

CITY OF SILVERTON
ORDINANCE
16-09

AN ORDINANCE OF THE SILVERTON CITY COUNCIL APPROVING THE VACATION OF THE HIGH STREET RIGHT-OF-WAY BETWEEN EAST MAIN STREET AND RESERVE STREET AND ZONING THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL

WHEREAS, an application was submitted by Lisa Leslie requesting the High Street Right-of-Way between East Main Street and Reserve Street be vacated and zoned R-1, Single Family Residential; and

WHEREAS, the Planning Commission met in a duly advertised Public Hearing on April 12, 2016 to consider the vacation, allowed testimony, and reviewed the application; and

WHEREAS, following public testimony, the Planning Commission deliberated and voted to recommend the City Council approve the proposed vacation; and

WHEREAS, after proper legal notice, a Public Hearing before the City Council was held on May 2, 2016 to consider the Vacation application, VA-16-01. All interested parties participated and had an opportunity to be heard. The City Council reviewed all matters presented to it including the recommendations of the Planning Commission.

NOW, THEREFORE, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1: The City Council finds that the proposed Vacation of High Street between Block 17 and Block 12 of Ames' Addition to Silverton has met the Review Criteria with the approval being subject to the following condition:

1. The application shall dedicate a 20' wide pedestrian access and sanitary sewer easement along the west side of the High Street Right-of-Way as part of the vacation process.

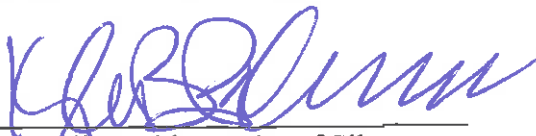
Section 2: This Vacation is contingent upon the applicant being responsible for the processing of all documents of transfer on the area to be vacated in accordance with Marion County requirements.

Section 3: Zoning for the vacated area shall be consistent with the title description of the abutting properties as determined by ORS 271.140.

Section 4: A full copy of the staff report and findings of fact can be found in file VA-16-01, located in the Community Development Department at City Hall.

Section 5: This ordinance shall be effective upon and from 30 days of adoption.

Ordinance adopted by the City Council of the City of Silverton, this 2nd day of May, 2016.



Council President, City of Silverton
Kyle Palmer

ATTEST


City Manager/Recorder, City of Silverton
Bob Willoughby



City of Silverton
Community Development
306 South Water Street
Silverton, OR 97381

STAFF REPORT

PROCEDURE TYPE IV

FILE NUMBER: VA-16-01

LAND USE DISTRICT:

RIGHT-OF-WAY

PROPERTY DESCRIPTION:

ASSESSOR MAP#: N/A

LOT #: N/A

SITE SIZE: 17,481 SQUARE FEET

ADDRESS: N/A

APPLICANT:

LISA LESLIE

1206 EAST MAIN STREET

SILVERTON, OR 97381

CONTACT PERSON:

LISA LESLIE, 503-400-8481

OWNER:

CITY OF SILVERTON

306 SOUTH WATER STREET

SILVERTON, OR 97381

LOCATION: NORTH OF RESERVE STREET,

SOUTH OF EAST MAIN STREET, EAST OF

E PARK STREET AND WEST OF STEELHAMMER

ROAD.

PROPOSED DEVELOPMENT ACTION: VACATION REQUEST TO VACATE THE HIGH STREET RIGHT-OF-WAY BETWEEN EAST MAIN STREET AND RESERVE STREET AND ZONE THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL.

DATE: APRIL 19, 2016

Attachments

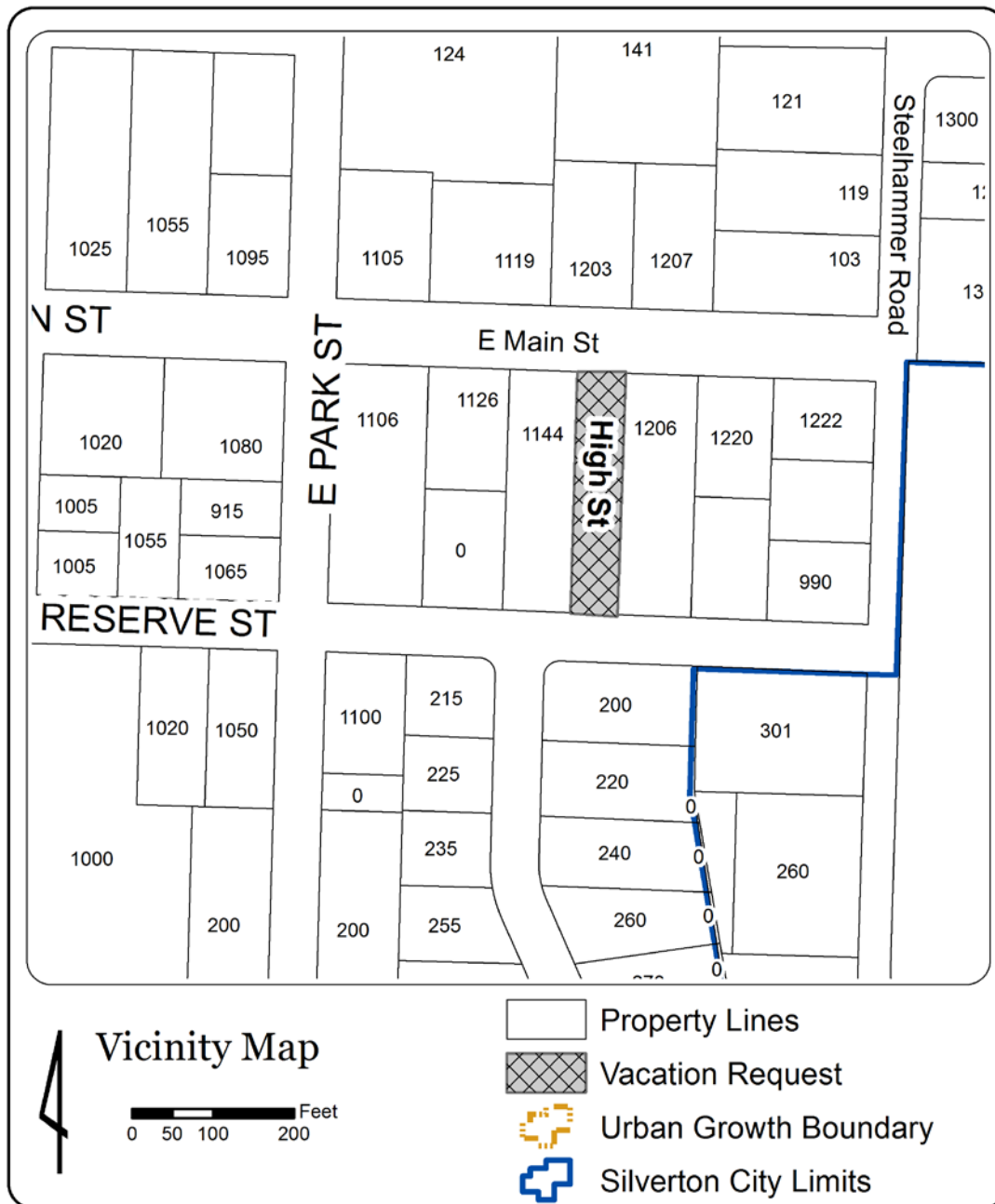
- A. Vicinity Map and Review Criteria
- B. Applicant's Narrative
- C. Conditions of Approval
- D. Staff Report
- E. Testimony

