

BE IT REMEMBERED, that at a regular term of the Union County Board of Commissioners, for the County of Union, sitting for the transaction of County business, begun and held at the Joseph Building Annex in the City of La Grande, in said County and State, on Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable	COLLEEN MACLEOD	Chairman
	STEVE MCCLURE	Commissioner
	JOHN J. HOWARD	Commissioner

WHEN, on Wednesday the 16<sup>th</sup> day of January, 2002, among others the following proceedings were had to-wit:

IN THE MATTER OF RELOCATING) A PORTION OF NORTH PORTLAND) STREET IN THE LA GRANDE UGB)	<b>Corrected</b> COURT ORDER 2001-52
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WHEREAS, Union County received a request to vacate a portion of North Portland Street that is outside La Grande City Limits but inside La Grande's Urban Growth Boundary from Boise Cascade Corp. on September 24, 2001;

WHEREAS, Richard Comstock, Union County Public Works Director, supported vacating the subject street segment in a letter dated October 17, 2001;

WHEREAS, Union County Planning Department gave public notice on October 18 & 30, 2001 for a public hearing on the proposed street vacation to be held on November 7, 2001;

WHEREAS, the County Board of Commissioners held a public hearing and accepted testimony in support and opposition to the request;

WHEREAS, the County Board of Commissioners and others toured the area on November 21, 2001;

WHEREAS, during the tour and in written testimony Boise Cascade Corp. representatives requested moving the N. Portland Street dedicated right-of-way 50 feet east to consolidate property;

WHEREAS, the public was provided an additional opportunity to submit written testimony in support and opposition.

**NOW THEREFORE**, the County Board of Commissioners orders the relocation of N. Portland Street to include the vacation and relocated dedication of the following described street segments:

**VACATION**

That portion of North Portland Street located outside the City Limits of the City of La Grande to be vacated to adjacent Boise Cascade Corp. property described as follows:

Beginning at a point 10 feet west of the NW corner of Block 4 of the Pratt's Subdivision recorded in the Union County Clerk's Office plat cabinet A253, thence westerly 50 feet m/l, thence southerly 120 feet m/l, thence easterly 50 feet m/l, thence northerly 120 feet m/l to the point of beginning.

Filed

JAN 17 2001


At \_\_\_\_\_ O'clock \_\_\_\_\_  
E. Elaine Bogue Hibbert, Clerk  
By \_\_\_\_\_

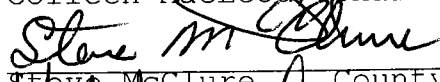
**RELOCATED DEDICATION**

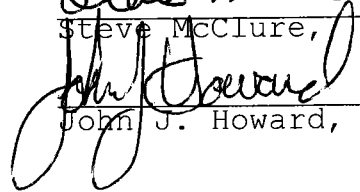
Beginning at a point which is the NE corner of Lot 1, Block 4 of the Pratt's Subdivision recorded in the Union County Clerk's Office plat cabinet A253, thence westerly 60 feet m/l, thence southerly 120 feet m/l, thence easterly 60 feet m/l, and thence northerly 120 feet m/l to the point of beginning.

**ALSO, NOW THEREFORE** the County Board of Commissioners adopts the attached North Portland Street Relocation Supporting Findings.

PASSED AND ADOPTED this 16<sup>th</sup> day of January, 2002, by a vote of the following members of the Union County Board of Commissioners voting therefore.

  
\_\_\_\_\_  
Colleen MacLeod, Chairman

  
\_\_\_\_\_  
Steve McClure, County Commissioner

  
\_\_\_\_\_  
John J. Howard, County Commissioner

1-16-02

BE IT REMEMBERED, that at a regular term of the Union County Board of Commissioners, for the County of Union, sitting for the transaction of County business, begun and held at the Joseph Building Annex in the City of La Grande, in said County and State, on Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable	JOHN J. HOWARD	Chairman
	STEVE MCCLURE	Commissioner
	COLLEEN MACLEOD	Commissioner

WHEN, on Wednesday the 2nd day of January, 2002, among others the following proceedings were had to-wit:

