

"Making a difference through excellence of service"



CITY OF WARRENTON

Warrenton Planning Commission

SPECIAL MEETING

AGENDA

January 31, 2019 | 6 PM | City Hall - Commission Chambers

1. Attendance
2. Flag Salute
3. Public Comment Period on *Non-Agenda* Items
4. Type 3 Public Hearing: Lot & Block Plat Vacation Request | Clatsop County (SV 18-1)
 - Applicant: Clatsop County Public Works
 - Proposal: Vacate lot and blocks within County owned property adjacent to SW 9th St
 - *Action Item: Recommendation to approve with conditions*
5. Staff Announcements & Project Updates
6. Next Meeting: February 14, 2019 | Verizon Cell Tower @ Warrenton HS

"Making a difference through excellence of service"



CITY OF WARRENTON

January 24, 2019

To: Warrenton Planning Commission

From: Kevin A. Cronin, AICP, Community Development Director

Re: Clatsop County Plat Vacation Application SV 18-1

Clatsop County, the owner of property located adjacent to SW Cedar, north of SW 9th Ave and south of SW 2nd Ave, has requested a plat vacation for the lot and block pattern that was created by the original plat for the City of Warrenton - W.C. Smith's - in 1896. As part of state requirement to mitigate significant wetland impacts for the development of the North Coast Business Park, the Department of State Lands has required a street vacation and plat vacation for the subject County owned property that will be deeded as open space to the North Coast Land Conservancy. On January 22, the City Commission approved the street vacation as required under ORS 227. The lot and block pattern plat vacation is required to be reviewed under the subdivision ruled in the Warrenton Development Code - WMC 16.216.110.

The subject property is zoned R40 Low Density Residential and the existing fee simple lots that were created through the WC Warrenton Plat are to be vacated. The subject property is currently wetlands and open space with no existing or planned development. The NCLC will manage the land for open space, flood storage, fish and wildlife management, and restoration through removal of invasive vegetation.

The street vacation application was submitted in October 2018. Adjacent property owners were noticed of the public hearing on January 14, 2019 and notice was published in *The Columbia Press* on January 18, 2019. No public comments have been received as of this writing. No comments have been received from City departments or affected agencies.

Applicable portions of the Warrenton Development Code are as follows:

16.216.110 Replatting and Vacation of Plats.

- A. Replatting and Vacations. Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed.*
- B. Procedure. All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to replat or vacate the plat). The same appeal rights*

provided through the subdivision and partition process shall be afforded to the plat vacation process. (See Chapter 16.208, Types of Applications and Review Procedures.)

C. Basis for Denial. A replat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria.

D. Recording of Vacations. All approved plat vacations shall be recorded in accordance with Section 16.216.100 and the following procedures:

- 1. Once recorded, a replat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and*
- 2. Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.*

Findings

Below are the applicable findings in a narrative summary:

The County owns all all of the affected property and therefore meets the first standard. A Type 3 notice procedure as described above was implemented to gather public comments. A hearing is scheduled for January 31. The street vacation was already approved by the City Commission that found no impacts to the streets abridging the subject property, no streets planned in the recently approved TSP, nor were there any existing developments or public facilities that would be impacted. A condition of approval for recording the plat vacation is included in the recommendation.

Conclusions & Recommendation

Based on the findings of fact in the staff report, the application, and body of evidence, staff recommends approval subject to the following condition.

1. The applicant shall record a plat vacation with the County Surveyor and provide a copy of the final plat to the City of Warrenton.

