



City of Sweet Home

Community and Economic Development Department- Planning Program

3225 Main Street, Sweet Home, OR 97386 541-367-8113

SWEET HOME COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT STAFF REPORT

REQUEST: This is an application 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.

APPLICANT: William Ruby
OWNER: City of Sweet Home
FILE NUMBER: VC22-01
PROPERTY LOCATION: Redwood Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E27AC, abutting the north boundary of Tax Lot 1200 and the south boundary of Tax Lot 1204.
REVIEW AND DECISION CRITERIA: Oregon Revised Statutes (ORS) 271.110, 271.120
STAFF CONTACT: Angela Clegg. Phone: (541) 367-8113
Email: aclegg@sweethomeor.gov

I. PROJECT AND PROPERTY DESCRIPTION

Zoning and Comprehensive Plan Designations:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Public Right-Of-Way Street	Public Right-Of-Way Street
Property North	Residential Low Density (R-1)	Medium Density Residential
Property East	Residential Low Density (R-1)	Medium Density Residential
Property South	Residential Low Density (R-1)	Medium Density Residential
Property West	Residential Low Density (R-1)	Medium Density Residential

Property Information:

- Floodplain:** Based on a review of the FEMA flood insurance rate map; Panel 41043C0916G, dated September 29, 2010, the subject properties are not in the Special Flood Hazard Area.
- Wetlands:** The subject property does not show wetlands/waterways on the properties that are depicted on the Sweet Home Local Wetlands Inventory and the National Wetlands Inventory Map.
- Access:** Tax Lots 1200, 1203, 1204, 1205, 1208, 2000 shall be accessed via an existing private access easement off 53rd Avenue. The easement is approximately 125 feet south of the existing Redwood Street and approximately 60 feet north of the railroad tracks.
- Sidewalks:** There are no existing sidewalks along 53rd Avenue and no development is planned with this vacation.

Notice and Timelines

Application Received:	November 17, 2022
Application Deemed Complete:	December 13, 2022
Notice Distribution per ORS 271.110:	December 21, 2022
Notice Published in New Era Newspaper:	December 28, 2022
120-Day Processing Deadlines:	April 27, 2023

II. COMMENTS RECEIVED

CEDD Engineering:

Regarding the vacation of Redwood St west of 53rd Ave, the Right-of-Way Vacation of Redwood St will not change the access routes that residents use in the area. Redwood St is unimproved with no roadway infrastructure. The platted ROW is 40 ft wide, 490 ft long, with no road base or pavement. At the west end of the ROW, there is about 100 ft of a gravel shared driveway accessing the four existing residences. The remaining 390 ft is natural vegetation, with a steep incline at the 53rd Ave end. They currently use a private easement roadway across private property and part of the AERR right-of-way at the 53rd Ave RR crossing location. No one has used the current ROW area since there is a 15-20 ft elevation difference from 53rd Ave to the lower section. New development will continue the use of that private drive. The Albany & Eastern Railroad should be consulted regarding the addition use of the driveway. We would also recommend that any improvements to the driveway be made to pull the alignment further to the north, increasing the distance to the RR crossing. The Railroad has driveway permitting authority to 155 ft from the rails, with this driveway within that distance, and is pre-existing. While it cannot be brought into compliance with the standard, the proximity to the crossing can at least be increased.

It is recommended that if the proposed vacation is approved, that a new sign be placed near the entrance of the driveway to indicate the access. A private driveway would be designated and named as the official access – crossing private property – and with a new sign on the north side of the driveway, with white letters on a blue background, similar to city public street signs with green background. The blue color is the official MUTCD color that indicates private streets, with Sweet Home having 5 to 6 of these named roadways. This would be at the expense of the applicant and developer. Prior to this request, the only place an official street sign could be placed is at the actual ROW location.

The vacation of the right-of-way would return otherwise unused square feet to usable land. Since it was platted with the surrounding neighborhood, the vacated area would be split 50-50 to the north and

south sides. Subsequent to that, the common property could be adjusted as needed, with the City Property Line Adjustment procedure.