IN THE MATTER OF RELOCATING) COURT ORDER  
A PORTION OF NORTH PORTLAND) 2001-52  
STREET IN THE LA GRANDE UGB)

WHEREAS, Union County received a request to vacate a portion of North Portland Street that is outside La Grande City Limits but inside La Grande's Urban Growth Boundary from Boise Cascade Corp. on September 24, 2001;

WHEREAS, Richard Comstock, Union County Public Works Director, supported vacating the subject street segment in a letter dated October 17, 2001;

WHEREAS, Union County Planning Department gave public notice on October 18 & 30, 2001 for a public hearing on the proposed street vacation to be held on November 7, 2001;

WHEREAS, the County Board of Commissioners held a public hearing and accepted testimony in support and opposition to the request;

WHEREAS, the County Board of Commissioners and others toured the area on November 21, 2001;

WHEREAS, during the tour and in written testimony Boise Cascade Corp. representatives requested moving the N. Portland Street dedicated right-of-way 50 feet east to consolidate property;

WHEREAS, the public was provided an additional opportunity to submit written testimony in support and opposition.

**NOW THEREFORE**, the County Board of Commissioners orders the relocation of N. Portland Street to include the vacation and relocated dedication of the following described street segments:

**VACATION**

That portion of North Portland Street located outside the City Limits of the City of La Grande to be vacated to adjacent Boise Cascade Corp. property described as follows:

Beginning at a point 10 feet west of the NW corner of Block 4 of the Pratt's Subdivision recorded in the Union County Clerk's Office plat cabinet A253, thence westerly 50 feet m/l, thence southerly 120 feet m/l, thence easterly 50 feet m/l, thence northerly 120 feet m/l to the point of beginning.

Filed

JAN 17 2001

At \_\_\_\_\_ O'clock \_\_\_\_\_ M  
By R. Nicole Bogue Hibbert, Clerk  
By \_\_\_\_\_ Deputy

**RELOCATED DEDICATION**

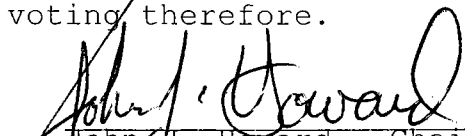
Beginning at a point which is the NE corner of Lot 1, Block 4 of the Pratt's Subdivision recorded in the Union County Clerk's Office plat cabinet A253, thence westerly 60 feet m/l, thence southerly 120 feet m/l, thence easterly 60 feet m/l, and thence northerly 120 feet m/l to the point of beginning.


*Replaced*


**ALSO, NOW THEREFORE** the County Board of Commissioners adopts the attached North Portland Street Relocation Supporting Findings.

**ALSO, NOW THEREFORE** the County Board of Commissioners requires any future vacation of the above described Relocated Dedication for N. Portland Street will vest per ORS 368.366(2) to the adjoining Boise Cascade Corporation property described as Twp. 3S, Range 38 EWM, Section 5, Tax Lot 202.

PASSED AND ADOPTED this 2nd day of January, 2002, by a vote of the following members of the Union County Board of Commissioners voting therefore.

  
\_\_\_\_\_  
John J. Howard, Chairman

  
\_\_\_\_\_  
Steve McClure, County Commissioner

  
\_\_\_\_\_  
Colleen MacLeod, County Commissioner

CO 01-52

**NORTH PORTLAND STREET RELOCATION  
SUPPORTING FINDINGS**

**INTRODUCTION**

Boise Cascade Corporation submitted a petition to vacate a portion of N. Portland Street on September 24, 2001. The subject N. Portland Street segment is not open for public access because it is currently fenced in and used as a part of the Boise Cascade Corp. log yard. During the site tour on November 21, 2001 and in written testimony on the same date Jared C. Rogers from Boise Cascade Corp. requested N. Portland Street be relocated 50 feet east to "square up" land ownership in the area.

The former extension of N. Portland Street north of "X" Ave. was vacated previously, therefore this subject street segment is an isolated, unbuilt, 60-foot wide, dedicated right-of-way.