Exhibit A

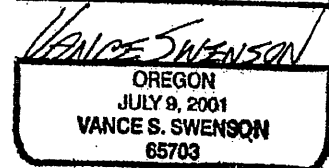
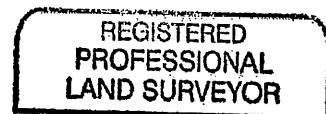
01/04/19

Portions of Streets in W.C. Smith's Warrenton to be Vacated

Those portions of the streets in the town plat of *W.C. Smith's Warrenton*, Book 3, Page 5, Clatsop County Town Plat Records described as: that portion of Willow Street between the Westerly extensions of the north and south lines of Block 9; that portion of Laurel Street lying Southerly of the Easterly extension of the south line of Block 9; all of Pine Street; that portion of 5th Street lying between the Southerly extension of the west line of Block 9 and the Southerly extension of the east line of Block 7; that portion of 6th Street lying between the Southerly extension of the west line of Block 10 and the southerly extension of the west line of Lot 8, Block 12; and those portions of 7th and 8th Streets lying between the Southerly extension of the west line of Block 26 and the Southerly extension of the west line of Block 24 in the town plat of *W.C. Smith's Warrenton*, being more particularly described as:


All those Streets within a tract of land in the West Half of Section 21, Township 8 North, Range 10 West, Willamette Meridian, Clatsop County Oregon, the boundaries of which are described as follows:

