EXPORT DRIVE VACATION ROAD REPORT

1/14/2014 UMATILLA COUNTY PUBLIC WORKS DEPARTMENT

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<u>History</u>

In June, 1999 the Port of Umatilla granted a 60-foot wide non-exclusive easement to the City of Umatilla for roadway and utility purposes which ran east and west between Bud Draper Drive and Beach Access Road. In April, 2007 the Port granted the City a non-exclusive utility easement (no roadway mentioned) in the same location and the City relinquished its right, title, and interest in the 1999 easement. In June, 2007 the Port of Umatilla Subdivision was recorded and a portion of the strip of land which was previously the roadway and utility easement granted to the City as well as a turn-around cul-de-sac was platted and dedicated as a public road and utility easement.

A petition to vacate Export Drive was received by the Public Works Department in December, 2013. The reason for vacation, according to the petition, is so that a re-plat combining Tax Lot 800 (Parcel 2 and a portion of Parcel 1 of Partition Plat 1994-27), Tax Lot 1900 (Lot 3 of the Port of Umatilla Subdivision), Tax Lot 2000 (Lot 4 of the Port of Umatilla Subdivision), and Tax Lot 1800 (Lot 2 of the Port of Umatilla Subdivision) can be completed which would eliminate the need for Export Drive, as the entire new lot (also known as Lot 1 of the Port-Hagerman Replat) would have access off of Bud Draper Drive. The public utility easement would remain intact, as it includes an existing water main serving the easterly portion of the Port Industrial Park. See attached Umatilla County Planning Department Final Findings and Conclusions for these and other details.

Ownership and Uses of Surrounding Property

All of the owners of property abutting Export Drive signed the petition to vacate. Tax Lots 800, 1900, and 2000 are owned by AT Chase, LLC. Part of Tax Lot 800 is zoned M1-City (light industrial) and part is zoned M2-County (heavy industrial). Both Tax Lot 1900 and Tax Lot 2000 are zoned M2-County. All 3 properties are currently being used as truck maintenance, repair, salvage, and storage yards. Tax Lots 2100 and 1800 are zoned M2-County and are owned by the Port of Umatilla. They are currently undeveloped. Tax Lot 900 is zoned M1-City and M2-County and is owned by the Fillmore Family Limited Partnership. A portion of it is currently being used as a freight delivery warehouse; the other portion is undeveloped. As can be seen on the attached photos, Export Drive itself has never been improved.

<u>Statutes</u>

O. R. S. 368.351 allows a county governing body to vacate property without a hearing if the vacation petition was signed by 100% of the abutting property owners and the road official's assessment is that vacation would be in the public interest. O. R. S. 368.366(2) allows a county governing body to determine the vesting of vacated property.

Recommendation

The Umatilla County Public Works Director finds that vacation of Export Drive would be in the public interest, as vacation of the road would return 2.45 acres to the tax rolls. It is also recommended that ownership of the vacated road vest in the Port of Umatilla and be added to Tax Lot 1800 (Lot 2 of the Port of Umatilla Subdivision) and that the vacation does not become final until after the completion of the Port-Hagerman Replat.

PETITION FOR VACATION

TO THE BOARD OF COUNTY COMMISSIONERS FOR UMATILLA COUNTY, OREGON, IN THE MATTER OF THE VACATION OF Export Drive

I, <u>Kim Puze</u>, petition the Board of County Commissioners of Umatilla County, Oregon to vacate <u>Export Prive</u>, more particularly described as follows:

> See Port-Hagerman Replat (Attach legal description)

> > II

Petitioners are the owners, as shown in the records of Umatilla County, of property abutting the property sought to be vacated, (and petitioners are the only persons or corporations particularly affected by the proposed vacation of the property*).

III (attached)

No portion of the street proposed to be vacated is situated within the corporate limits of any city.

IV

The particular circumstances that justify granting a vacation of the described property are: (attach extra page if necessary)

HOW PROPERTY IS USED CONDITION OF PROPERTY REASON FOR VACATION Final Findings of Port-Hagerman Replat attached which address land use and circumstances warranting vacation.

V

Names and addresses of all persons holding any recorded interest in and / or owning any real property abutting the property proposed to be vacated: (Including any property on the opposite side of road).

Unatilla P.O. Box 879, Unatilla, OR 97882 AT chase, LLC <u>82891 Bud Drapel Dr., Umabilla</u>, OR 97882 The Fillmore Family Limited Partnership 1450 N. Hickory? Ave, Meridian, ID 83642

To be included if all property owners petition.

Petition to Vacate - Page 1

Petitioners request that after the giving of notice as required by law, a hearing be held on this petition before the Board of county Commissioners, and that an order be entered vacating the property more particularly described above.

Dated this 18th day of November, 2013.

