

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of a Petition to Vacate a Portion
of Inglis Road, between the Oregon
Department of Transportation's Rail Right of
Way and the Beaver Slough, near Clatskanie,
Oregon

ORDER NO. 12-2020

WHEREAS, pursuant to ORS 368.341(1)(c), the Board of Commissioners for Columbia County, Oregon, may initiate proceedings to vacate right of way under ORS 368.326 to 368.366 upon the filing of a petition by the owner of property abutting the right of way; and

WHEREAS, Kathleen McLaughlin, the owner of property (Map No. 8N4W33-DO-00600) that abuts both sides of Inglis Road, from the Oregon Department of Transportation rail right of way to the Beaver Slough, near Clatskanie, Oregon, filed a petition to vacate the right of way abutting her property; and

WHEREAS, pursuant to ORS 368.346, Public Works Director Michael Russell submitted a report to the Board of County Commissioners, which is attached hereto as Attachment A and incorporated herein by this reference, describing the property proposed to be vacated and assessing whether vacation would be in the public interest; and

WHEREAS, the Director's report found that vacation would not be in the public interest primarily because the County will need the right of way in the future to access and remove old bridge sections connected to Inglis Road; and

WHEREAS, in accordance with ORS 368.346, a hearing was scheduled and notice of the hearing was provided by posting at the area proposed to be vacated and bulletin boards at the Public Works Department and the Columbia County Courthouse; publication in *The Chronicle* on January 8 and 22, 2020; and mailing to area property owners; and

WHEREAS, on January 29, 2020, the Board of County Commissioners held a hearing and accepted evidence and testimony from Petitioner's representative, Earl Scott; and

WHEREAS, the Board then closed the hearing, deliberated on the evidence presented, and by unanimous decision, denied the petition to vacate the portion of Inglis Road;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS HEREBY ORDERS:

1. For the reasons set forth above and in the Director's report, the Board finds that vacating the portion of Inglis Road that transects Kathleen McLaughlin's property is not in the public interest because the right of way will be needed in the future to

access and remove the bridge section at the end of Inglis Road;

2. The Board therefore denies Kathleen McLaughlin's petition to vacate a portion of Inglis Road; and
3. The Board adopts the above recitals as findings in support of this decision; and
4. The Board adopts the findings and conclusions in the Director's report, attached hereto as Attachment A, to the extent it is consistent with the Board's decision.

DATED this ____ day of February, 2020.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Alex Tardif, Chair

APPROVED AS TO FORM:

By: _____
Margaret Magruder, Commissioner

By: _____
Office of County Counsel

By: _____
Henry Heimuller, Commissioner

COLUMBIA COUNTY

Department of Public Works



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To: Board of County Commissioners
From: Michael Russell, Public Works Director
Date: October 25, 2019

Subject: Road Vacation request for a section of Inglis Road, Clatskanie

Road Official's Report

Kathleen McLaughlin has petitioned the Board of County Commissioners to vacate that section of Inglis Road between the Oregon Department of Transportation's Rail Right-Of-Way (ROW) and the Clatskanie Slough (about 150 feet). See Exhibit 1

The portion of road proposed to be vacated is outlined in red on Exhibit 2 and 3 attached. Ms. McLaughlin owns the adjacent property east and west of the proposed road vacation and is identified as Tax Lot 600 on the map.

Inglis Road #4060 (AKA P-218), was dedicated on September 19, 1932 with a ROW of 60 feet. The beginning point for Inglis Road is the north side of the Beaver Falls Road (AKA the old Columbia River Hwy) and travels in a general northwest line over the Clatskanie Slough and continues on that general line for a total of approximately 5,574 feet. The road historically crossed the Clatskanie Slough by a wood bridge (Inglis Bridge). However the bridge was taken out of service about 25 years ago due to decay and the road was blocked at the railroad crossing. Due to the poor condition of the bridge, the middle section was removed in 2011. The right-of-way between the railroad and the slough has not been maintained by the county and is crossed by an earthen mound with overgrowth and a path leading to the decommissioned bridge and to the water's edge. See Exhibit 4 for ground level pictures of the site.

Because Ms. McLaughlin owns 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, Ms. McLaughlin indicates she will be better able to use and or develop the parcel.