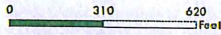
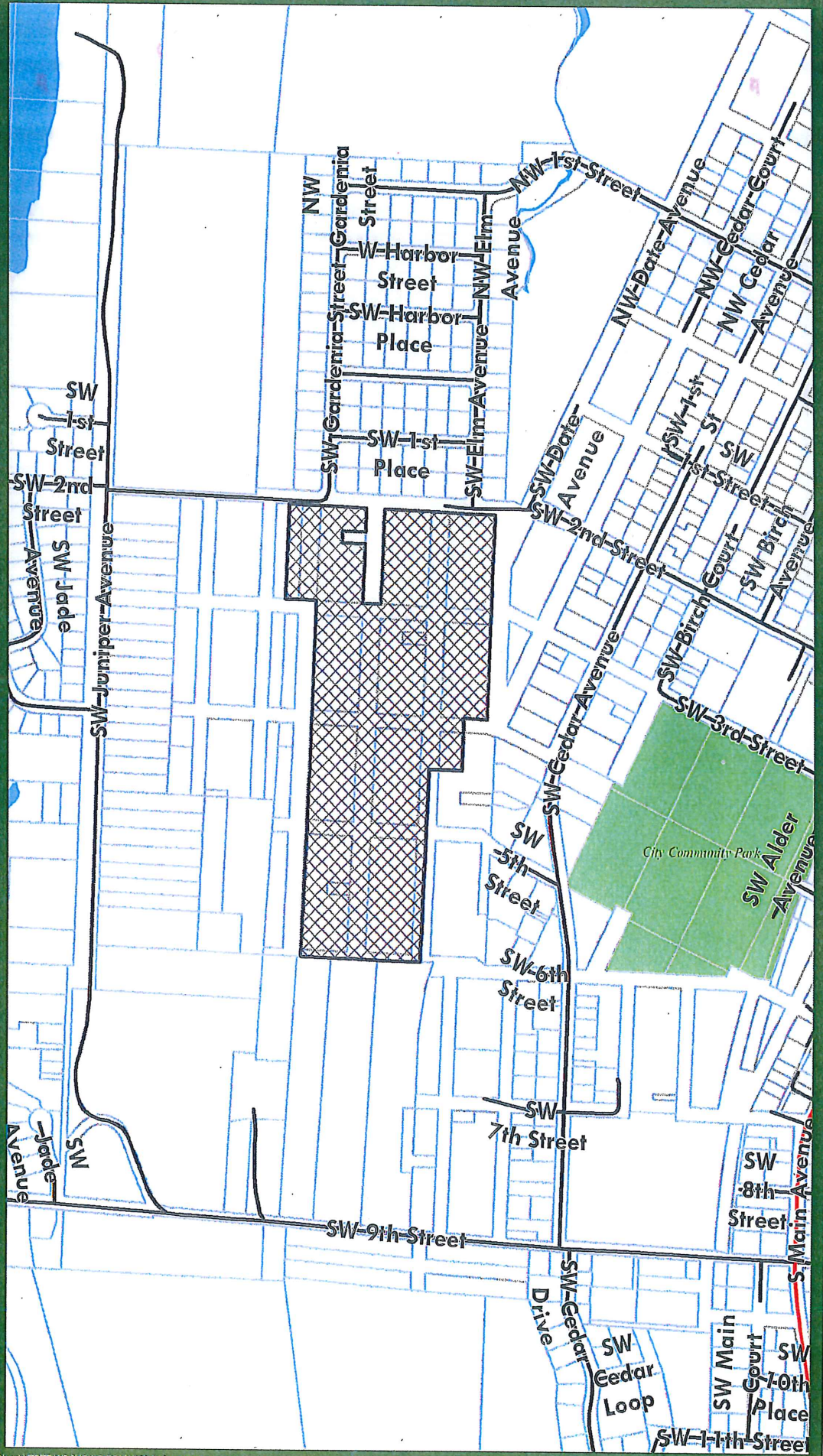
Beginning at the northeast corner of Block 7, in the town plat of *W.C. Smith's Warrenton*, Book 3, Page 5, Clatsop County Town Plat Records; thence Southerly along the east line of Block 7 and its Southerly extension to the southeast corner of Block 12, *W.C. Smith's Warrenton*; thence Westerly along the south line of Block 12 to the southwest corner of Lot 8, Block 12; thence Southerly in a straight line to the northeast corner of Lot 16, Block 24, *W.C. Smith's Warrenton*; thence Southerly along the east line of Lot 16 and its Southerly extension to the southeast corner of Lot 13, Block 24; thence Westerly along the south line of Lot 13 to its southwest corner on the west line of Block 24; thence Southerly along the west line of Block 24 and its Southerly extension to the south line of *W.C. Smith's Warrenton*; thence Westerly along the south line of *W.C. Smith's Warrenton* to its intersection with the Southerly extension of the west line of Block 27, *W.C. Smith's Warrenton*; thence Northerly along the west line of Block 27 and its Northerly extension to the Easterly extension of the south line of Block D, *W.C. Smith's Warrenton*; thence Westerly in a straight line to the southeast corner of Block D; thence Westerly along the south line of Block D to its southwest corner; thence Northerly along the west line of Block D to its northwest corner; thence Easterly along the north line of Block D and its Easterly extension to the northeast corner of Block 9, *W.C. Smith's Warrenton*; thence Southerly along the east line of Block 9 to the northeast corner of Lot 3, Block 9; thence Westerly along the north line of Lot 3 to its northwest corner; thence Southerly along the west line of Lot 3 to its southwest corner; thence Easterly along the south line of Lot 3 to its southeast corner on the east line of Block 9; thence Southerly along the east line of Block 9 to its southeast corner; thence Easterly in a straight line to the southwest corner of Block 8, *W.C. Smith's Warrenton*; thence Northerly along the west line of Block 8 to its northwest corner; thence Easterly along the north line of Block 8 and its Easterly extension to the northeast corner of Block 7 *W.C. Smith's Warrenton* at the Point of Beginning.



RENEWS 07-01-2020

9th Street Mitigation Site

-  Area to be Vacated
-  Highway
-  Local
-  Tax Lot Boundary
-  Waterbodies
-  Park/Open Space/Natural Area



DISCLAIMER: This data was produced using Clatsop County GIS data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misuse, or misinterpretation.

MAP AUTHOR: Alejandra Bocche (GIS Specialist / Project Planner)
DATE SAVED: Monday, October 08, 2018

FILE LOCATION: O:\Willamette Drainage Project\LEGAL\Description Work\Map\STREET AND PLAT VACATION\UGCP - 9th Street Mitigation Site_Vacated.mxd

RIGHT OF WAY VACATION
Street Vacation Check List

DISCLAIMER: Completion of this application does not constitute approval of the street vacation. The ultimate decision will be made by the Warrenton City Commission.

