



In the matter of the) Vacation of ROW
Redwood Street) File No. VC22-01
Right-Of-Way Vacation)
request by William Ruby.

**FINDINGS OF FACT AND DECISION OF
THE CITY OF SWEET HOME PLANNING COMMISSION**

FINDINGS OF FACT

SUMMARY

1. The applicant is requesting to vacate an undeveloped portion of Redwood Street in the City of Sweet Home, Oregon. The portion of Redwood Street proposed to be vacated is a dead-end street, approximately 500 feet long, located north of Highway 20 and west of 53rd Avenue.
2. The subject right-of-way has access from 53rd Avenue. There are no City water and sewer services in this portion of Redwood Street. Based on a review of the FEMA FIRM Map; Panel 41043C0916G dated September 29, 2010, the subject property is not in the 100-year floodplain. The subject property does not show wetlands/waterways on the property that are depicted on the Sweet Home Local Wetlands Inventory and the National Wetlands Inventory Map.
3. Public Notice and Comments: Public Notices were distributed in accordance with ORS271.110.
4. The Sweet Home Planning Commission held a public hearing on January 19, 2023. At the hearing the Planning Commission reviewed application VC22-01. The Planning Commission deliberated on this matter at their January 19, 2023 meeting and hereby approves application VC22-01 and recommends approval by the City Council. That motion of approval specified a 12-day appeal period from the date the Notice of Decision is mailed and directed staff to prepare an order to be signed by the Chair to memorialize the decision.

APPEAL PROCEDURE

Pursuant to Chapter 17.12.090, Appeals of a Planning Commission decision will be made to the City Council. An appeal must be filed within 12 days of the date of the mailing of the decision notice. A fee set by resolution of Council will be paid upon filing of an appeal. At an appeals hearing, the ordinances and criteria must be stated, and the applicant or appellant must address these criteria with sufficient specificity to allow decision makers an opportunity to respond to the issue. Upon appeal, the appellate authority must consider the record of the action of which resulted in appeal. An aggrieved party in a proceeding for a zone change or discretionary permit may appeal the decision to LUBA. The fee for appeal of this decision would be \$610.00.

CHARACTERISTICS OF PROPERTY

1. Location: Redwood is an unimproved local neighborhood street abutting the north boundary of Tax Lot 1200 and the south boundary of Tax Lot 1204, and located on Linn County Assessor's Map 13S01E27AC.
2. Zoning and Plan Designation: The properties to the north, south, east, and west of Redwood Street are zoned Residential Low Density (R-1). The Comprehensive Plan land use classification for the surrounding properties is Residential Medium Density (R-2).
3. Site Description: Redwood Street, immediately west of 53rd Avenue, is an unimproved public-right-of-way (ROW). It contains no public infrastructure, pavement, curbing, storm drainage, or any other normal component of a typical right-of-way. It theoretically provides access to some properties; however, they all have access to 53rd Avenue via an access easement through one of the properties and the adjacent railroad right-of-way. Additionally, this portion of Redwood Street would be extremely expensive to develop due to topographical constraints. There is a severe 15-30-foot difference in grade on the west side of 53rd Avenue that would necessitate a large amount of fill and retaining walls, making development of the street cost prohibitive.
4. Proposal: The applicant is requesting to vacate an undeveloped portion of Redwood Street in the City of Sweet Home, Oregon. The portion of Redwood Street proposed to be vacated is a dead-end street, approximately 500 feet long, located north of Highway 20 and west of 53rd Avenue.

VACATION OF RIGHT-OF-WAY (ROW)

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. [ORS271.080(1)]
2. An application for a Vacation of Right-Of-Way shall be processed as a quasi-judicial land use decision. Notice will be provided as per ORS 271.110. The Planning Commission will hold a public hearing following the procedures in SHMC 17.128.010(E) and ORS 271.120.

CONFORMANCE WITH APPLICABLE CRITERIA

The applicant's request for a vacation of right-of-way was reviewed by the City based on the applicable criteria in the Staff Report presented to the Planning Commission at the January 19, 2023 meeting.

CONCLUSION:

1. The Planning Commission finds that the criteria presented in the staff report have been met.
2. Conditions of Approval
 - A. The applicant shall provide the City of Sweet Home a copy of the recorded survey plat for the Redwood Street Vacation of Right-Of-Way before any further development is proposed on the abutting parcels.
 - B. Additional residential dwellings will require improvements to the private easement per SHMC 17.42.110(A)(4).

C. The Redwood Street sign be removed, and a private drive street sign be placed at the entrance of the private driveway.

ORDER

Based on the Findings and Conclusions above, the Planning Commission, hereby approves application VC22-01 and recommends approval by the City Council of the vacation of right-of-way request for the undeveloped portion of Redwood street located on Linn County Assessors Map 13S01E27AC.

APPROVAL OF
FINDINGS OF FACT
AND DECISION:

January 19, 2023

SIGNED:

This 2nd day of February, 2023, in Sweet Home, Oregon



Jeffrey Parker, Chair



Blair Larsen, CEDD Director

Planning Commission Members:

Jeffrey Parker, Chair
Henry Wolthuis, Vice Chair
Eva Journey
David Lowman
Jamie Melcher
Laura Wood
Todd Branson

