



To: Board of County Commissioners
From: Michael Russell, Public Works Director, Roadmaster
Date: August 6, 2025

Subject: Road Vacation request for a portion of Palm Creek Road, Clatskanie

Road Official's Report

Ron Selness has petitioned the Board of County Commissioners to vacate a portion of County Road P-64, E.J. Lindberg Road, commonly known as Palm Creek Road, that runs through the property of 74771 Palm Creek Road (tax lot no. 7319-00-00401). The said portion is approximately 450 feet in length at the centerline and approximately 40 feet wide. Please see the attached Petition for Vacation ("Petition") that includes all submitted Exhibits.

This petition was filed pursuant to the process outlined in ORS 368.341. This report is submitted in response to the petition pursuant to ORS 368.351. The petitioner submitted notarized consent forms from one hundred percent of the property owners of abutting property to the proposed vacation – as such, no public hearing is necessary.

The portion of road proposed to be vacated is legally described in Exhibit A of the attached Petition and is depicted in the subsequent exhibit map (Exhibit E). It is generally described as that portion of County Road P-64 running through tax lot no. 7319-00-00401.

The vacation of this portion of County Road P-64 would facilitate Mr. Selness's development of his property. With the current right-of-way bisecting his parcel, setback requirements make construction unfeasible.

Request for Comment

The Public Works Department sent out a request for comment on the proposed road vacation to the County Surveyor, County Sheriff, Land Development Services Department, local PUD, and local fire and emergency services district. The following comments were received:

Land Development Services Department: Land Development Services reviewed the application, which appears to create an "island" of platted ROW; however, Tax Lot 200 would still have frontage on a developed portion of Palm Creek Road to the north of the subject property. LDS Planning has no objections to its approval as presented.

The Public Works Department, in concurrence with the County Surveyor, determined that the right-of-way for County Road P-64 does extend past what is shown on the county tax map, which mitigates the concern raised above. This information was provided to LDS in response to their comment.

No further comments were received.

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 Palm Creek Road would not hinder the development of or access to any other properties in the area, and it will not land lock any parcels. All neighboring properties will maintain sufficient public access off of Palm Creek Road or other public road frontage.

Columbia County, similar to other counties in Oregon, has extensive amounts of unused right-of-way – that is, right-of-way that was dedicated for road purposes, but which was never developed or has fallen into disuse. The reasons for this are varied: some is the legacy of subdivisions that never came to fruition, while others represent old road sections that were replaced or which became redundant with the opening of alternative routes. While the origins of these right-of-way segments vary, they can impact development and access to adjacent parcels.

For instance, development within public right-of-way often requires specific permitting from the Public Works Department, as well as restrictions on fixed objects, including fencing and structures. Development along undeveloped right-of-way can also trigger different access standards or construction of road infrastructure. Where the right-of-way is for a County road, this raises questions of maintenance obligations between the property owners and the County.

In the case of Palm Creek Road, the right-of-way continues past its current constructed terminus, generally following along Lost Creek before heading south and tying into County Road No. R-171 (J.M. Nations Road, commonly called Cedar Grove Road). The Public Works Department, working with Mr. Selness's consultant, looked at vacating the entire unused section of Palm Creek Road, but determined that this was not in the public interest, as it would result in parcels being landlocked – as such, it recommended limiting the proposed vacation to the portion submitted by the petitioner.

While a theoretical extension of Palm Creek Road would create a route between Lindberg Road (also part of E.J. Lindberg Road) and Cedar Grove Road, the County's Transportation System Plan does not envision such a route. The collector route in this area, generally east of Clatskanie, is Swedetown Road, Cedar Grove Road, and Lost Creek Road connecting to the US-30 arterial (2017 Columbia County Transportation System Plan, Figure 11). Additionally, there are no projects proposed for either Lindberg Road or Palm Creek Road (Ibid, pp. 23-34). If future development to the south, closer to Cedar Grove Road, were to occur, the Public Works Department would address access to these parcels at that time.

Therefore, I find that there is no compelling need for the right-of-way of this portion of Palm Creek Road to remain and support the vacation request.

In the interest of the public, I recommend that the request for vacating this section of Palm Creek Road be approved.