



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

February 28, 2019

Board of Commissioners
Clackamas County

Members of the Board:

A Public Hearing Related to the Vacation of McNary Road

Purpose/Outcomes	To hold a public hearing, pursuant to ORS 368.346 and Clackamas County Code Section 7.03.095, to receive testimony pertaining to the Vacation of a portion of McNary Road, County Road No.2132.
Dollar Amount and Fiscal Impact	Application and processing fee received.
Funding Source	N/A
Duration	N/A
Previous Board Contact	October 16, 2018 Policy Session;
Strategic Plan Alignment	Build public trust through good government.
Contact Person	Doug Cutshall, Engineering Technician, 503-742-4669

BACKGROUND

McNary Road, (Tourtelotte Road) County Road No. 2132, is situated in the SW1/4 of Section 8, T.2 S., R.2 E., W.M. The petitioner wishes to vacate an unimproved and unused portion of McNary Road that lies northeasterly of its intersection with Norma Road and adjoining the petitioner’s northwest property line.

The petitioner has not acquired 100% of the adjoining property owner’s signatures required to allow the Board to vacate the right of way without a hearing. In this case, ORS 368.346 requires the Board to hold a hearing to determine if the road vacation is in the public interest. As required by statute, attached to these materials is a map of the proposed vacated area and a report from the County Road Official describing the ownership, uses of the property to be vacated, and an assessment as to whether the vacation is in the public interest.

Clackamas County Code Section 7.03.095(4) provides that the Board shall consider the following criteria when determining whether a vacation is in the public interest:

- a. Whether the vacation would inhibit or preclude access to an abutting property, and whether an access reservation would be adequate to protect that access;
- b. Whether it is physically possible to build a road that meets contemporary standards over the existing terrain or right of way;
- c. Whether it is economically feasible to build a road that meets contemporary standards over the

existing terrain or right of way;

d. Whether there is another nearby road that can effectively provide the same access as the right-of-way to be vacated;

e. Whether the right-of-way to be vacated has present or future value in terms of development potential, use in transportation linkages, or use in road replacements;

f. Whether there are present and future likely benefits of the right-of way to the traveling public;

g. Whether anticipated growth or changes in use of the surrounding area are likely to impact the future use of the right-of-way proposed to be vacated;

h. Whether the right-of-way proposed to be vacated leads to a creek, river, or other waterway that can be used for public recreation; and

i. Whether the right-of-way proposed to be vacated leads to federal, state or local public lands that can be used for public recreation.

Notice of this public hearing has been provided as required by ORS 368.346(3) by posting the property to be vacated, service directly to affected parties, as well as publication in the Oregonian consistent with the requirements in ORS 368.426.

Once the Board renders its decision, staff will draft findings memorializing the decision, and the Board shall enter an order or resolution granting or denying the vacation at a later Business Meeting.

RECOMMENDATION

Staff respectfully recommends that the Board hold a public hearing to determine whether the vacation of a portion of McNary Road, County Road No. 2132, is in the public interest.

Sincerely,

Douglas Cutshall
Engineering Technician D.T.D.

MEMORANDUM

TO: Board of Commissioners

FROM: Dan Johnson, Director D.T.D.