**CRITERIA**

ORS 368.331 requires the County to demonstrate that the vacation would not deprive an owner of a recorded property right of access necessary for the exercise of that property right unless the county governing body has the consent of the owner.

ORS 368.346 requires the county road official to prepare and file a written report containing specific information and his assessment whether the vacation would be in the public interest.

ORS 368.356 requires the county governing body to determine whether street vacation is in the public interest.

ORS 368.366 allows a vacated street to vest in the owner of the land abutting the vacated property or a county governing body may determine the vesting of property at the time of vacation.

ORS 368.126 states-

Order establishing new road along existing road to identify parts of existing road to be vacated. When a county governing body establishes a new public road following the general alignment of an existing public road, the final order or resolution shall identify all parts of any existing road that are to be vacated.

Vacation of those parts described is effective without any other proceedings. A road so vacated shall not be closed to public use until the road laid out to replace it is actually opened to travel. [Formerly 368.540]

**BASIC FINDINGS**

1. Boise Cascade Corp. is the only adjacent landowner for the proposed street vacation segment. They will not be deprived of an access right for their property because they will continue to have access from the terminus of Jackson Avenue and Willow Street and other City of La Grande streets such as "X", "Q", "R", "S" and "T" Avenues.
2. Richard Comstock, County Public Works Director, submitted a letter dated October 17, 2001 supporting vacation of the subject street segment.
3. Boise Cascade Corp. is the adjacent landowner on all sides of the proposed street vacation segments.
4. The La Grande Transportation System Plan does not identify N. Portland Street as a needed future street for development.
5. Jared Rogers, Boise Cascade Corp. representative, requested N. Portland Street be relocated 50 feet east essentially retaining the east 10 feet of the existing N. Portland Street right-of-way; vacating the west 50 feet of the existing N. Portland Street right-of-way; and dedicating property described at Twp. 3S, Range 38 EWM, Section 5AD, Tax Lot 1300 as part of the relocated N. Portland Street. The vacated west 50 feet of the existing right-of-way will vest in Boise Cascade Corp.
6. The relocated right-of-way will join "X" Avenue on the north and join an unnamed alley on the southeast.

**ULTIMATE FINDINGS**

The applicant has satisfied the applicable ORS 368.326-.426 requirements because Boise Cascade Corporation will not lose a recorded access property right and relocation would be in the public interest because potential access will continue to be provided to an unbuilt alleyway.

BE IT REMEMBERED, that at a regular term of the Union County Board of Commissioners, for the County of Union, sitting for the transaction of County business, begun and held at the Joseph Building Annex in the City of La Grande, in said County and State, on Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable JOHN J. HOWARD Chairman  
STEVE MCCLURE Commissioner  
COLLEEN MACLEOD Commissioner

WHEN, on Wednesday the 2 day of January, 2002, among others the following proceedings were had to-wit:

Filed

IN THE MATTER OF VACATING )  
PORTIONS OF N.WILLOW STREET )  
& JACKSON AVENUE IN THE )  
LA GRANDE UGB )

COURT ORDER  
2001-51

JAN 14 2001

At \_\_\_\_\_ O'clock \_\_\_\_\_  
By Shirley Sogue Hibbert, Clerk  
Deputy

WHEREAS, Union County received a request from Boise Cascade Corp. to vacate portions of N. Willow Street and Jackson Avenue that are outside La Grande City Limits but inside La Grande's Urban Growth Boundary on September 24, 2001;

WHEREAS, Richard Comstock, Union County Public Works Director, supported vacating the subject street segments in a letter dated October 17, 2001;

WHEREAS, Union County Planning Department gave public notice on October 18 & 30, 2001 for a public hearing on the proposed street vacations to be held on November 7, 2001;

WHEREAS, the County Board of Commissioners held a public hearing and accepted testimony in support and opposition to the request;

WHEREAS, the County Board of Commissioners and others toured the area on November 21, 2001;

WHEREAS, the public was provided an additional opportunity to submit written testimony in support and opposition;

WHEREAS, the City of La Grande vacated a portion of Jackson Avenue on December 5, 2001 based on the conditions that a portion of "U" Avenue be upgraded and a blanket utility easement will be retained over the entire vacation area.

