Clerk	\$46.00 [first page]	\$46.00
	\$5.00 [each additional page x 11 pp.]	\$55.00
Two Certified Copies by the Clerk [one to Assessor, one to Surveyor]	\$3.75 [per copy x 2]	\$7.50
	\$00.25 [per page x 24 pp.]	\$6.00
Posting the Approved Road Vacation by County Surveyor	\$100.00 [per parcel]	\$100.00
	TOTAL EXPENSES	\$243.00

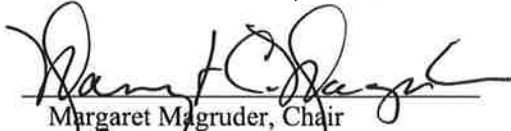
5. The \$28.50 filing fee has already been paid to the County Clerk. The Treasurer is hereby authorized to disburse the following amounts from the Fees for Services, Road Vacations account as follows:

To County Clerk: \$ 114.00
 To County Surveyor: \$ 100.00

6. This Order shall be recorded with the County Clerk, a copy inserted in the appropriate road jacket, and certified copies shall be filed with the County Surveyor and the County Assessor.

DATED this 14th day of April, 2021.

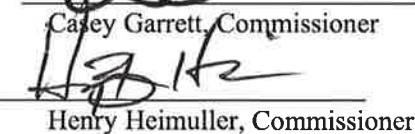
BOARD OF COUNTY COMMISSIONERS
 FOR COLUMBIA COUNTY, OREGON

By: 
 Margaret Magruder, Chair

By: 
 Casey Garrett, Commissioner

APPROVED AS TO FORM:

By: 
 Office of County Counsel

By: 
 Henry Heimuller, Commissioner

COLUMBIA COUNTY
Department of Public Works



ST. HELENS, OR 97051

1054 Oregon St.

Direct (503) 397-5090

Fax (503) 397-7215

publicworks@co.columbia.or.us

www.co.columbia.or.us

To: Board of County Commissioners
From: Scott Toenjes, Engineering Technician I
Date: March 3, 2021

Subject: Road Vacation request for a section of Pine Avenue, Scappoose

Road Official's Report

Trevor and Kara Rogers have petitioned the Board of County Commissioners to vacate a section of Pine Avenue (about 120 feet). See Exhibit 2 that includes all of their submitted Exhibits. All the roads mentioned in this report are unimproved platted roads within the Columbia Acres Number 3 Plat. There are no current homes built on any of the lots in the Columbia Acres Plat and none of the roads have been constructed to public road standards.

The portion of road proposed to be vacated is outlined in red on the maps in Exhibit 3 and 4 attached. Mr. and Mrs. Rogers own the only property that borders this portion of Pine Avenue, shown as Tax Lot 3223-AD-4400.

Pine Avenue has a ROW of 60 feet. The beginning point for Pine Avenue is the south side of the Bonneville Drive ROW and travels south approximately 340 feet to the Summit Drive ROW. Then it continues south of Summit Drive for approximately 120' for a total of about 460'.

Because Mr. and Mrs. Rogers own the adjacent property on both sides of the right-of-way, the road vacation request may be approved without a hearing in accordance with ORS 368.351.

By vacating this right-of-way, Mr. and Mrs. Rogers indicate they will be able to construct their residential home located on Tax Lot 4400. They have said that the topography of Lot 4400 limits the available buildable area that includes the area where the Pine Avenue ROW exists. Due to setback requirements and severe terrain limitations, they have determined that the right-of-way is the best place to locate their home.

Request for Comment

The Public Works Department sent out a request for comment on the proposed road vacation and received the following:

Natahan Woodward, County Surveyor:

"I have no objections to approval as submitted."

Matt Laird, Land Development Services Planner:

"Columbia County Planning supports this request to vacate a portion of Pine Avenue and has no objection to its approval as submitted."

Tad Pedersen, Columbia River Fire & Rescue, Fire Marshal:

No comments received.

Jeff Pricher, Scappoose Fire District, Fire Chief/Fire Marshal:

“The fire district has no objections if the two following conditions can be agreed to:

All of the driveway requirements are met for any future development.

If the home is over 4,000 square feet (including the garage), the fire district would then require sprinklers. This requirement would be due to access and water supply concerns, challenges of the terrain and how this might impact future development.”

Analysis and Recommendation

Every vacation request has distinct circumstances and should be reviewed thoroughly, however, in general, the Public Works Director does not favor vacating public rights-of-way as a matter of public interest. Once right-of-way is vacated, it is difficult to reacquire if needed and must follow prescribed processes that ensure fair value is given in compensation for the acquisition.