DATE: February 20, 2019

SUBJ: **ROAD OFFICIAL'S REPORT FOR THE VACATION OF MCNARY ROAD**

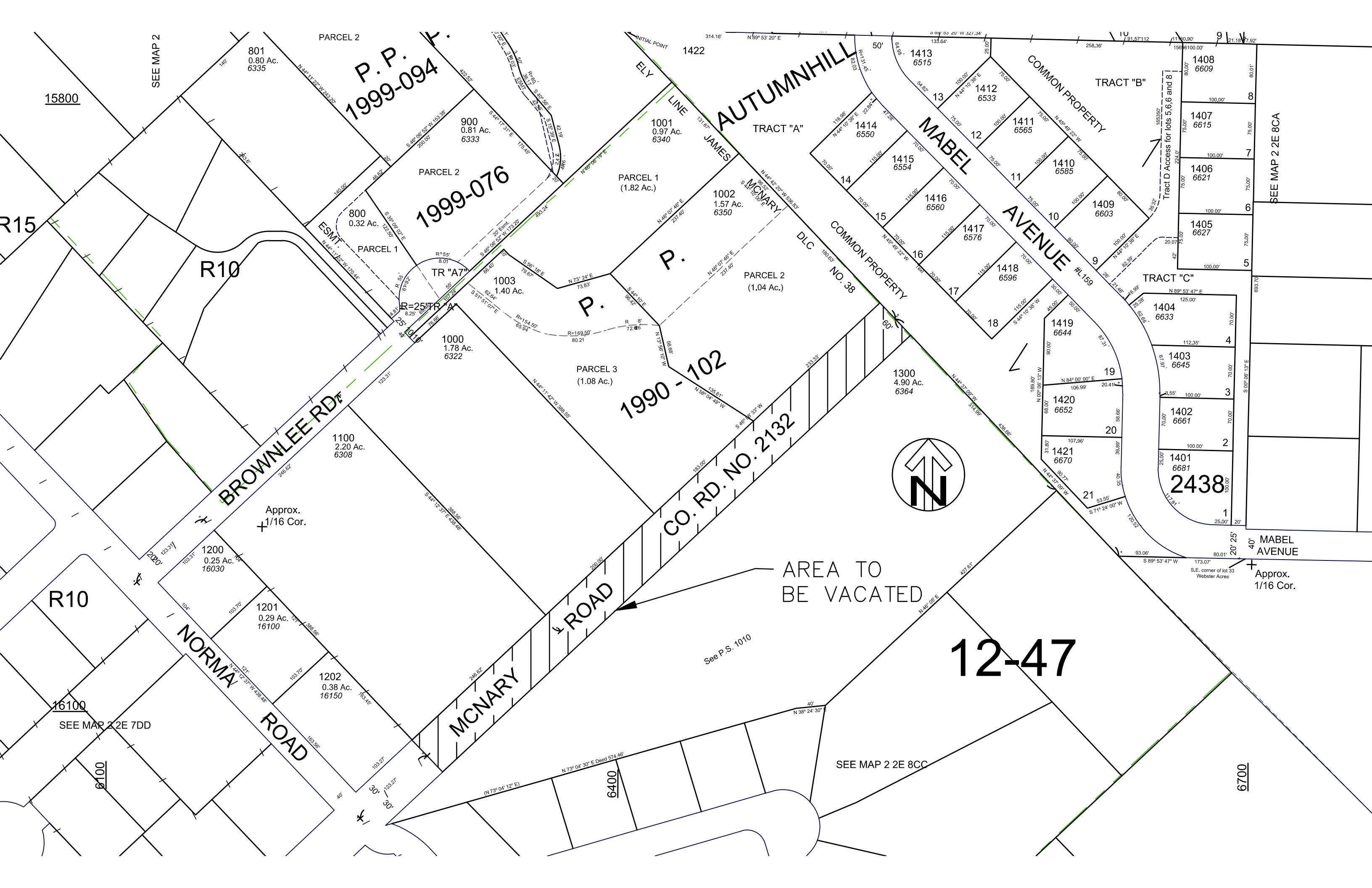
LOCATION: McNary Road, (Tourtellotte Road) County Road No. 2132 is situated in the SW1/4 of Section 8, T.2 S., R.2 E., W.M.

FACTS AND FINDINGS: The petitioner wishes to vacate an unimproved and unused portion of McNary Road that lies northeasterly of its intersection Norma Road and, northwesterly of and adjoining the petitioners property. McNary Road was dedicated to the public through deeds from several property owners which were then accepted by the Court, July 6th 1939, to be used for a county road. This unused and unconstructed portion of McNary Road right of way is a dead end road, provides no connectivity to any through streets, and is not used to access adjoining property. Vacating this 60 foot wide, 960 foot long portion of McNary Road will not deprive public access to adjoining properties and will not affect area traffic flow.

The Petition to Vacate under ORS 368.341 has been filed with the determined fee and, pursuant to ORS 368.346(1)(c) allows the Board to request additional information be added to this report, and (4) The county governing body shall establish a time and place for a hearing to consider whether the proposed vacation is in the public interest.

Clackamas County Departments of Transportation Maintenance, Engineering, Planning, Traffic, along with all local utility companies have been contacted and do not have any objections to this vacation. This road vacation does not violate any portion of Clackamas County Code 7.03.095 (4).

It is my assessment that the proposed vacation is in the public interest.



P. P. 1999-094 K.

1999-076

1990-102

CO. RD. NO. 2132

See P.S. 1010

12-47

AREA TO BE VACATED

SEE MAP 2 2E 8CC

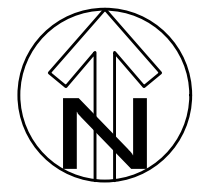
SEE MAP 2

SEE MAP 2 2E 8CA

Tract D Access for lots 5, 6, 6 and 8

Approx. 1/16 Cor.

Approx. 1/16 Cor.



15800

R10

16100

SEE MAP 2 2E 7DD

6100

R10

NORMA ROAD

ROAD

MCNARY ROAD

ROAD

6400

1422

ELY LINE

AUTUMNHILL

TRACT "A"

PARCEL 2 (1.04 Ac.)

PARCEL 3 (1.08 Ac.)

PARCEL 1 (1.82 Ac.)

PARCEL 2

PARCEL 1

PARCEL 1

PARCEL 2

PARCEL 2

801
0.80 Ac.
6335

900
0.81 Ac.
6333

800
0.32 Ac.
6330

1000
1.78 Ac.
6322

1100
2.20 Ac.
6308

1200
0.25 Ac.
16030

1201
0.29 Ac.
16100

1202
0.38 Ac.
16150

1001
0.97 Ac.
6340

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