ATTACHMENT A: VICINITY MAP & REVIEW CRITERIA

Case File: VA-16-01

Vicinity Map and Surrounding Land Use Districts

- North – R-1 (Single Family Residential)
- East – R-1 (Single Family Residential)
- South – R-1 (Single Family Residential)
- West – R-1 (Single Family Residential)



REVIEW CRITERIA: Vacation requests may be approved if the review body finds that the applicant has shown that all of the following review criteria are met; the applicant shall bear the burden of proof.

- A. The requested vacation is consistent with relevant comprehensive plan policies and with any street plan, city transportation, or public facility plan.
- B. The requested vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities or utilities.
- C. The requested vacation will not have a negative effect on traffic circulation or emergency service protection.
- D. The portion of the right-of-way that is to be vacated will be brought into compliance with code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.
- E. The public interest, present and future, will be best served by approval of the proposed vacation.

ATTACHMENT B: APPLICANT'S NARRATIVE

Proposed Vacation of High Street in Silverton, Oregon

March 2016

Submitted by Reserve Street Cottages, LLC

This narrative will address the history of the section of High Street between E. Main and Reserve streets and will support the need to vacate this one block stretch of platted roadway in order to comply with the city goals of Access Management while also creating a highest/best use that supports the development of appropriate density housing. This proposal also seeks to dedicate an easement to the City of Silverton along the western boundary of what is now High Street from Reserve Street to E. Main Street. The purpose of the easement would be to allow for the extension of a sewer main and a pedestrian walkway to serve the neighborhood.

History

The area of East Silverton where High Street is located was platted in the late 1800's as Ames' Addition. The survey to establish the streets and blocks was done by T.W. Davenport. At that time the goal was to lay out a set of blocks and streets that offered the most opportunity for logical future development.

A typical design of lots, blocks and streets was laid out. The map of that original plat is attached. Over the years since the original platting, the lots and roadways have been altered many times to accommodate development. Some streets have been vacated, others added, and several lots have been modified.

The attached deed for the home at 1206 E Main is one of the oldest in the area. It describes a piece of land that includes all of platted lots 6 and 7 of block 12, most of lots 5 and 8, and all of the High Street right of way from Broadway (now E. Main) to N. Park Street, (now Reserve). The land described in the deed has been outlined on the attached plat map.

On the original plat, High Street extended to the south of Reserve Street for at least two blocks. In 1992 all of High Street other than the section we are now discussing between Reserve and E. Main was vacated so that Abiqua Heights subdivision could be laid out with a different location for the local street south of Reserve, (Tillicum Street). Because of that change, High Street now exists as only a one block section of platted roadway.

Since the time that the home at 1206 was built in 1899 the land contained in the High Street right of way has been fenced into and used by the various owners of 1206. This is appropriate as the land is actually included in the deed for this property. It does not appear that the owners of 1206 have at any time paid taxes on the 18,000 square feet of land contained in the right of way. Unlike many platted but not improved streets in Silverton, (i.e.: Halverson Street from Reserve to Kent), the owners of 1206 have continuously maintained the right of way eliminating that expense to the City of Silverton.

Access Management

For many reasons this section of High Street should never be improved with a paved street. The Comprehensive Plan for Silverton and in particular the Transportation System Plan includes

standards and policies that would preclude such development. The same documents also include policies and standards that support the need for a pedestrian walkway in the High Street right of way.

The Silverton Development Code and the Silverton Comprehensive Plan both rely on the Silverton Transportation System Plan (Transportation Master Plan) to describe standards and goals relating to roadways. There are several points in the TSP that support the vacation of High Street. Chapter 1 of the TSP (pg. 1-8) describes Access Management as:

*... the control or limiting of vehicular access on arterial and **collector facilities** to maintain the capacity of the facilities and preserve their functional integrity. Access management strives to strike a balance between maintaining the integrity of the facility and providing access to adjacent parcels. **Numerous driveways can erode the capacity of arterial and collector roadways.** Preservation of capacity is particularly important on higher volume roadways for maintaining traffic flow and mobility. Whereas local and neighborhood streets function to provide access, **collector and arterial streets serve greater traffic volume. Numerous driveways or street intersections increase the number of conflicts and potential for collisions and decrease mobility and traffic flow.** Silverton, like every city, needs a balance of streets that provide access with streets that serve mobility. (highlighting added)*