To help facilitate the street vacation process, you must complete the steps below in the order presented.

- I have read the "Vacating A Street" brochure.
- I have called and spoken to ADAM NILES at Clatsop County's Cartography Department (503/ 325-8522) to see who will own the right-of-way area after the vacation is completed. (In most cases the vacated area is split down the middle and reverts back to the adjacent property owner.) Please list who receives property: ALL OF THE AREA WITHIN THE LOTS, BLOCKS AND STREETS WILL BE OWNED BY CLATSOP COUNTY AFTER THE VACATION.
- I have talked with all owners of the properties that abut all sides and corners of the portion of right-of-way to be vacated and they will support the vacation request (objecting property owners will complicate or stop the process).
- I have contacted private utilities to determine if the companies will support the vacation, with or without special conditions. To ensure that you have a complete understanding of affected utilities, a utility locate should be requested by calling: 800/ 332-2344.

SIGN TO CONFIRM:

I have completed all of the above

Michael J. [Signature]
Signature

10/15/2018
Date

After you have done all of the above and it appears that a right-of-way vacation may be feasible, a written right-of-way vacation petition (attached) and a Six Hundred Dollar (\$600.00) application fee is required. If multiple streets are involved, or it affects multiple lots, a land use review by the Planning Department and Planning Commission is required. The petition fee is Eight Hundred Dollars (\$800) when it's required to go before the Planning Commission.

Upon receipt of this checklist, the petition, the required fee and all necessary signatures, (see ORS 271.080 – attached), the City Recorder shall review the petition. If petition is deemed incomplete, it will be returned to the petitioner for additional signatures or other required information. If required percentages of consent is confirmed, the matter will be placed on the City Commission's Agenda to consider setting a public hearing or referred to the Planning Commission, if required. Please allow four weeks for the review of the petition.

Page Two (2)

Send the petition along with the petition fee in the form of a check made out to the City of Warrenton and a signed copy of this checklist to:

Mail Form To:
City Recorder
City of Warrenton
P.O. Box 250
Warrenton, OR 97146

or

Deliver Form in Person To:
City Recorder
City of Warrenton
225 S. Main Street
Warrenton, OR 97146

If you have additional questions about the street vacation process, please contact Linda Engbretson, at 503/ 861-0823 or at cityrecorder@ci.warrenton.or.us.

STREET VACATION PETITION
City of Warrenton

Fee: \$600.00

<u>Petitioner</u>	<u>Petitioner's Representative</u>
Name: <i>CLATSOP COUNTY</i>	Name: <i>MICHAEL SUMMERS</i> <i>(PUBLIC WORKS DIRECTOR)</i>
Mailing Address: <i>1100 OLNEY AVE.</i> <i>ASTORIA, OR 97103</i>	Mailing Address: <i>1100 OLNEY AVE.</i> <i>ASTORIA, OR 97103</i>
Phone Number: <i>503-325-8631</i>	Phone Number: <i>503-325-8631</i>
Email Address: <i>MSUMMERS@CO.CLATSOP.OR.US</i>	Email Address: <i>MSUMMERS@CO.CLATSOP.OR.US</i>
<p>1. A description of the right-of-way area to be vacated. <i>(Don't forget to include a map highlighting the area. A survey or professionally developed legal description is required).</i></p> <p><i>SEE ATTACHED LEGAL DESCRIPTION AND MAPS.</i></p>	
<p>2. Reason for the Vacation Request. <i>(Advise if any buildings/structures will be in the area to be vacated).</i></p> <p><i>SEE ATTACHED PAGE.</i></p>	
<p>Note: If additional room is necessary, please attach extra pages.</p>	
<p>3. Required affidavits.</p> <ul style="list-style-type: none">a. <u>100%</u> of abutting property owners.b. Two-thirds in area of real property affected by proposal. Refer to <i>ORS Chapter 271</i> (attached).c. List of all abutting and affected property owners, mailing addresses, and corresponding square footage of property owned.	