NOW THEREFORE, the County Board of Commissioners orders the vacation of the following described street segments based on the attached Willow Street & Jackson Avenue Vacation Supporting Findings:

**NORTH WILLOW STREET**

That portion of North Willow Street outside of the City Limits of the City of La Grande and more particularly described as follows:

Starting at the SE corner of Block 6 of the Pleasant Home Addition Subdivision recorded in the Union County Clerk's Office in plat cabinet A-67, thence northerly about 240 feet m/l, thence easterly about 40 feet m/l, thence southerly about 240 feet m/l, thence westerly about 40 feet m/l to the point of beginning.

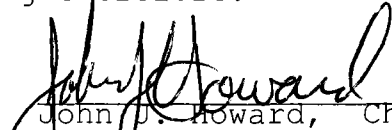
**JACKSON AVENUE**


That portion of Jackson Avenue outside of the City Limits of the City of La Grande and more particularly described as follows:

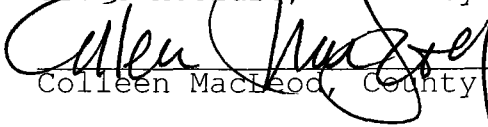
Starting at the SE corner of Block 6 of the Pleasant Home Addition Subdivision recorded in the Union County Clerk's Office in plat cabinet A-67, thence easterly 108 feet m/l, thence southerly 60 feet m/l, thence westerly 108 feet m/l, thence northerly 60 feet m/l to the point of beginning.

ALSO, NOW THEREFORE, the vacated street segments will vest in the adjacent Boise Cascade Corporation property with a blanket utility easement retained upon passage and adoption.

PASSED AND ADOPTED this 2 day of January, 2002, by a vote of the following members of the Union County Board of Commissioners voting therefore.

  
\_\_\_\_\_  
John J. Howard, Chairman

  
\_\_\_\_\_  
Steve McClure, County Commissioner

  
\_\_\_\_\_  
Colleen MacLeod, County Commissioner



**WILLOW STREET & JACKSON AVENUE VACATION  
SUPPORTING FINDINGS**

**INTRODUCTION**

Boise Cascade Corporation originally submitted a street vacation request to the City of La Grande to vacate portions of Jackson Avenue and N. Willow Street. At the time of the initial request these street segments were within the La Grande City Limits. However, during the application review process portions of the segments of both streets were removed from the City Limits but remained inside the City's Urban Growth Boundary (UGB). Because the La Grande-Union County Joint Management Agreement allows land use decisions made by the City within the UGB to be appealed to the County, the City's decision to vacate the street segments was appealed to the County Board of Commissioners by Jack & Patricia Johnson, Appellants, on August 28, 2001.

Appellants also appealed the City of La Grande's decision to LUBA on September 1, 2001 for the portion of Jackson Avenue that remained inside City Limits.

Boise Cascade Corp. submitted a September 14, 2001 letter requesting to withdraw the initial street vacation request to allow an opportunity to submit an amended application. Correspondingly, the City of La Grande submitted to LUBA a September 19, 2001 Notice of Withdrawal of Decision for Purposes of Reconsideration. In a September 18, 2001 letter to the County Board of Commissioners the City asked that the County postpone any action on the appeal for that portion of streets within the UGB. On September 26, 2001 the County Board of Commissioners discussed the pending appeal and the City of La Grande request to postpone action and agree to recess the appeal consideration to November 21.

In the meantime, Boise Cascade Corp. submitted to the county a new "Petition for Vacation" on September 24, 2001 to vacate portions of N. Willow Street, Jackson Avenue and N. Portland Street (street segment outside City Limits). This application is a separate request from the prior appeal proceedings, therefore the application record and decision findings only address the more recent application to the County to vacate the portions of N. Willow Street, Jackson Avenue and N. Portland Street outside La Grande City Limits.

A County final action on the original appeal from the City of La Grande decision was not necessary because part of the La Grande City Council's decision on December 5, 2001

repealed the original ordinance (Ordinance No. 2982) to vacate street segments inside and outside City Limits. Because the City's original action was nullified there was no decision to appeal, therefore no County final action was necessary.