Sanitary sewer utilities are only present in 53rd Ave. A previously discussed development proposal indicates that private sewer lift station(s) would be installed at each residence. These would connect to the City system near the driveway apron on 53rd Ave. There is no city water north of the RR tracks on 53rd Ave, although on 54th Ave water is present and can be extended north to the intersection of 53rd and 54th. This is at the discretion of the developer. Installing wells are the alternative option.

CEDD-ES has no concerns with the vacation other than a sign designating a private driveway and increasing the distance from the RR Crossing for the driveway.

Public Works Division: No comments as of the issuance of this staff report.

**Adam Leisinger
Building Division:** Building Dept has no issues with this as long as the private driveway to future properties that access from the current private drive is brought up to current City Code Standard.

Sweet Home Fire District: No comments as of the issuance of this staff report.

Public Comments: No comments as of the issuance of this staff report.

III. REVIEW CRITERIA AND FINDINGS OF FACT

An application for a Vacation of Public Right-of-Way is subject to the review criteria listed in ORS Chapter 271 – Use and Disposition of Public Lands Generally, Easements. The Planning Commission shall review the proposal, hold the hearings thereon as it deems proper and make recommendations to the Council. Staff Findings of Fact and analysis are as follows.

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.

William Ruby, one of the affected property owners, is requesting that the City vacate this portion of Redwood Street in order to facilitate development of additional homes.

Rights-of-way are typically assumed to be initially given up by adjacent property owners, and when vacated, are usually divided down the middle, and each half is 'returned' to the property owners on each side.

IV. CONCLUSIONS

The application shall be subject to compliance with the conditions listed below, as required by the findings of fact presented in the Review Criteria (Section III), above. Any modifications to the conditions listed below would require approval in accordance with provisions of law (e.g., variance, subsequent land use application, etc.).

Conditions of Approval:

1. The applicant shall provide the City of Sweet Home a copy of the recorded survey plat for the Redwood Street Vacation of ROW before any further development is proposed on the abutting parcels.
2. Additional residential dwellings will require improvements to the private easement per SHMC 17.42.110(A)(4).
3. The Redwood Street sign be removed, and a private drive street sign be placed at the entrance of the private driveway.

V. PLANNING COMMISSION ACTION

In acting on a zone change application; the Planning Commission will hold a public hearing at which it may either recommend that the City Council approve or deny the application(s). The recommendation should be based on the applicable review and decision criteria. The City Council will hold a public hearing and decide on this application.

Motion:

After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

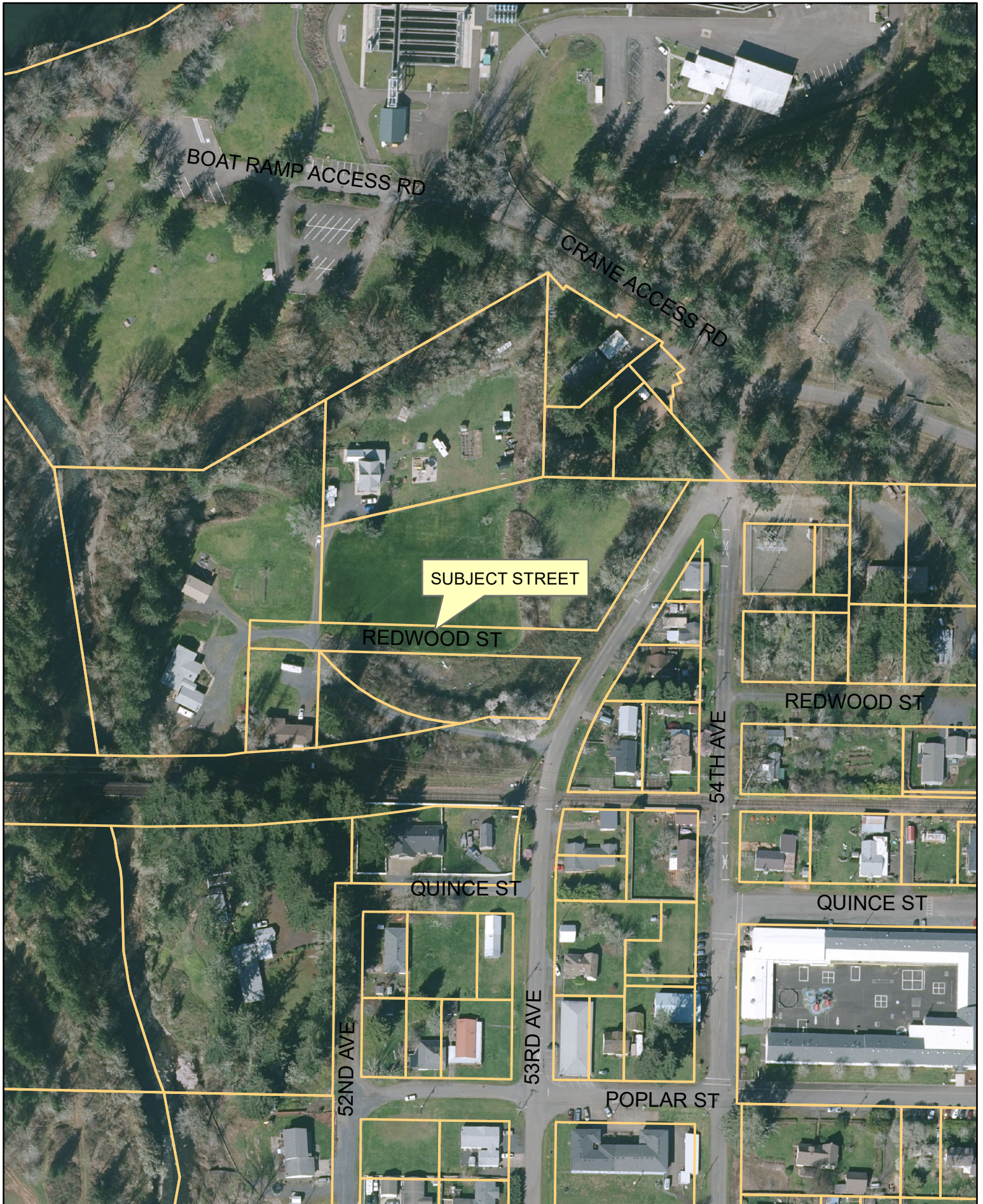
1. Move to recommend that the City Council approve application VC22-01, which includes adopting the findings of fact listed in the staff report.
2. Move to recommend that the City Council deny application VC22-01 (specify reasons).
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

VI. ATTACHMENTS

- A. Subject Property Map
- B. Proposed Site Map
- C. Application

The full record is available for review at the City of Sweet Home Community and Economic Development Department Office located at City Hall, 3225 Main Street through Friday, excluding holidays.