Michael J. Hamm
Petitioner

10/15/2018
Date

Return To:	City of Warrenton P.O. Box 250 225 S. Main Street Warrenton, OR 97146
For Questions – Contact:	Linda Engbretson, City Recorder Phone: 503/ 861-0823 Email: cityrecorder@ci.warrenton.or.us

Town Plat of W.C. Smith's Warrenton Vacation Request

Reason for Vacation Request:

Clatsop County is planning on creating a 40 acre wetlands preservation area on county-owned land in the area between SW 2nd Street and SW 9th Street. One of the requirements within this preservation area is that all public streets are vacated. During the vacation process, Clatsop County is intending to vacate all of the lots and blocks within the preservation area also. Clatsop County is the owner of all of the land adjoining the streets to be vacated. There are no existing roadways along the platted streets and structures on the platted lots.

AFFIDAVIT

STATE OF OREGON)
COUNTY OF CLATSOP)

CLATSOP COUNTY,

being the owners of the following real property: BLOCKS D, 7-12, 24-29,
EXCEPTING LOT 3, BLOCK 9 AND LOT 6, BLOCK 24 IN THE
TOWN PLAT OF W.C. SMITH'S WARBENTON,

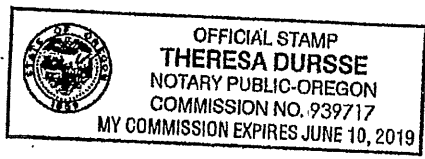
as a basis of the petition from CLATSOP COUNTY,
REPRESENTING 100% OF ADJOINING OWNERS,
do hereby consent to the vacation of a portion of THE TOWN PLAT OF W.C.
SMITH'S WARBENTON

as described: - SEE ATTACHED LEGAL DESCRIPTION.

Signature: Michael J Summers Date: 10/15/2018

Signature: _____ Date: _____

On this 15 day of October, 2018, personally appeared before me, a
notary public in and for the State of Oregon, the within named _____
Michael Summers acknowledged the following instrument to be _____
voluntary act and deed.



Theresa Dursse
Notary Public for Oregon

My commission expires: 6/10/19

271.080 Vacation in incorporated cities; petition; consent of property owners. (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

See attached petition, included therein is a description of the plat and street areas to be vacated, as well as a description of the purpose for which the ground is proposed to be used.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby.

Clatsop County is the owner of all the property to be vacated, and the only abutting property is one 5000 square foot lot (TL81021BD03300), which is not proposed to be vacated, and the street serving it is not proposed to be vacated.

The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated.

Each street was offset 200 feet and extended 400 along its course beyond the extents of the portions proposed to be vacated. All of the real properties adjoining these offsets and extensions were factored into the total area of real property affected. Clatsop County owns more than two-thirds in area of the real property affected thereby.

Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted.

The vacated portions of the streets were extended 400 feet along their course beyond the portions proposed to be vacated. No streets were vacated to their termini, but would include the same extension described above.

In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply.

Clatsop County owns all of the portion of the plat to be vacated. The vacation embraces street area, therefore see descriptions above for street vacation requirements.

The consent of the owners of the required amount of property shall be in writing. [Amended by 1999 c.866 §2]

Clatsop County has completed petition in writing and submitted it to the City of Warrenton.

PRIVATE NUMBER	AREA
1	80,000
2	22,400
3	80,000
4	23,000
5	22,800
6	62,500
7	42,000
8	39,500
9	65,000
10	20,000
11	5,000
12	10,000
13	20,000
14	22,500
15	7,000
16	20,500
17	31,150
18	12,600
19	12,800
20	21,350
21	10,450
22	60,000
23	10,000
24	5,000
TOTALS	705,550