The City of La Grande Ordinance November 2987 Series 2001 (December 5, 2001) also vacates a portion of Jackson Avenue from the east right-of-way line of Cherry Street to the west right-of-way line of Willow Street. This vacation results in a dead end at the southern terminus of Willow Street.

To provide alternative route improvements of equal or better service to the traveling public the City of La Grande's decision required Boise Cascade Corp. to widen "U" Avenue between N. Willow St. and N. Pine Street, improve the intersect at "U" and Willow, and add other improvements if identified as necessary. In addition, the City retained a blanket utility easement for the entire vacated area and required adequate access for fire protection.

#### **CRITERIA**

The County finds the Petition for Vacation is subject to the following:

ORS 368.331 requires the County to demonstrate that the vacation would not deprive an owner of a recorded property right of access necessary for the exercise of that property right unless the county governing body has the consent of the owner.

ORS 368.346 requires the county road official to prepare and file a written report containing specific information and his assessment whether the vacation would be in the public interest.

ORS 368.356 requires the county governing body to determine whether street vacation is in the public interest.

ORS 368.366 allows a vacated street to vest in the owner of the land abutting the vacated property or a county governing body may determine the vesting of property at the time of vacation.

#### **BASIC FINDINGS**

The County accepts the following Basic Findings to support its decision:

1. Boise Cascade Corp. is the only adjacent landowner for all proposed street vacation segments. They will not be deprived of an access right for their property because they will continue to have access from the terminus of Jackson Avenue and Willow Street and other City of La Grande streets such as "Q", "R", "S" and "T" Avenues.
2. Richard Comstock, County Public Works Director, submitted a letter dated October 17, 2001 supporting vacation of the subject street segments.
3. The City of La Grande and Boise Cascade Corp. have developed an agreement where "U" Avenue will be upgraded between N. Pine and N. Willow to accommodate equal or better access for local traffic.
4. Boise Cascade Corp. is the adjacent landowner on all sides of the proposed street vacation segments therefore the vacated property should vest in the adjacent Boise Cascade Corp. property.
5. The City of La Grande decision to vacate a segment of Jackson Avenue includes the "La Grande City Council Revised Findings Document (Option C) December 5, 2001" which is adopted in relevant parts below-

#### B. Transportation Goals

The Comprehensive Plan Transportation Chapter, as it existed at the time this application was filed, listed the following Transportation Objectives and Policies. A finding is made regarding each Objective and Policy.

#### Objectives

1. To provide and encourage a safe, convenient and economic transportation system, and to provide a rationale for determining priorities in street development and improvement.

*Finding: During consideration of this Vacation request, a Traffic Study was conducted by the City Engineering Division, the results of which are part of the Record. This Study shows that trips in this area are primarily associated with the Boise Cascade Mill versus other destinations. Mitigation of the Vacation impacts on those using this right-of-way will occur if improvements are made to widen "U" Avenue to thirty feet (30') from Pine Street to Willow Street. In addition, relocation of utility poles and vegetation and pavement installation at the intersection of "U" Avenue and Willow Street will ensure that this new*

route will meet turning radius and safety concerns. The cost of these improvements is estimated at \$55,614.00.

2. To develop highway facilities in such a manner that valuable soil, timber, water, scenic or cultural resources are not damaged or impaired.

*Finding: Not applicable, as no new highway facilities are being proposed and no such resources exist in the right-of-way to be improved.*

3. To develop a transportation system for the safe and efficient movement of persons and goods to meet the present and future needs.