In the case of High Street, it intersects with E. Main which is a collector street and is within close proximity to Steelhammer Street; another collector. The TSP lists recommended access spacing in table 1-4 where it states that there should be at least 250' between roadway accesses and 150' between driveway accesses and roadway accesses on a collector. E. Main Street was platted originally with 80' of right of way which clearly expressed the original intent that it function as a collector. Over the intervening years its functional classification has been upgraded from designation as a local street to a local or neighborhood collector and most recently as a collector street. Because of the existing driveways along E. Main it will never comply with the standards described in table 1-4 and there will likely need to be some traffic calming measures along this collector at some future time. Current standards for collector roads would not allow the number or close spacing of driveways along E. Main Street. Given the number of and close spacing of driveway accesses along E. Main Street, it would be unwise and unsafe to add a roadway access at the location of High Street. Such a road would be immediately adjacent to two driveways, (recommendation is 150'), and while it would technically meet the standard for distance from Steelhammer; the lack of traffic control for vehicles at that intersection would make the separation between Steelhammer and High Streets impractical and likely dangerous.

On the south end of High Street where the street previously crossed Reserve Street and continued south, there is another significant access management issue. Because of the 1992 vacation of High Street for the development of Abiqua Heights and the subsequent platting of Tillicum Street, there is a potentially dangerous alignment of High and Tillicum. If High Street were to be constructed it would align about 60' east of Tillicum at its intersection with Reserve Street. This is nowhere near the 250' recommended spacing of local streets in the TSP (table 1-4).

The goal of the roadway system is to promote a "...balance of streets that provide access with streets that serve mobility" (TSP pg. 1-8); clearly the construction of High Street would provide poor and perhaps dangerous access. As far as mobility; the southern extension of High street was

vacated in 1992 and there never was (and can never be) an extension to the north, therefore build-out of this platted street would accomplish very little in terms of improved vehicular movement. Other access management policies in the TSP that can be sited to support the vacation of High Street are:

-Establish City access spacing standards to prohibit the construction of access points within the influence area of intersections.

-The City shall protect neighborhoods from excessive through traffic and travel speeds while providing reasonable access to and from residential areas. Streets shall be designed to minimize speeding.

-New development shall be reviewed to ensure that the streets minimize cut-through traffic on residential streets.

As much as the TSP goals, policies and standards support the vacation of High Street, they also provide a good case for the need to provide a pedestrian walkway in this location. The recommendation in the TSP is that there be pedestrian connectivity at least every 300’:

*Figure 8-1 shows the Local Street Connectivity Plan for Silverton. In most cases, the connector alignments are not specific and are aimed at reducing potential neighborhood traffic impacts by better balancing traffic flows on neighborhood routes. The arrows shown in the figures represent potential connections and the general direction for the placement of the connection. In each case, the specific alignments and design will be better determined as part of development review. **The criteria used for providing connections is as follows:** ☐*

***Every 300 feet, a grid for pedestrians and bicycles** ☐*

***Every 500 feet, a grid for automobiles** (highlighting added)*

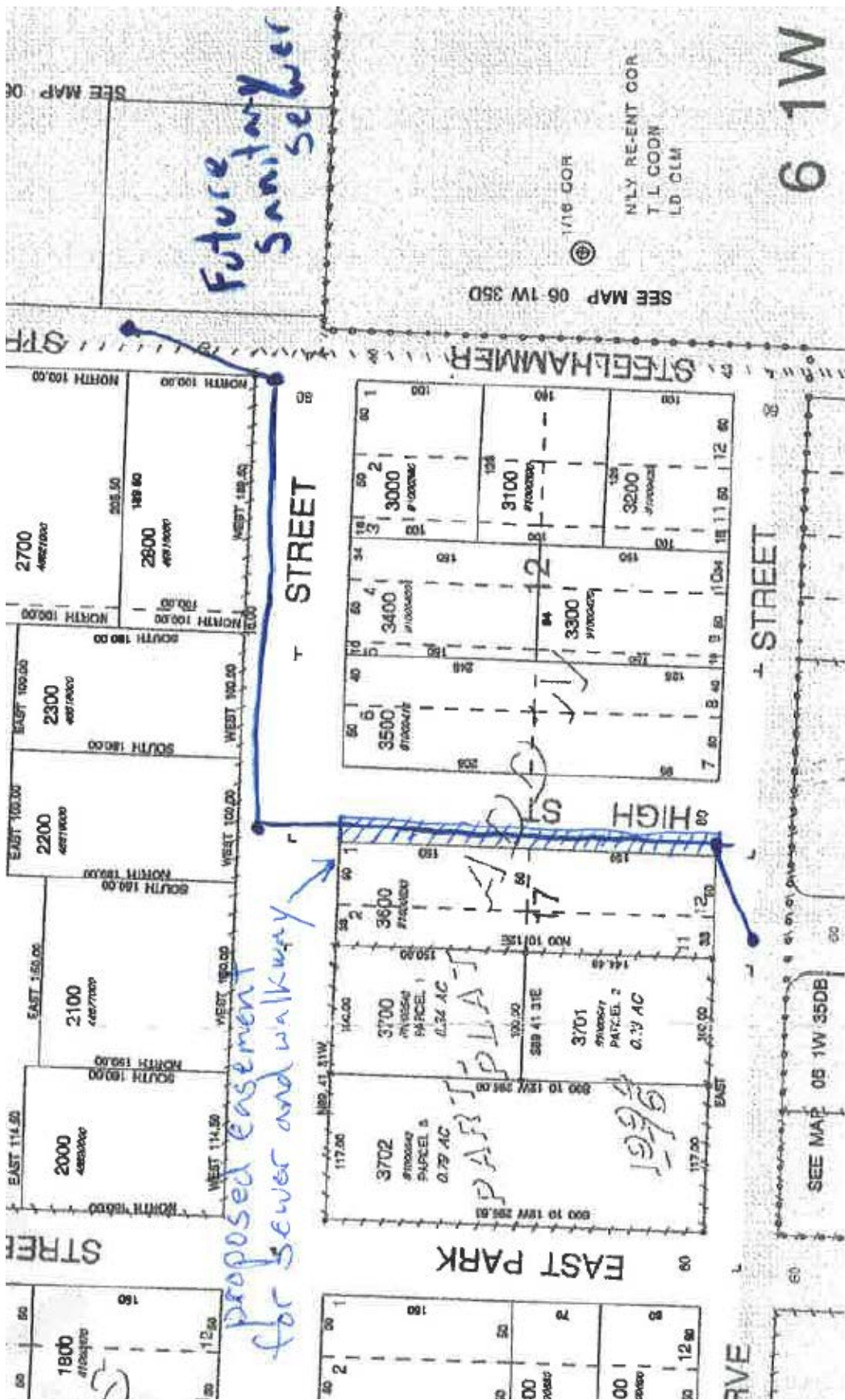
Applying the above standard, the current location of High Street is ideal for a pedestrian walkway as there is currently no pedestrian connection between Reserve Street and E. Main Street from Steelhammer all the way to Ames Street, (a distance of around 1400’). The best future vehicular connection would be at E. Park Street. A pedestrian connection at the High Street location will allow foot travel from Abiqua Heights to E. Main Street where there will someday be a sidewalk as the TSP calls for the addition of sidewalks to all collectors and arterials. Improvements to Steelhammer are being planned now. A walkway at the High Street location would allow a safer walk from Reserve Street to the planned sidewalk on Steelhammer than the route up Reserve to Steelhammer where pedestrian safety would likely be compromised by the vehicular traffic coming from Evan’s Valley. At the terminus of the walkway with E. Main Street, although there is not currently a sidewalk, there is excessive right of way where neighbors have left gravel walking/parking strips along the south side of E. Main to its intersection with Steelhammer.