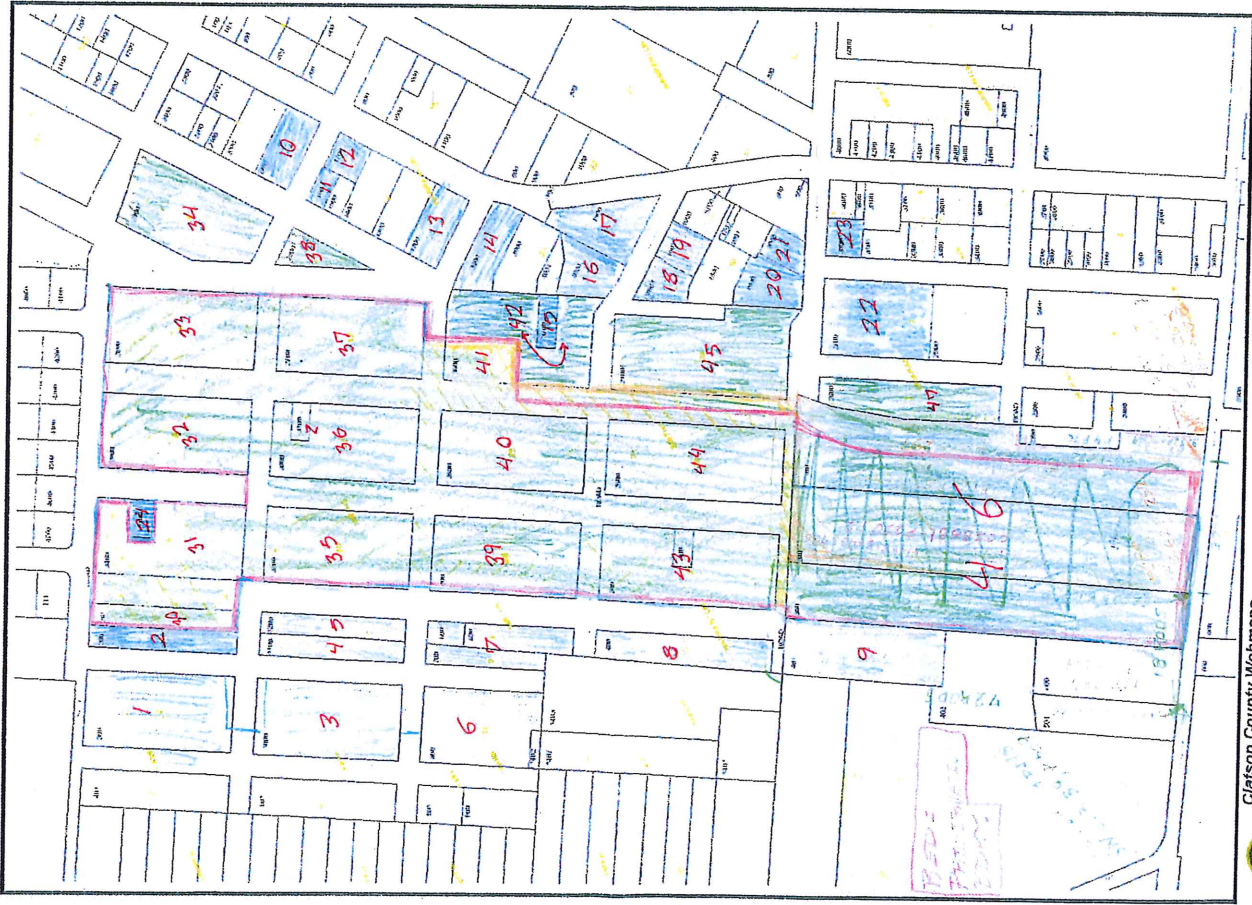
COUNTY NUMBER	AREA
30	22,600
31	79,500
32	80,000
33	80,000
34	72,900
35	80,000
36	80,000
37	80,000
38	13,700
39	80,000
40	80,000
41	20,000
42	69,000
43	98,000
44	98,000
45	105,600
46	617,201
47	46,600

1,803,101

TOTAL AREA 2,508,651

PERCENTAGE OF TOTAL AREA
72%

Map



Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuses or misinterpretation. Photos may not align with taxlots.