*Finding: With the improvement of "U" Avenue, the safe and efficient movement of traffic through this area will not be compromised. In fact, removing traffic from the congested intersection of Willow Street and Jackson Avenue will enhance safety for motorists and Boise Cascade employees.*

4. To develop a balanced approach to transportation system development, giving due consideration to all modes of travel.

*Finding: No impact on pedestrian or other alternate modes of transportation would result from this project.*

5. To provide for safe and favorable locations of airports and airstrips within the La Grande vicinity.

*Findings: This Objective is not applicable to the subject request.*

6. To provide a convenient and safe means for routing traffic within and through the area.

*Findings: Vacation and closure of Jackson Avenue east of Cherry Street would have an impact on traffic convenience and safety. However, if a condition is imposed to require the improvement of a portion of "U" Avenue, including improvements at the intersection of Willow Street and "U" Avenue, traffic safety and convenience will be maintained.*

*With the vacation of Jackson Avenue east of Cherry Street, it may be necessary to construct a cul-de-sac*

at the new terminus of Jackson Avenue. Applicants should be required to do so if deemed necessary by the City Council at a future date.

There is a concern that motorists may try to drive over the unimproved Cherry Street right-of-way upon encountering the Boise Cascade gate. To prevent this from becoming a problem, applicants should be required to fund the installation of barricades on the south end of Cherry Street if such becomes warranted, as determined by the Public Works Director.

7. To provide more direct routes between the principal areas of origin and destination of traffic.

*Finding: Boise Cascade Corporation is the principal origin and destination of traffic in this area. Ingress and egress from this facility will not be impacted. Residential uses in the area use the east-west avenues as direct routes to access their homes from Spruce Street, the closest collector street. Those residents who choose to utilize Jackson Avenue for access to their homes will have the option of turning onto Pine Street to access Willow Street from "U" avenue (thus avoiding the congestion associated with Boise Cascade employee parking and pedestrian movements along Jackson Avenue and Willow Street). With improvements to "U" Avenue, some residents may elect to turn from Spruce to "U" Avenue, avoiding the Greenwood School.*

8. To protect property from unnecessary traffic.

*Finding: Not applicable. Most traffic to and from the Boise Cascade Mill will continue to use Jackson Avenue to and from Spruce Street. Traffic counts show that the number of vehicles likely to utilize other streets to drive around the Vacated area is small.*

9. To assist in the proper development of the area's land resources by recognizing the interdependence of street facilities, traffic and land use.

*Findings: The land uses abutting the Vacation area are industrial in nature. If the character of these uses were to change in the future, adequate right-of-way access would exist to the property ("Q", "R", "S" and "T" Avenues along with the portion of Jackson Avenue that will remain open). Residential uses to the north*

are in an area platted with a street grid system. The proposed Vacation is on the edge of that grid system and adequate alternatives (improvement of "U" Avenue) will be constructed to provide access to development in the area.

- 6. Mark Tipperman, Attorney for Jack Johnson, submitted oral testimony on November 7, 2001 (Board of Commissioners November 7, 2001 Minutes). He stated "he believes the County must follow comprehensive plan policies and he feels they are applicable". (pg. 10) He specifically identified Section VII, Policy 6 and Section XII Transportation, Item 7.

The County does not agree that these Plan policies are applicable to a street vacation application. First, the County's land use regulations do not make a street vacation request a land use decision. There is no testimony nor is the County aware of any local land use regulation such as the County Zoning, Partition & Subdivision Ordinance that regulates street vacations. The County has always followed ORS 368 provisions for street vacation requests.

Second, the referenced Land Use Plan policies are not regulatory, but rather instructive, providing direction for regulation. Neither policy mandates a specific land use action.

The Union County Land Use Plan page 36, VII. Hazard Areas number 6. states-

**That land developments will be provided safe and readily accessible ingress and egress for fire and emergency equipment.**

Mr. Tipperman stated- "...that a 22-foot wide chip seal surface is not appropriate for that access so must be addressed." (Nov. 7, 2001 Board of Commissioners Minutes, pg. 10)

Mr. Tipperman does not explain why he believes a 22-foot wide chip seal surface is not appropriate. The County presumes Mr. Tipperman is referring to N. Willow Street. The County refers to the City of La Grande decision to vacate a portion of Jackson Avenue that retains access for fire equipment and the reconstruction of "U" Avenue to provide equal or better access before street vacation. The County also finds Willow Street is currently 22 feet wide with a chip

sealed surface which is as wide or wider than most County local road surfaces and has a better surface condition (see County Transportation System Plan-1999, Appendix B). Therefore, if N. Willow "is not appropriate" for emergency vehicles then most county roads would not be appropriate for emergency vehicles.

