



MEMORANDUM

To: Board of County Commissioners
From: Mike Russell, Public Works Director, Roadmaster
Cc: Edward McGlone, Assistant County Counsel
Date: May 16, 2024

Subject: Luma Vista Drive and Skyline Terrace Vacation Request

Background

On June 30, 2023, Public Works was contacted by an engineer hired by property owners on Luma Vista Drive and Skyline Terrace to investigate placing a gate on Luma Vista Drive near JP West Road, citing concerns with nonresident behavior related to parking in the neighborhood and related security issues. Public Works responded by informing the engineer that the road is a public road as defined by ORS 368.001. The partition plat for the subdivision specifically states that the partition “is subject to a 50’ wide easement for ingress, egress and utilities ... to be dedicated to the Public as Luma Vista Drive”. Therefore, the public has a right to use Luma Vista Drive, as recorded, and the Roadmaster did not support establishing a gate at this location.

After discussing this further with the residents, they decided they would like to pursue the vacation of Luma Vista Drive and Skyline Terrace. Rather than formally accepting the vacation application, which would necessitate the submission of a \$1,000 vacation fee, Public Works offered a free cursory review of the proposal. A letter containing the reasons why both Public Works and the Planning Division of Land Development Services would not support the vacation was submitted to the property owners’ representatives on December 01, 2023.

Subsequent to this, the property owners’ representatives requested a meeting with Public Works. This occurred on December 15, 2023. Public Works staff met with residents to go over the vacation request application they were planning to submit. Public Works informed the residents that it would not be supporting the application for the reasons outlined in the letter; these reasons are outlined below. Upon conclusion of the meeting, and with full knowledge that Public Works would not support the proposal, the residents decided that they wanted to continue with the vacation request and present their case to the Board of Commissioners.

During this meeting, residents also expressed concern that adjacent property, owned by the City of Scappoose, could be developed as a public park in the future, and that this park might access from the right-of-way for Luma Vista Drive. The concern is based on the perception that the

development of this parcel as a city park will exacerbate traffic and use issues, as well as increase wear and tear on the road, and since this road is a local access road, the residents will be responsible for this increased maintenance. Therefore, they would prefer to limit the city's ability to use Luma Vista as the main access to the site and encourage access from NW Bella Vista Drive, an existing city street connecting to the northeast corner of the city property. This concern also factored into the decision to move forward with the vacation request.

On January 9, 2024, the residents submitted the vacation request to County Counsel's Office with the required fee.

On April 17, 2024, the Board of County Commissioners scheduled and directed the Roadmaster to post a hearing on this proposed vacation. All required notices and procedures followed ORS 368.341 to 368.426.

Analysis

Both Luma Vista Drive and Skyline Terrace are local access roads (LARs), a classification wherein the right-of-way is public, but the roads are maintained by the property owners. This is recognized by the applicants, wherein an established maintenance agreement is provided. Both rights-of-way were established through a partition plat in 2003 (P.P. 2003-27) that dedicated a 50-foot wide right-of-way to the public for each road. See Exhibit 1.

Landlocking

There are currently six developed parcels that use Luma Vista Drive and Skyline Terrace for access. There are also four vacant parcels that front these rights-of-way and that would require Luma Vista Drive and Skyline Terrace for legal access should they develop. Furthermore, there is a fifth vacant parcel that fronts both Bella Vista Drive and Luma Vista Drive, and a sixth that fronts both JP West Road and Luma Vista Drive; both could use Luma Vista Drive for legal access. See Exhibit 2.

The County cannot landlock parcels through a vacation of right-of-way (ORS 368.331). The proposed vacation would remove the legal access to the aforementioned ten parcels – though one could access from JP West Road – and limits access to two more. In order to mitigate this, an easement would be required for a private road, though this raises additional challenges, as outlined further in this memo.

County Road Standards

The County Road Standards state that there can only be a maximum of six developed parcels on a private road, and once a seventh development requiring access is introduced, the road must become a LAR. There are four parcels that have the potential of development requiring access on Luma Vista Drive and Skyline Terrace. Therefore, a vacation of this right-of-way would not follow County Road Standards. (See Section IV in County Road Standards.)

Zoning Ordinance Requirements

During our review of the proposal, and as part of the Public Works Department's due diligence, we reached out to Columbia County Land Development Services, Planning Division, for comment. Their review found that the parcels that utilize Luma Vista Drive, and subsequently Skyline

Terrace, were created through a series of property line adjustments and partitions that occurred from approximately 2001-2016. All of these parcels are zoned RR-5 and are subject to the standards in the Columbia County Zoning Ordinance (CCZO) Section 600. The public dedication of these rights-of-way appear to have occurred and been accepted by the Board of Commissioners via Partition Plat 2003-27 (this also included a property line adjustment).

Land Development Services generally concurs with the Public Works Department. MP 01-12, Condition 4, required the applicant to extend Luma Vista Drive to the north boundary line of the subject property, as indicated on the final plat. This public right-of-way dedication was required to satisfy the criteria set forth in CCZO 604.5(A), as indicated by Finding 3 of the MP 01-12 staff report. CCZO 604.5(A) states, in part, “*All lots or parcels legally recorded on or after June 4, 1991 shall have a minimum of 50 feet of usable frontage on a public right-of-way*” (emphasis added). If this public right-of-way was not proposed via MP 01-12, the proposal (and all subsequent partition proposals) would have been denied based on this criterion alone. As mentioned above, if this public right-of-way were to be vacated by the Board of Commissioners, it would result in nine parcels without frontage on a public right-of-way (three parcels would still have frontage on JP West Road or Bella Vista Drive), which does not conform to the standards of CCZO 604.5(A).

Land Development Services has stated they are opposed to any request to vacate a public right-of-way that was used to justify the approval and creation of parcels within the County.

Recommendation

The Roadmaster does not support the vacation of Luma Vista Drive and Skyline Terrace.