PETITIONERS

NAME	ADDRESS	T.L.
Port of Umatilla	P.O. Box 879, Umabilla, OR 978	82 <u>5N2814, 77#1800</u>
At chase, LLC	82891 Bud Praper Dr., Umadilla,	OR 97882 5N2814, 72# 1900, 800, 2000
Fillmore Family Limited Portners	p 1450 N. Hickory Ave, Merid	inn, ID 83642 SN2814, 12 #900

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NOTE: All petitions must be accompanied by a \$ 500.00 recording fee. If petitions for vacation is granted and a \$ 20.00 recording fee. This is to be paid by the petitioners and must be prepaid. If vacation is located in a subdivision , an additional \$ 12.00 survey fee is due.

Petition to Vacate - page 2

VAC-PET-94

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AT Chase	IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above. STATE OF OREGON COUNTY OF LIMALIAN BALLANE CHASE by Life PLA MOTARY PUBLIC FOR OREGON	
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IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above.

STATE OF OREGON)ss COUNTY OF

> NOTARY PUBLIC FOR OREGON My Commission Expires

UMATILLA COUNTY PLANNING DEPARTMENT FINAL FINDINGS AND CONCLUSIONS PORT-HAGERMAN REPLAT, # LD-5N-814-13 ASSESSORS MAP # 5N 28 14, TAX LOTS # 800, 1800, 1900 and 2000 A Replat of Parcel 2 of Partition Plat No. 1994-27; and Lots 2, 3 and 4 of the Port of Umatilla Subdivision Plat, Book 15, Page 31

- 1. APPLICANT: Port of Umatilla, P. O. Box 879, Umatilla, Oregon 97882
- 2. AGENT: JR Cook, 3750 S.W. Marshall Place, Pendleton, Oregon 97801
- 3. OWNERSHIP: Port of Umatilla Tax Lot 1800, Map 5N 28 14; <u>A T Chase, LLC (Allan and Trudy Chase)</u> Tax Lot 800, 1900 & 2000, Map 5N 28 14
- 4. **PROPERTY LOCATION**: The subject properties are located in the Port of Umatilla Industrial Park to the east of Bud Draper Drive and within the Urban Growth Boundary of the City of Umatilla.
- 5. REQUEST: The request is for the approval of a Replat of Parcel 2 of Partition Plat # 1994-27 (Tax Lot 800), and Lots 2, 3 and 4 of the 2006 Port of Umatilla Subdivision Plat, Book 15, Page 31 (Tax Lots 1800, 1900 and 2000). The applicant's proposed Replat Plan consolidates 4 parcels, vacates a 60'dedicated public roadway, Export Drive, while maintaining a 60' utility easement recorded as Document No. 2007-5170417, April 3, 2007. The proposed name for the Subdivision Replat is "Port-Hagerman Replat."
- 6. ORIGINAL ACREAGE: Tax Lot # 800 = 11.00 acres, Tax Lot # 1800 = 11.54 acres, Tax Lot # 1900 = 7.18 acres, Tax Lot # 2000 = 7.18 acres, Export Drive = 2.45 acres
- 7. **RESULTING ACREAGE**: Lot 1 of the Port-Hagerman Replat = 39.35 acres
- 8. COMPREHENSIVE PLAN: City of Umatilla, Industrial
- 9. **PROPERTY ZONING:** The subject properties are zoned M2, County Heavy Industrial Zone. Additionally, Tax Lot 800 includes M1, City Light Industrial Zone. The M1 zone occurs in a 300-foot wide strip of zoning across the west side of Tax Lot 800, east of Bud Draper Drive.
- 10. ACCESS: The properties for Replat receive access by way of Bud Draper Drive.
- 11. ROAD TYPE: Bud Draper Drive, County Road No. 1289, is a hard surface (concrete) road improved to an industrial standard.
- 12. **PROPERTY EASEMENTS**: The dedicated public road to be vacated (Export Drive) overlays an existing 60' utility easement, recorded in 2007 as Document Number 2007-5170417. While the public road is planned to be vacated the utility easement would remain as

Umatilla County Planning Department Final Findings and Conclusions, Port-Hagerman Replat, Type III Land Division, #LD-5N-814-13 Page 2 of 4

it includes an existing water main serving the easterly portion of the Port Industrial Park.

- 13. CURRENT LAND USE: Tax Lot 800: Truck maintenance, repair and salvage facility (Hagermans), Tax Lot 1800: Vacant, Tax Lot 1900: Truck/equipment storage yard, Tax Lot 2000: Vacant
- 14. UTILITIES: The area is served by Pacific Power and Light, Umatilla Electric Cooperative Association, Century Link Communications and Cascade Natural Gas
- 15. WATER/SEWER: Water and sewer is available, with limitations, via the City of Umatilla.

16. STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE:

The criteria for approval contained in Section 152.697(C), Type III Land Divisions, are provided in underlined text. The evaluation responses follow in standard text.