Highest/Best Use

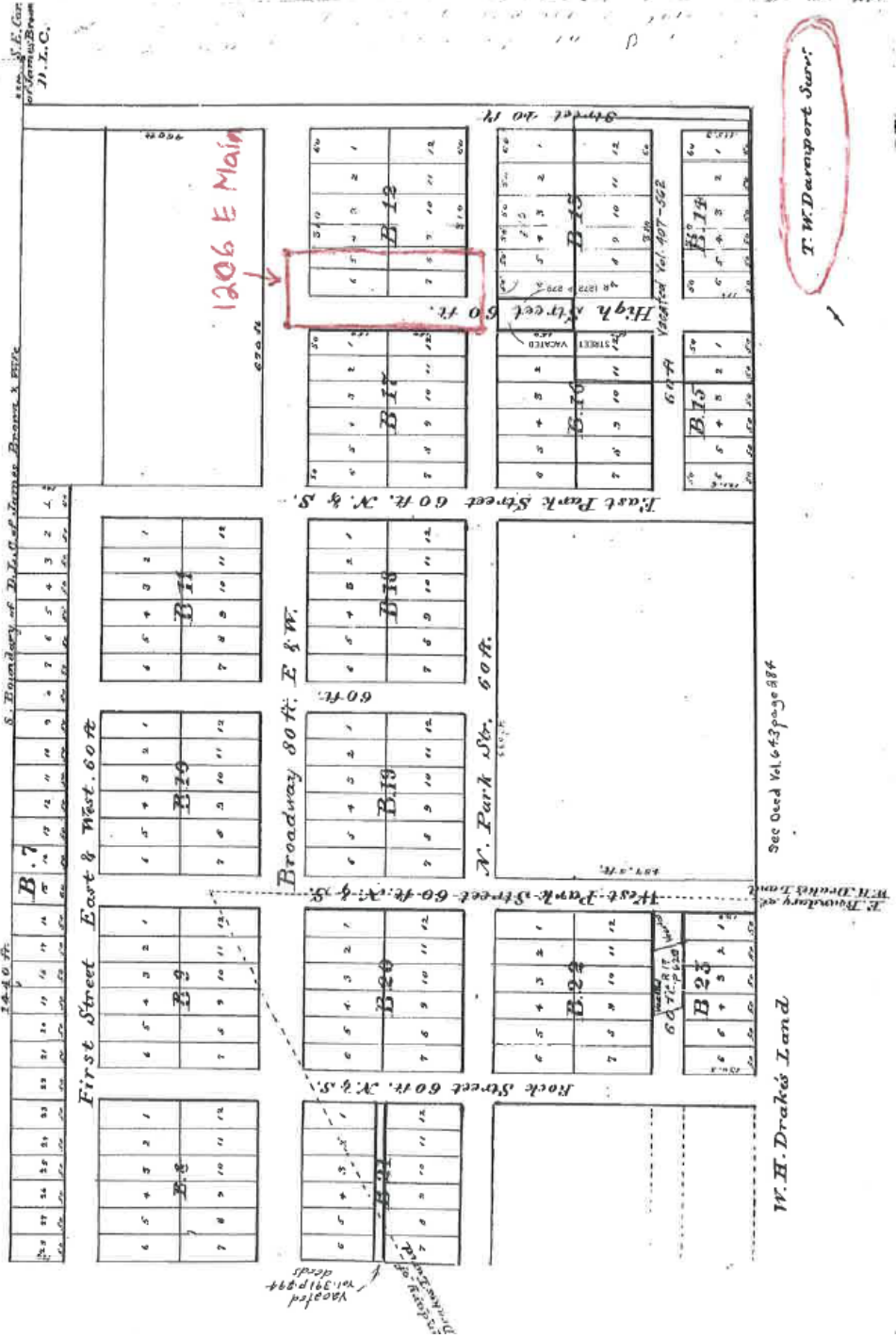
A proposal is being designed by Multitech Engineering for the extension of the sanitary sewer from its current terminus in Steelhammer near E. Main to Reserve Street via E. Main and the proposed easement along the west boundary of the current High Street right of way, (see attached vicinity map). This is planned to be a privately funded addition to the city sewer system. Given that there are already other utilities serving all of the area and that a roadway is not appropriate at the High Street location, a higher and better use of the land will be for development and for the easement allowing a sewer extension and a walking path.