ATTACHMENT A

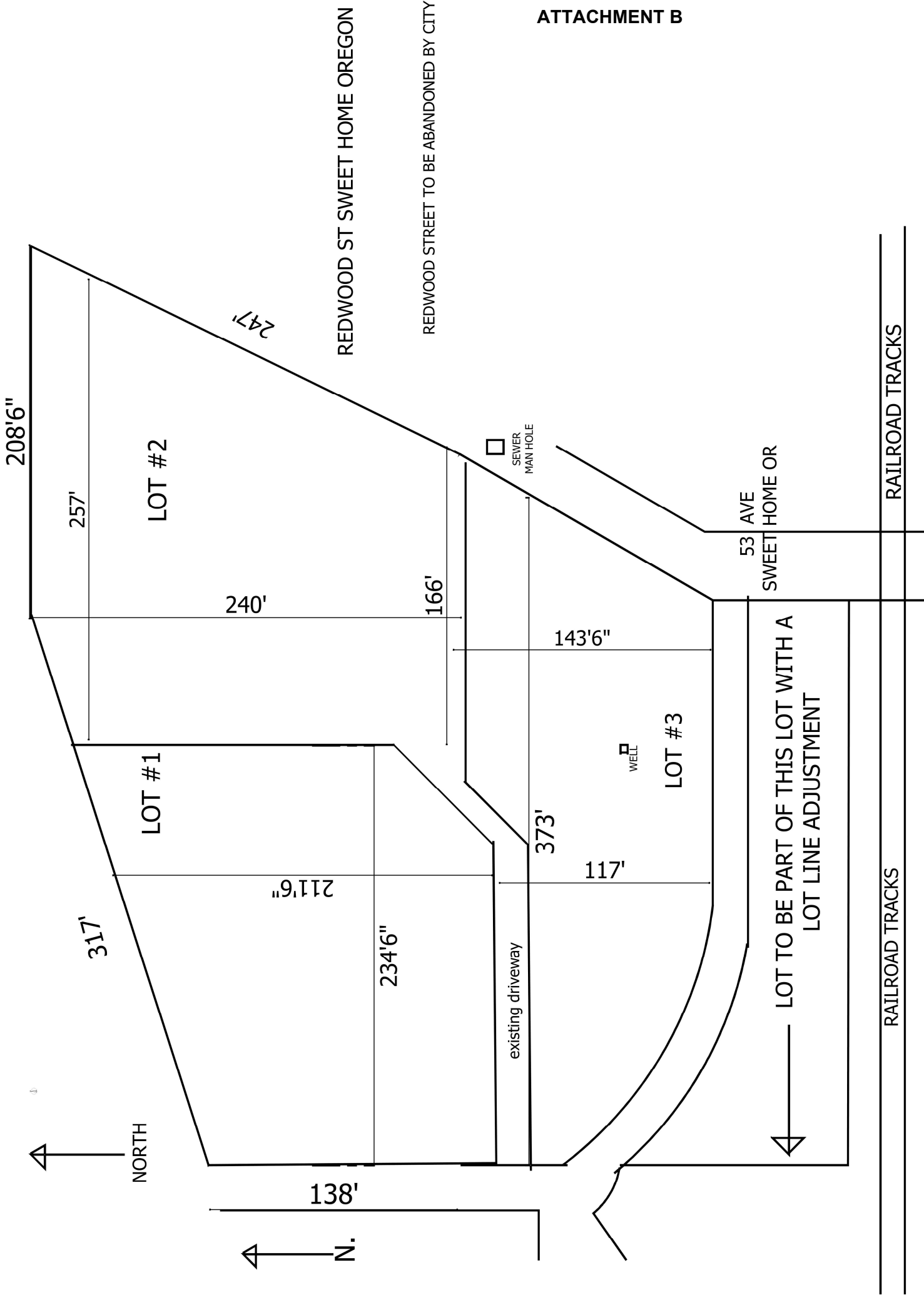


Subject Property Map
Redwood Street Vacation

Date: 12/21/22



1 inch = 174 feet



ATTACHMENT C

WILLIAM RUBY CONSTRUCTION

CONSTRUCTION

28322 Kingsbury Rd.

Lebanon Or. 97355

CCB# 128472

PHONE (541) 915-8885

Sweet Home City

Re. Redwood St.

I am William Ruby and I would like to request that Redwood St. Off of 53d st be vacated for the following reasons.

Redwood St off 53d st drops of approximately 30 feet straight down to the base elevation. Building a city street would not be cost effective for its intended purpose as a city street, as it would dead end at about 350 ft into private property.

Since the drop from 53d Ave would be so steep the cost to build a road 250 feet long with all the city services for 2 homes would not be cost effective.

The foot print for a road that deep would eliminate 1 complete lot for build a home on.

The vacation of Redwood St. would make the 2 lots available for the construction of 2 very nice homes, to be able to put on the tax base for the city.

Redwood st. Would not be useful to the city of sweet home to construct as it would dead end and not go anywhere. There will be no more lots to be useful for construction. It would only serve 2 lots that will have homes on them. The existing driveway that is now in use will serve the area and will be paved according to the new codes as stipulated by the City of Sweet Home.

Because of power lines and no city water there is no land divisions to be done in the future, on the property there. By vacating Redwood St, this will allow us to have 2 very nice homes and not cramp the life style of the existing property owners in the immediate area. One home has been installed on lot #1, approximately \$425,000.00, and with lot #2 and #3 figured at the same value, this will add about \$1,125,000.00 to \$1,150,000.00 to the Sweet Home tax base, depending on the value of all three homes, Plus or minus.

This is a very nice area and we would like to do what we can for the city. This would be a very nice area to live. Please help us in this, and consider the vacation of Redwood St.

Thank You

William Ruby

5250 Redwood St

John Cornell

5181 Redwood St