(C) (1) Complies with applicable elements of the Comprehensive Plan;

- (2) <u>Complies with applicable provisions listed in the zoning regulations of the Umatilla</u> <u>County Development Code Chapter</u>; The City of Umatilla's state-acknowledged Comprehensive Plan allows the subject properties and other surrounding properties to be designated industrial. The Lot proposed exceeds the Umatilla County Development Code Industrial Zone minimum lot size standard.
- (3) <u>Conforms and fits into the existing development scheme in the area, including logical extension of existing roads and public facilities within and adjoining the site;</u> The applicant proposes to consolidate a parcel and three subdivision lots into one lot and vacate Export Drive. The current subdivision lot configuration requires a dedicated public access road (Export Drive) to ensure all subdivision lots have legal access to Bud Draper Drive. The reconfiguration into one large lot would eliminate the need for Export Drive because access to this single large lot would be provided via an existing access approach onto Tax Lot 800.

An Irrevocable Consent Agreement (ICA) is required to be signed and recorded for the future financial participation in the upgrading of Bud Draper Drive, County Road No. 1289. The Irrevocable Consent Agreement runs with the property and is binding on the heirs, assigns and all other successors in interest to the owner of the property, according to the interest of the property and does not operate as a personal contract of the owner. By the Board of Commissioners and the property owners signing the ICA agreement fulfills the County Development Code standard for an improvement agreement for the Type III Land Division.

(4) <u>Complies with the standards and criteria of Section 152.667 (Forest/Multiple Use Areas)</u>, if applicable due to the size, scope, and/or location of the request. The proposed Replat properties are not located within a Forest/Multiple use designated area. Therefore, the standards found in Section 152.667 for Forest/Multiple Use Areas are not applicable.

(D) <u>Decision on a tentative replat plan</u>. The findings and conclusions of the Planning Commission shall include two copies of the tentative plan upon which the decision is noted Umatilla County Planning Department Final Findings and Conclusions, Port-Hagerman Replat, Type III Land Division, #LD-5N-814-13 Page 3 of 4

and any conditions described. One copy shall be returned to the applicant, while the other is retained by the Planning Department. Approval by the Planning Commission shall be final upon signing of the findings, and stands as the county's official action unless appealed. Approval of the tentative plan shall not constitute acceptance of the final replat for recording. However, such approval shall be binding upon the county for purposes of preparation of the replat, and the county may require only such changes in the replat as are necessary for compliance with the terms of its approval of the tentative plan. The above decision on the tentative replat plan would be followed.

17. PROPERTY OWNERS/AGENCIES NOTIFIED: August 5, 2013

18. PLANNING COMMISSION HEARING DATE: August 22, 2013

19. AGENCIES NOTIFIED: Department of Environmental Quality, Oregon Water Resources, County Public Works Director, County Assessor, City of Umatilla, Umatilla Rural Fire District, Pacific Power & Light, Cascade Natural Gas, Umatilla Electric Co-op., and Century Link

20. COMMENTS RECEIVED: City of Umatilla provided comments on the Port's Replat application and the vacation of the undeveloped roadway, Export Drive. The comments were made in light of the location of the Lewis & Clark Commemorative Trail in the same vicinity. The city encouraged cooperation between the Port of Umatilla and Umatilla County to identify another route for the trail through the Port Industrial area.

The city made other suggestions including adding a condition to the Replat approval for an additional 10' setback on either side of the existing 60' utility easement. However, the city did not provide a factual basis for adding this 10' setback. If there is a need for additional protection for the utility easement then renegotiation of the easement agreement should be pursued to increase the utility easement width to 80'.

Vacating Export Drive, as a future road, does not remove or relocate the 60' utility easement or the Lewis & Clark Commemorative Trail. The Lewis & Clark Commemorative Trail is not dependent on Export Drive. Actions to recognize the trail at another location can and should be accomplished outside of the decision on the Port-Hagerman Replat. Likewise, renegotiation of the 60' utility easement agreement to add additional utility easement width should be done outside of the decision on the Replat.

<u>DECISION</u>: BASED UPON THE ABOVE STATED FINDINGS AND CONCLUSIONS, THE UMATILLA COUNTY PLANNING COMMISSION IS APPROVE THE PORT-HAGERMAN REPLAT, TYPE III LAND DIVISION REQUEST, #LD-5N-814-13, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

The following "precedent conditions" must be fulfilled prior to final approval of the Replat request.

1. Pay and possibly prepay property taxes to the Umatilla County Tax Department.

Umatilla County Planning Department Final Findings and Conclusions, Port-Hagerman Replat, Type III Land Division, #LD-5N-814-13 Page 4 of 4

- 2. Submit a Subdivision Replat complying with State and County regulations. The survey shall show easements and include the Replat name, Port-Hagerman Replat.
- 3. Obtain Board of Commissioners approval to vacate Export Drive.
- 4. Revoke the Road Improvement Agreement, Document Number 2011-5750296, for future road improvements to Export Drive.
- 5. Sign and record an Irrevocable Consent Agreement for future financial participation in upgrading of Bud Draper Drive, County Road No. 1289.

The following "subsequent condition" must be fulfilled for final approval of the Replat.

6. Record the Subdivision Replat, prior to conveying and recording deeds.

UMATILLA COUNTY PLANNING COMMISSION

Dated _28 12 day of August, 2013

Randy Randall, Planning Commission Chair

Mailed 28th day of August, 2013



