Evans Oaks, LLC intends to submit a proposal for a cottage development along the frontage of Reserve Street from Steelhammer to the west boundary of what is now High Street. By returning the land in the right of way of High Street to 1206 E. Main, the city will allow for the best use of the land for development of this cottage project or other residential construction. Additionally, the city will begin to receive tax revenue for the nearly half acre of land that makes up the High Street right of way in a high value neighborhood of Silverton. The proposed extension of the sanitary sewer will also allow for the development of land along Reserve Street to the west of High Street, on the south side of Reserve near Steelhammer, and for the gravity connection of four homes in Abiqua Heights that are currently using individual pump systems to access the sanitary sewer.

As required by the Street Vacation code, this proposal has the support of owners of more than 2/3 of the affected area adjacent to High Street.



AMES' ADDITION to SILVERTON



REEL 3770 PAGE 58
MARION COUNTY
BILL BURGESS, COUNTY CLERK
12-24-2015 11:01 am.
Control Number 399989 \$ 56.00
Instrument 2015 00053928

After Recording Return to: ✓
Reserve Street Cottages, LLC
c/o Michael Leslie
1206 East Main Street
Silverton, OR 97381

Until Further Notice, Send Tax Statements to:
Reserve Street Cottages, LLC
c/o Joan Leslie
5927 S.E. Columbia Way, Unit 101
Vancouver, WA 98661

WARRANTY DEED

Lisa E. Leslie and Michael J. Leslie as tenants by the entirety, Grantors, convey and warrant to RESERVE STREET COTTAGES, LLC, an Oregon limited liability company, Grantee, free of encumbrances except as specifically set forth herein, the real property in the City of Silverton, County of Marion and State of Oregon and legally described as:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN.

The true and actual consideration paid for this conveyance is \$0; the actual consideration consists of or includes other property or other value given or promised, which other property or value was the whole consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
(Affects Parcels 1 and 2)
2. 2015-2016 taxes, a lien but not yet payable.
(Affects Parcels 1 and 2)

EXECUTED this 23rd day of December, 2015.

GRANTOR:


Lisa E. Leslie

**EXHIBIT A
LEGAL DESCRIPTION**

Real property in the city of Silverton, Marion County, Oregon, in Section 35, Township 6 South, Range 1 West of the Willamette Meridian, Oregon, and more particularly described as:

PARCEL 1:

The Southerly 150 feet of the West 95.00 feet of the following described property, to wit:

Commencing at a point in the center of the County Road leading to Silverton, said point being North 40.00 feet and West 211.00 feet from the Northeast corner of Block 12, in AMES ADDITION to the City of Silverton, Marion County, Oregon, and being also the Northwest corner of that certain 2 acres tract of land deeded to the heirs at law of Axel A. Taw, deceased to O.T. Bratstad; thence West along the center of said road, 10.00 feet; thence South 370.00 feet; thence East 10.00 feet; thence North 370.00 feet to the place of beginning, all situate in Ames Addition to the City of Silverton, Marion County, Oregon.

ALSO: Commencing 20.00 East of the Northeast corner of Block 12 in Ames Addition to the City of Silverton, Marion County, Oregon; running thence North 40.00 feet to the center of the County Road leading to Silverton; thence West along the center of said County Road, 231.00 feet; thence South 370.00 feet; thence East 231.00 feet to the center of a county road; thence North along the center of said County Road, 330.00 feet to the place of beginning, situate in Marion County, Oregon.

SAVE AND EXCEPT that portion included in streets as shown on the recorded plat of Ames Addition (See Volume 3, Page 61, Record of town Plats for Marion County, Oregon.)

PARCEL 2:

BEGINNING IN THE CENTER OF BROADWAY STREET TO THE COUNTY ROAD RUNNING EASTERLY FROM THE TOWN OF SILVERTON, SAID POINT BEING 40.0 FEET NORTH OF THE NORTHEAST CORNER OF BLOCK 17 OF AMES ADDITION TO SILVERTON IN MARION COUNTY, STATE OF OREGON, (SEE VOLUME 3, PAGE 61, RECORD OF TOWN PLATS FOR SAID COUNTY AND STATE) SAID BEGINNING POINT BEING ALSO THE NORTHEAST CORNER OF THE TRACT OF LAND CONVEYED TO MONA O. ROLLAND BY DEED RECORDED DECEMBER 10, 1908 IN BOOK 103, PAGE 595, DEED RECORDS FOR MARION COUNTY, OREGON; THENCE SOUTH ALONG THE EAST LINE OF SAID HOLLAND TRACT, 370.0 FEET TO THE CENTER OF NORTH PARK STREET; WHICH IS ALSO THE NORTH LINE OF THE TRACT OF LAND CONVEYED TO WILLIAM C. LOCKREN AND WIFE, BY DEED RECORDED AUGUST 15, 1927, IN BOOK 192, PAGE 547, DEED RECORDS FOR MARION COUNTY, OREGON; THENCE EAST ALONG THE NORTH LINE OF SAID TRACT TO THE SOUTHWEST CORNER OF THE TRACT OF LAND CONVEYED TO O. T. BRATSTAD, BY DEED RECORDED JUNE 23, 1920, IN BOOK 156, PAGE 462, DEED RECORDS FOR MARION COUNTY, OREGON; THENCE NORTH ALONG THE WEST LINE OF SAID TRACT 370.0 FEET TO THE CENTER LINE OF SAID BROADWAY STREET OR COUNTY ROAD; THENCE WEST ALONG SAID WEST LINE TO THE POINT OF BEGINNING IN BLOCK 12 OF AMES ADDITION TO SILVERTON, MARION COUNTY, OREGON.

Note: This legal description was created prior to January 01, 2008.