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 this vacation. I would like to see the legal description have a little more detail. A hundred years from now, "County Road" could be a little ambiguous. Also, I don't recommend using tax lot data and account numbers to describe.

Matt Laird, Land Development Services Planner:

LDS Planning Program does not support vacating the Inglis Road Right-of-way that is shown on the map for the following reasons:

1. The County may need this right-of-way in the future for constructing a bridge as it lines up perfectly with the right-of way on the other side of the water.
2. The County may need this right-of-way to access the old bridge for removal.
3. The County may need this right-of-way for access to the water.
4. Local citizens in the area may want to use this right-of-way to access the water.
5. The right-of-way could be used for fish and wildlife enhancement.
6. The subject property is located in an environmentally sensitive area and is not appropriate for development.

It should also be noted that the development potential of the subject property owned by Kathleen McLaughlin is extremely limited because it is zoned Primary Agriculture (PA-80), and is entirely within the floodplain and 100% of the property has been identified as a wetland area. This narrow strip of land located between the Clatskanie Slough and the Railroad also has a 50' riparian area buffer associated with it.

Additionally, structures that are less than 400 sq. ft that are typically allowed without a building permit, are not allowed in environmentally sensitive areas such as floodplains and wetlands. Any development in the floodplain and wetlands will require additional land use permitting.

Lastly, any proposed boat dock facility would have to be accessory to an existing residential use (which does not exist), or developed as a primary use in the PA-80 zone which would require some type of nexus to farm use. A boat dock is not listed as a permitted use in Section 300 (PA-80) of the Columbia County Zoning Ordinance.

For the reasons listed above, LDS Planning is not in favor of the proposed Inglis Road right-of-way vacation.

Steve Sharek, Columbia River and Fire, Fire Marshal:

No comments received.

Recommendation

In concurrence with the comments from LDS, the Public Works Department agrees that there exists a continuing public interest in the right-of-way. The primary point being that at some time in the future the County will need access to the remaining old bridge sections for removal, and will need right-of-way to access them. If the Board ultimately decides to grant the vacation, the Department could still remove the bridge sections in the future, but it may require temporary construction easements to do so.

While the Department does not know of any plans to develop this into some sort of public water access, the potential exists and should be protected.

Of course, 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.

Therefore, in the interest of the public, I recommend that the request for vacating this section of Inglis Road be denied. Even though there is no current public need for the existing right-of-way, a future need exists.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Vacation of Ingalls Bridge approach }
Located Near End of Ingalls Rd. }
Columbia County, Oregon }

PETITION FOR VACATION

(Ingalls)

I/We, Kathleen McLaughlin, [insert name(s) of all petitioners], who
reside at P.O. Box 1574 Clatskanie OR 97016 [insert
address (360) 431-1154 [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:

Roadway closed between railroad tracks
and Ingalls Bridge that divides
account # 29908

b. Legal Description:

county road

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:

owner of property on both sides of
dead end road (Ingalls Br. Rd.)

b. Legal Description of your property:

8N4W 33 D0 00600

29908

- 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.
not dividing
- 10. A true and accurate map of the proposed vacation is attached as Exhibit B.
- 11. I verify that I have flagged all corners of the area proposed to be vacated and that the flags are reliably and accurately located and are easily visible.
- 12. The non-refundable vacation fee of \$1,000 is tendered with this petition.
- 13. Signature and Verification(s):

STATE OF OREGON)
) ss.
County of Columbia)

I/We R McGeel, am/are the petitioner(s) herein and hereby swear, under penalties of perjury, that the statements made in this petition, and the attachments hereto, are true to the best of my/our knowledge.

Kathleen McLaughlin
Kathleen McLaughlin (Petitioner's Name)

(Date) 5/28/19

(Co-Petitioner's Name [if any])

(Co-Petitioner's Name [if any])

Subscribed and sworn to before me this 25 day of June, 2019.