A similar issue was raised by Mr. Tipperman during the City of La Grande street vacation process. The City's decision findings include the following:

Mr. Tipperman claims that the Vacation will degrade fire and emergency service access to the area.

*Findings: During the Street Vacation process, which was initiated when the North Side Annexation area was still inside the City Limits, the City Fire Department reviewed and commented on the proposal. There were no concerns expressed by the service provider regarding accessing the Johnson's property or other properties in the neighborhood if this portion of Jackson Avenue were to be closed. A fire lane is twenty feet (20') wide at minimum; such width exists on "X" Avenue and will exist on the alternate routes. Mr. Tipperman provides no evidence from a fire service provider that such service will be degraded if the Vacation is approved.*

The Union County Land Use Plan pages 40 & 41 XII Transportation No. 7. states-

**That road or street right-of-way and other public lands will generally not be vacated; but shall be considered for park, open space, utilities, and all other possible public uses should vacations be contemplated.**

Mr. Tipperman stated in his November 7, 2001 oral testimony-

"Even if the vacation is granted the land should not be turned over to Boise Cascade". (pg. 10)

Mr. Tipperman does not suggest how the land should be distributed if vacated.

First, the Plan policy does not mandate one course of action over another but states "public lands will generally not be vacated". (underline added) The County "generally" does not vacate county roads unless it can

satisfy the ORS 368.356 criteria- "street vacation is in the public interest". The County finds the "street vacation is in the public interest" because equal or better access will be provided with improvements to "U" Ave. and its intersection with N. Willow Street, and because local street traffic will no longer conflict with pedestrian traffic (up to 450 pedestrian crossings per day) and vehicular traffic between Boise Cascade Corp. facilities.

7. Mr. Tipperman alleges in a letter dated October 31, 2001 "A public road cannot be vacated for the sole benefit of an adjacent landowner". He cites several dated court cases. The County has applied the ORS 368.356 criteria that requires a determination "whether street vacation is in the public interest". The County has found the proposed vacation of N. Willow and Jackson Street segments to be in the public interest because local access will be improved on "U" Ave., pedestrian and vehicle conflicts will be eliminated between Boise Cascade facilities and safety improvements will be possible on their property that would not be possible without the street vacation.

#### **ULTIMATE FINDINGS**

The Union County Board of Commissioners find the applicant has satisfied the applicable ORS 368.326-.426 requirements because Boise Cascade Corp. will not lose a recorded access property right and the vacation would be in the public interest because of the increased improvements to "U" Avenue and other street facilities, utility and fire equipment access will be maintained, local traffic conflicts with pedestrian and vehicle traffic between Boise Cascade Corp. facilities will be eliminated, and Boise Cascade Corp will be able to add onsite safety features to protect their facilities.

#### **APPROVAL CONDITIONS**

1. Prior to blocking or limiting public access to the section of Jackson Avenue or N. Willow Street being vacated, the Applicant agrees to pay for the widening of "U" Avenue between Pine Street and Willow Street to a thirty foot (30') paved section. The La Grande Engineering Division estimates the costs of these improvements at \$55,614.00. Applicant shall make provisions for surface water drainage in the project.



2. Applicant shall ensure that security measures do not conflict with fire department access to the fire hydrant located east of Cherry Street on the north side of Jackson Avenue. Gates shall be located at least five feet (5') east of this hydrant and shall not swing toward the hydrant. Keyed access through the gate shall be coordinated with the respective fire departments.
3. Applicant agrees that a blanket utility easement will be retained over the entire vacated area.
4. Applicant agrees to fund the construction of a La Grande City-standard cul-de-sac at the terminus of Jackson Avenue if deemed necessary by the La Grande City Council at a future date.
5. Applicant agrees to fund the installation of a barricade at the Cherry Street/Jackson Avenue intersection as necessary to prevent vehicular use of the Cherry Street right-of-way. The timing, location and design of such barricade are at the discretion of the La Grande Public Works Director.