471810-6444

RECORDING REQUESTED BY:

SEND TAX STATEMENTS TO:

Kathy Lynn Damtawe
PO Box 394
Scotts Mills, OR 97375

AFTER RECORDING RETURN TO:

Kathy Lynn Damtawe
PO Box 394
Scotts Mills, OR 97375
Escrow No: 471810006444-TTMIDWIL20

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

William C. McBride, Kimberly A. Skach, George McBride, and Barbara G. White, Grantor, conveys and warrants to Kathy Lynn Damtawe, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Marion, State of Oregon:

Commencing at the Northeast corner of Block numbered seventeen (17) Ames' Addition to Silverton, Marion County, Oregon; thence West along the North line of said Block, 93 feet; thence South and parallel with the East line of said Block; 300 feet to the South line of said Block; thence East along the South line of said Block, 83 feet to the Southeast corner of said Block; thence North along the East line of said Block; 300 feet to the place of beginning, being all of Lots 1 and 12, and a part of Lots 2 and 11, in said Block 17, of Ames Addition to Silverton, Marion County, Oregon.

Subject to and excepting:

Any rights, liens, claims or equities, if any, in favor of Marion Soil and Water Conservation District.

Taxes for the year 2010-2011, a lien in an amount to be determined, but not yet payable.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$129,900.00. (See ORS 93.030)

DATED: August 2, 2010

William C. McBride
William C. McBride

Kimberly A. Skach
Kimberly A. Skach

Kimberly A. Skach as attorney in fact for George McBride
Kimberly A. Skach as attorney in fact for George McBride

Kimberly A. Skach as attorney in fact for Barbara G. White
Kimberly A. Skach as attorney in fact for Barbara G. White

Authorizing Signatures:

I hereby certify:

- o That the information on this application and attachments is correct.
- o That said street lies entirely within the incorporated area of the City of Silverton and is a platted street
- o That the signers of this petition consent to this vacation and that the petition contains signatures of all the abutting property owners and not less than two-thirds in area of the real property affected thereby.
- o That this petition is made pursuant to Oregon Revised Statutes (ORS) Chapter 271.080.
- o That an authorization letter from the property owner has been attached in the event that the owner's signature has not been provided below.

Property Owner(s):

Reserve Street Cottages, LLC
Print or Type

Mike Leslie
Signature *Mike Leslie - manager/member*

Print or Type

Signature

Applicant(s) or Authorized Agent:

Lisa E. Leslie
Print or Type

LEL
Signature

Print or Type

Signature

Abutting Property Owners and Real Property Owners affected thereby

~~Kathy Lynn Damtawa
(Print Owner's Name)~~

~~(Signature)~~

~~() Dual ownership~~

~~(X) Sole ownership~~

~~() Partnership~~

~~(Print Owner's Name)~~

~~(Signature)~~

~~Indicate % of ownership for each partner~~

~~1144 E. Main St., Silverton OR 97381
Residence Address~~

Patrick Doyle
(Print Owner's Name)

Patrick Doyle
(Signature)

(X) Dual ownership *50/50*

() Sole ownership

() Partnership

* Patricia L. Doyle
(Print Owner's Name)

Patricia L. Doyle
(Signature)

Indicate % of ownership for each partner

200 Tillikum Drive, Silverton, OR 97381
Residence Address

OTTO L. BASS (POWER OF ATTORNEY)

FOR
GLORIA A HONAN

Otto L. Bass

(Print Owner's Name)

(Signature)

Dual ownership

Sole ownership

Partnership

Indicate % of ownership for each partner

~~FF~~

(Print Owner's Name)

(Signature)

1106 E MAIN SILVERTON, OR 97381

Residence Address

Paul WALKSINGER

Paul Walksinger

(Print Owner's Name)

(Signature)

Dual ownership 50/50

Sole ownership

Partnership

Indicate % of ownership for each partner

Brenda Walksinger

Brenda Walksinger

(Print Owner's Name)

(Signature)

1220 E MAIN ST. SILVERTON OR. 97381

Residence Address

Reserve Street Cottages

Mike Justice (Manager/Member)

(Print Owner's Name)

(Signature)

Dual ownership

Sole ownership

Partnership

Indicate % of ownership for each partner

(Print Owner's Name)

(Signature)

1206 & 1222 E. Main 5 lots total including:
Map Tax Lots - 061W35AC03100, 3200 and 3500

Residence Address

Dual ownership

Sole ownership

Partnership

Indicate % of ownership for each partner


(Print Owner's Name)

(Signature)

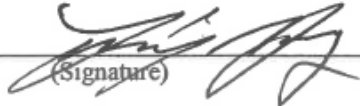
(Print Owner's Name)

(Signature)

Residence Address

David E. Kazel 
(Print Owner's Name) (Signature) Dual ownership
 Sole ownership
 Partnership
Indicate % of ownership for each partner

1126 E. Main St. Silverton, OR 97381
Residence Address


Felix Menz 
(Print Owner's Name) (Signature) Dual ownership
 Sole ownership
 Partnership
Indicate % of ownership for each partner

200 Tillicum Dr. Silverton, OR 97381
Residence Address

Rodger Johnson 
(Print Owner's Name) (Signature) Dual ownership 50/50
 Sole ownership
 Partnership
Indicate % of ownership for each partner

Mary P. Johnson 
(Print Owner's Name) (Signature) Dual ownership
 Sole ownership
 Partnership
Indicate % of ownership for each partner

240 Tillicum Dr. Silverton, OR 97381
Residence Address

Kathy (Damtawe) McCauley 
(Print Owner's Name) (Signature) Dual ownership
 Sole ownership
 Partnership
Indicate % of ownership for each partner

1144 E MAIN Street, Silverton, OR 97381
Residence Address

ATTACHMENT C: CONDITIONS OF APPROVAL

1. The application shall dedicate a 20' wide pedestrian access and sanitary sewer easement along the west side of the High Street Right-of-Way as part of the vacation process.