Melissa J Coffey



Notary Public for Oregon
My Commission Expires: 11/19/2022

C51-2019

EXHIBIT A
Legal Description for Map ID No 8N4W33-DO-00600
and Tax Account No. 29908

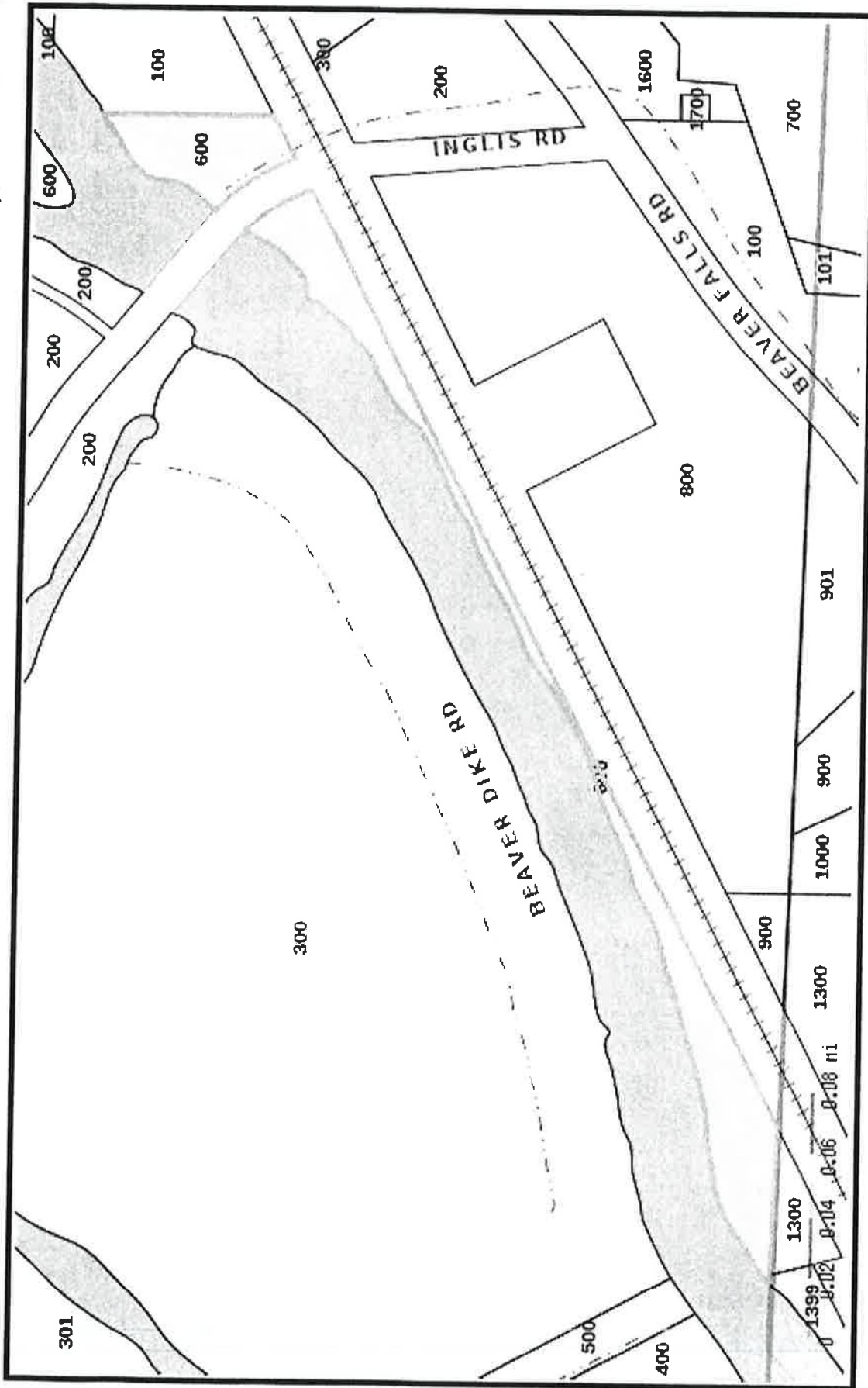
April 9, 1981 – Deed of Foreclosure (Account: 8433-040-00700)

1.70 Ac. portion of Gov. Lot 8 Sec 33 T8N R4W lying southeasterly of Clats. Slough and Northwesterly of Burlington Northern R. R. R/W Exc. Public Rds.

Deed Instrument No. 2002-14306 (Account: 8433-040-00600)

All that portion of Government Lot 7, Section 33, Township 8 North, Range 4 West, Willamette Meridian, Columbia County, Oregon, lying Southerly and Southeasterly of the channel known as The Beaver Channel and Northerly of the Northerly right of way line of 100 foot strip conveyed to Astoria and Columbia River Railroad Company by deed recorded October 30, 1896 in Book Q, page 538, Deed Records.