In this case, the proposed vacation of this portion of Pine Avenue would not hinder the development of any other properties in the area. It will not land lock any parcels due to the applicants owning the only property that borders the ROW.

Several roads in this plat have already been vacated. In 2019, under Board Order 38-2019, Mr. and Mrs. Rogers vacated a longer portion of Pine Avenue which extended about 240 feet south of the current Pine Avenue ROW. In that process, staff stated that they support owner replats together with vacating the applicable streets to better facilitate development. Staff also acknowledged at that time that the previously vacated portion contained terrain that did not make the platted layout of road feasible.

As an alternative, Public Works staff did discuss the option of Mr. and Mrs. Rogers applying for a variance to the setback requirements to place the house closer to the ROW of Pine Avenue, however they ultimately decided vacating the ROW would best allow them to build the house they want.

I find that there is no compelling need for the right-of-way of this portion of Pine Avenue to remain and support the vacation request.

Therefore, in the interest of the public, I recommend that the request for vacating this section of Pine Avenue be approved.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Vacation of a Portion }
of Pine Avenue }
Located Near Scappoose in }
Columbia County, Oregon }
_____ }

PETITION FOR VACATION

I/We, Trevor Rogers and Kara Rogers, (Insert name(s) of all petitioners), who
reside at 52100 SE 9th Street, Scappoose, OR 97056 (Insert address),
(503) 720-0140 (phone) petition the Board of County Commissioners for the vacation of
the following property:

1. Description of Property Proposed for Vacation [attach additional sheets if necessary]:

a. **General Description:**

A public right-of-way at the south intersection of Pine Ave and Summit Drive, being a portion of Columbia Acres Number 3, location in the Northeast one-quarter of Section 23, Township 3 North, Range 2 West, Willamette Meridian, Columbia County Oregon, being more particularly described below:

b. **Legal Description:**

That portion of Pine Avenue (60.00 feet wide) as dedicated on the plat of Columbia Acres Number 3, bounded by the Northeasterly extension of the south line of Lot 8, Block 20 on the South side and to the intersection of the Northeasterly extension of the North line of Lot 9 Block 20 and the Westerly extension of the North line of Lot 9 Block 17 on the North side.

2. Description of Your Property Interest [attach additional sheets if necessary]:

a. **Type of interest you have in any property affected by the proposed vacation:**

Owners of all lots which abut proposed right-of-way for vacation.

b. **Legal Description of your property:**

See Instrument No. 2018-2915, 2018-6511, 2018-8227 and 2021-1222, Columbia County, Oregon, Clerk Records.

3. Creation of Public Interest.

See Exhibit A, attached. [Attach copies of deeds, plats, orders or other documentation showing creation of public interest in the property or right-of-way proposed for vacation and present ownership of the parcel].

4. Statement of reasons for vacation [attach additional sheets if necessary]:

Construct residential home on level land within vacated right-of-way.

5. Names and addresses of all persons holding any recorded interest in the property proposed to be vacated [attach additional sheets if necessary]:

Trevor and Kara Rogers
52100 SE 9th Street
Scappoose, OR 97056

6. Names and address of all persons owning any improvements constructed on property proposed to be vacated [attach additional sheets if necessary]:

None

7. Names and addresses of all persons owning any real property abutting the property proposed to be vacated [attach additional sheets if necessary]:

None

8. The signature(s), acknowledged before a notary or other person authorized to take acknowledgments of deeds, of at least a) the owners of sixty (60) percent of the land abutting the property proposed to be vacated, or b) sixty (60) percent of the owners of land abutting the property proposed to be vacated, are attached (attach consent forms).

[Note: without the acknowledged signatures of owners of 100 percent of any private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting any public property proposed to be vacated, a hearing will be required].

9. If the petition is for the vacation of property that will be redivided in any manner, a subdivision plan or partitioning plan showing the proposed redivision is attached.