ATTACHMENT D: STAFF REPORT, VA-16-01

FINDINGS OF FACT

A. Background Information:

1. The applicant submitted a petition on March 4, 2016 requesting to vacate the High Street Right-of-Way between East Main Street and Reserve Street and zone the property R-1, Single Family Residential.
2. The petition included the signatures of 13 of the 16 properties affected by the street vacation and therefore complies with ORS 271.080.
3. Notice was mailed to all property owners within 700 feet of the subject area on March 23, 2016. The notice was published in the Silverton Appeal on March 30, 2016. The site was posted on April 1, 2016.
4. The Planning Commission met and reviewed the application in a Public Hearing on April 12, 2016 and recommends the City Council approve the application.

B. Silverton Development Code (SDC):

1. Article 4 – Administration of Land Use and Development

Section 4.1.500 **Type IV Procedure**

A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications

Findings: This application is being reviewed through a Type IV procedure. The applicant submitted an application on March 4, 2016, meeting Criterion A. A public notice for this request was mailed to all property owners within 700 feet of the site on March 23, 2016. The notice was published in the Silverton Appeal on March 30, 2016. The site was posted on April 1, 2016. The application was before the Planning Commission on April 12, 2016 and will be before the City Council on May 2, 2016.

Section 4.13.400 **Review Criteria – Vacation**

A. The requested vacation is consistent with relevant comprehensive plan policies and with any street plan, city transportation, or public facility plan.

Findings: The requested vacation is to vacate the portion of High Street between East Main Street and Reserve Street. The Right-of-Way (ROW) is 60' wide and 298' long and is currently unimproved. The ROW was dedicated to the City for Street purposes in 1893 as part of Ames' Addition to Silverton. Ames' Addition was platted as a square-grid of 17 blocks with each block measuring 300' x 300' consisting of 12 lots each measuring 50' x 150' with 60' of ROW between each block. None of the blocks were developed according

to the plan and about 40% of the ROW dedicated was never developed with roads. The portion of the Ames' Addition north of Reserve Street platted 148 lots. The lots were modified over the years and only about 70 homes were constructed in the area originally planned for 148 homes. The area has developed over the course of 123 years. Development of the area began in 1901. There were two eras of rapid construction the first lasting from 1901 to 1930 and the second one starting in 1963 and lasting until 1981.

There is no mention of this portion of High Street in the Transportation System Plan (TSP). It should be noted there is another High Street in Silverton that is located Downtown a block north of Oak Street. That High Street is not contiguous and is not related to this vacation request. The TSP has recommended Access Spacing Standards that are implemented through the Silverton Development Code.

The Spacing Standards indicate a minimum spacing of roadways measured from center line to center line of 250' and a maximum spacing of roadways of 500'. Along the East Main Street frontage, High Street is 360' west of Steelhammer Road, a collector road, and 360' east of East Park Street, an unimproved local street. There are two driveways along East Main Street that are within the 150 foot minimum spacing standard of the terminus of High Street. Along the Reserve Street frontage, High Street is 360' west of Steelhammer Road and 90' east of Tillicum Drive. High Street currently meets roadway access spacing standards at its northern terminus but not driveway access spacing standards. High Street does not meet access spacing standards at its southern terminus. The vacation of High Street would lead to a block length of 720' along East Main Street from Steelhammer Road to East Park Street and 445' along Reserve Street from Steelhammer Road to Tillicum Drive. The current block layout does not meet roadway access spacing standards at the intersection of High Street and Reserve Street due to the location of Tillicum Drive. Should High Street be vacated, the Tillicum access spacing situation would be brought in compliance but the block length along East Main Street would then be out of compliance with the standard. Per Section 3.4.100.G.5 of the Silverton Development Code, where it is impractical to make a street connection in conformance with the standards, a pedestrian access way must be provided at or near the middle of a block in lieu of the street connection. The applicant has proposed a pedestrian access easement and a sewer utility easement along the west edge of the area proposed for vacation. Since it is not feasible for High Street to meet access spacing standards, a pedestrian access way makes the situation compliant with Code standards. The application shall dedicate a 20' wide pedestrian access and sanitary sewer easement along the west side of the High Street Right-of-Way as part of the vacation process (**Condition 1**).

High Street is not listed in the Storm Water Master Plan, the Water Master Plan, the Sanitary Sewer Master Plan or the Parks and Recreation Master Plan. As conditioned, Criterion A is met.

B. The requested vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities or utilities.

Findings: The High Street ROW is located between 1144 and 1206 East Main Street. Both lots are through frontage lots with frontage on East Main Street, Reserve Street and

High Street. The lots are about 25,000 square feet in area, well above the 7,000 square foot lot minimum and have development potential, though the lack of access to sanitary sewer is an issue. If High Street were developed as a public street, there would be another connection from Reserve Street to East Main Street. As noted above, the improved street would not meet access spacing standards with Tillicum, but would be within the access spacing range for the intersection with East Main Street, but not the adjacent driveways. Access spacing minimums are designed for safety while access spacing maximums are designed for connectivity. Having a pedestrian access easement addresses connectivity for pedestrians and bicycles. Vacating the ROW would preclude connectivity for motor vehicles. If High Street were developed, it is unlikely that it would handle very many trips. The homes along Reserve Street and within the Abiqua Heights subdivision area are the likely users of an improved High Street. Given the street network, most trips traveling west to Downtown, Mt. Angel, or Salem would head west on East Main Street. The shortest route to do this at the Tillicum Drive and Reserve Street intersection is to turn left onto Reserve Street then right on Ames Street and left onto East Main Street. Using High Street would be longer and out of direction. Trips traveling out Highway 213/Oak Street would take Steelhammer Road to Oak Street. The shortest route to do this at the Tillicum Drive and Reserve Street intersection is to turn right onto Reserve Street then left onto Steelhammer Road. Using High Street would require turning right onto Reserve Street, left onto High Street, right onto East Main Street, and left onto Steelhammer Road. While the distance is fairly similar, the High Street route requires four turns and stopping at three stops signs while the Steelhammer Route requires only two turns and stopping at two stops signs.