Exhibit B

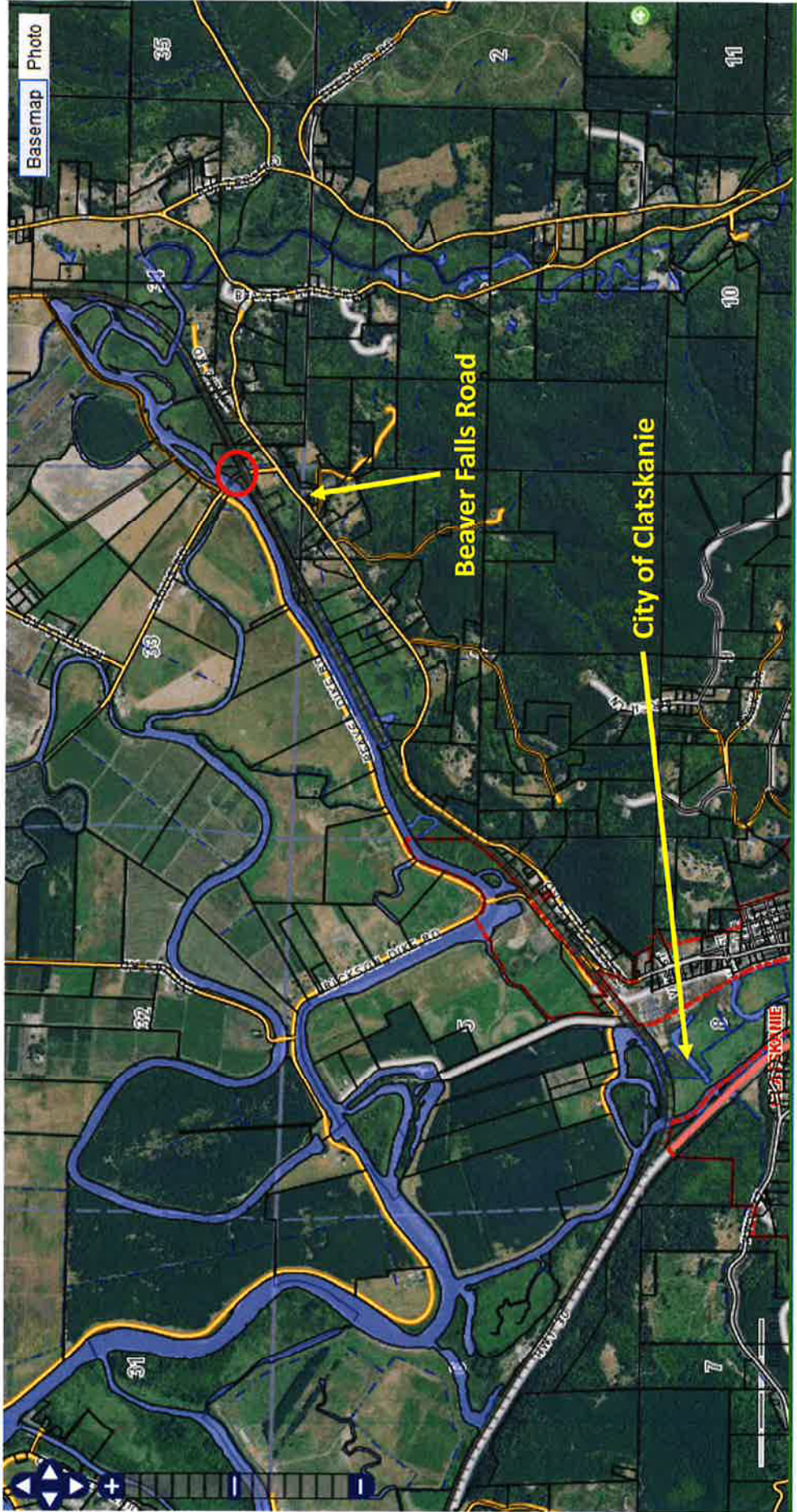


Columbia County Web Maps

Disclaimer: This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard to the selection, performance or use of information on this map.

GeoInfove

Inglis Road Vacation (Circled in red)



Inglis Road Vacation (in red)