10. A true and accurate map of the proposed vacation is attached as Exhibit B.

Exhibit 3 – Pine Avenue Vacation Request – Trevor and Kara Rogers

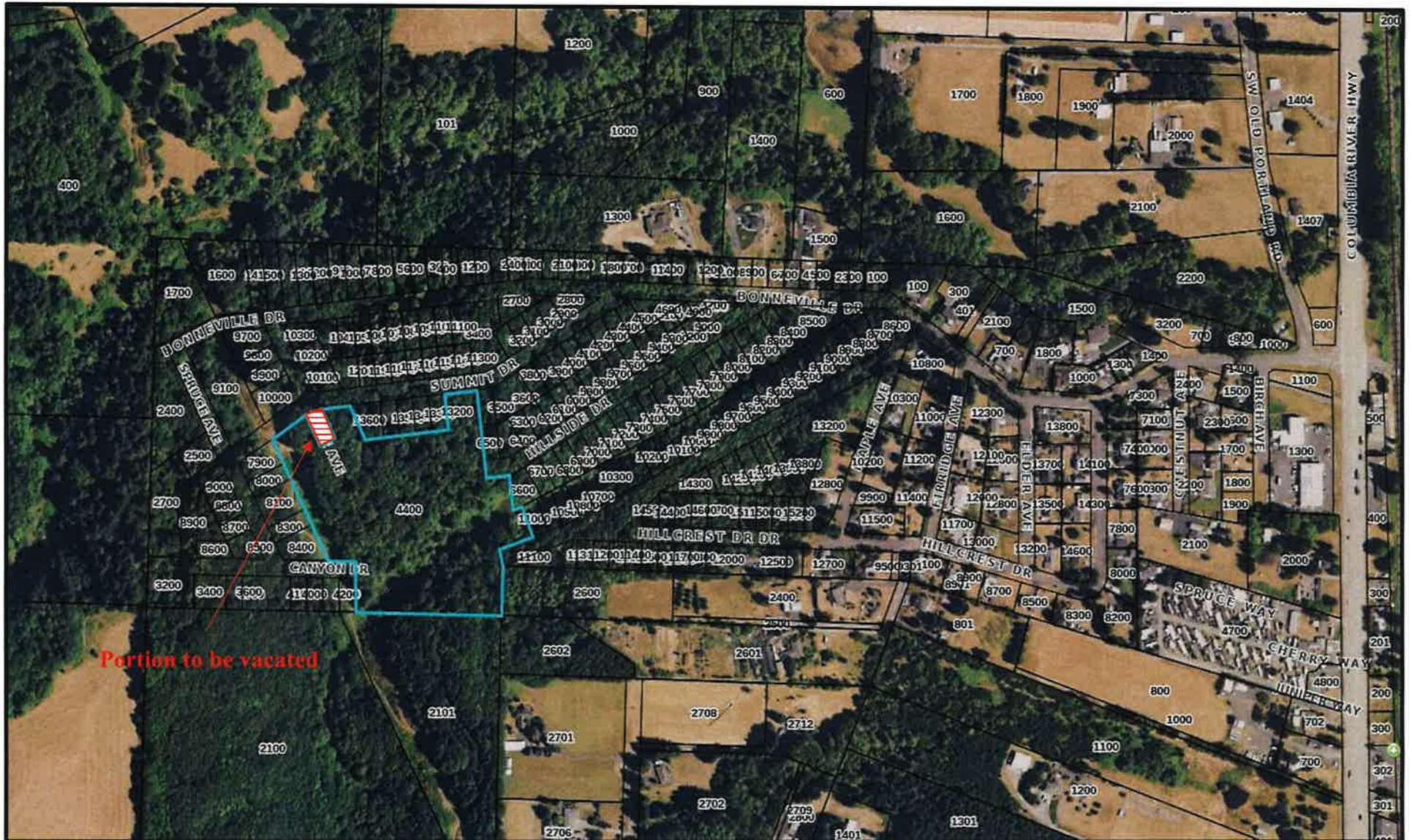


Exhibit 4 – Pine Avenue Vacation Request – Trevor and Kara Rogers



COLUMBIA COUNTY
Department of Public Works



ST. HELENS, OR 97051

1054 Oregon St.
Direct (503) 397-5090
Fax (503) 397-7215
publicworks@co.columbia.or.us
www.co.columbia.or.us

Legal Description

Pine Avenue Vacation, Columbia Acres Number 3.

A public right-of-way at the south intersection of Pine Ave and Summit Drive, being a portion of Columbia Acres Number 3, location in the Northeast one-quarter of Section 23, Township 3 North, Range 2 West, Willamette Meridian, Columbia County Oregon, being more particularly described below:

That portion of Pine Avenue (60.00 feet wide) as dedicated on the plat of Columbia Acres Number 3, bounded by the Northeasterly extension of the south line of lot 8, Block 20 on the South side and to the intersection of the Northeasterly extension of the North line of Lot 9 Block 20 and the Westerly extension of the North line of lot 9 Block 17 on the North side.