1144 East Main Street and 1206 East Main Street have development potential. 1144 East Main Street is 24,644 square feet in area and measures 83' x 297'. A single family home exists on the northern portion of the lot. The developable portion of the lot is approximately 14,600 square feet in area. Corner lots require 8,000 square feet of area and interior lots require 7,000 square feet of area. Without a deviation from code standards, 1144 East Main Street has the potential for 1 additional lot if High Street were improved. 1144 East Main Street has the potential for 1 additional lot if High Street were to be vacated as the southern lot has frontage and access at Reserve Street. Vacating the ROW does not have a negative impact on potential lots at 1144 East Main Street. 1206 East Main Street is 26,801 square feet in area and measures 90' x 298'. A single family home exists on the northern portion of the lot. The developable portion of the lot is approximately 17,304 square feet. 1206 East Main Street has the potential for 2 additional lots if High Street were improved. If High Street were vacated 1206 East Main Street has the potential for 4 additional lots. Vacating the ROW does not have a negative impact on potential lots at 1206 East Main Street. The applicant is proposing to dedicate a public sanitary sewer easement, thereby allowing public utilities to still be constructed in the area. Criterion B is met.

C. The requested vacation will not have a negative effect on traffic circulation or emergency service protection.

Findings: As noted above, there is not anticipated to be a benefit on traffic circulation should High Street ever be constructed. The construction of High Street would not alter the route emergency services would take to respond to the area. Criterion C is met.

D. The portion of the right-of-way that is to be vacated will be brought into compliance with code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.

Findings: The portion of ROW to be vacated contains a mixture of shrubs and trees, meeting landscaping standards. No driveway accesses are located within the area and no adjacent driveway accesses are proposed to be modified as part of this application. There is not current access for fire safety, therefore Criterion D is met.

E. The public interest, present and future, will be best served by approval of the proposed vacation.

Findings: The proposed vacation will vacate portion of ROW dedicate to the City over 120 years ago that has never been improved to a public street. Even if constructed, the street would be minimally used and would add to the City's inventory of street to maintain. It is unlikely High Street would ever be improved to City standards. The City does not build local roads. The City requires developers to build roads to serve the lots they are creating. In this case, there is only 1 additional lot, maybe 2 if a code deviation were approved, that could be developed if High Street was improved. The development cost of constructing a 300 foot road outweighs the profit of creating one or two additional buildable lots. If the land were vacated it would be transferred to private ownership and would be subject to property taxes and available for development. The applicant indicates a sanitary sewer line extension is being designed that will extend the sewer system south down Steelhammer Road, west down East Main Street, south down vacated portion of High Street within an easement and connect to the existing pipes that are located within Reserve Street but that are not currently connected to the sewer system. The applicant also indicates a proposal will be submitted for a cottage development on a portion of the block bounded by East Main, Steelhammer, Reserve and High Street. A separate application would have to be submitted for review for any such development. The submitted deeds indicate the entire High Street ROW is described in Parcel 2 of the Deed recorded on Reel 3770 Page 58. The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. In this case, the original boundary lines to be adhered to are described in Parcel 2 which is 1206 East Main Street. Citizen testimony was received regarding the trees located in the ROW near East Main Street. If vacated, the property would be under private ownership and would be subject to the SDC Landscape Conservation standards. Removal of 5 or more trees within a calendar year requires review and any development proposal would have to include a landscape plan for review. The public interest both present and future will be best served by the proposed vacation. Vacating the ROW while maintaining a pedestrian access and sewer easement brings the area into compliance with access spacing code standards to the greatest extent practicable. The vacation also precludes the construction of a street the City would have to maintain while receiving little benefit in terms of connectivity and puts the property on the tax rolls instead.

III. SUMMARY AND CONCLUSION

Findings have been made for all of the applicable Code sections. The proposed vacation meets all applicable Silverton Development Code Review Criteria and Standards.

The Planning Commission recommends the City Council approve the proposed vacation.

The City council shall:

- a. Approve, approve with modifications, approve with conditions, or deny the application;
- b. Consider the recommendation of the planning commission; however, the city council is not bound by the commission's recommendation; and
- c. Act by ordinance, which shall be signed by the mayor after the council's adoption of the ordinance.

ATTACHMENT E: TESTIMONY

Received 4-4-16

Jason: Jim Brueckner and I just met with Lisa Leslie to discuss her plans for the properties she and her husband own along Steelhammer and Reserve Street. Based on our discussion, I doubt if we will have any objection to the Vacation Request of High Street. She explained that the ultimate plan will be to gain approval for a plan that would include entrances off of Steelhammer and Reserve Street with no through street between the two entrances in order to create a community of smaller homes. Some of the residences would enter and exit from Steelhammer and some from Reserve Street.

Jim and I, and I am certain other of our Reserve Street neighbors, have been concerned for sometime with the increased traffic and speed of the traffic on Reserve Street. We recognize that with development comes increased traffic. Our concern is that Reserve Street is serving as a collector for some local area residences who avoid using the section of East Main between Ames (or Rock) and Steelhammer. Reserve Street is simply a better street than much of East Main. In my opinion East Main is long overdue for improvements so that it can better serve its intended function as a collector street, as well as as provide a safer pedestrian route for local residences walking to and from town. However, even with such improvements, we believe Reserve Street needs to be considered for some type of traffic control mechanism. The amount of traffic to and from Abiqua Heights is significant, and while that is to be expected with the continued development, the hill at approximate midpoint on Reserve Street creates a safety concern for pedestrians and children who live in the area. I doubt the hill is going away nor the traffic from Abiqua Heights, so something needs to be considered to slow the traffic down.

You may not know, but Reserve Street was at one time a Marion County road. It was primarily dirt with some gravel. Working with our neighbors, the county and the city, a plan was put in place to improve a significant portion of Reserve Street if the neighbors were willing to pay a portion of the cost for the improvements and the city was willing to take over Reserve Street from the county. As it turned out, the plan was approved by all concerned parties. As with most any change there are good outcomes and some bad outcomes. As homes have spread to the south and east side of the Silverton area, people have discovered the "best routes" to and from downtown Silverton and beyond. Reserve Street, because of its condition, is now a preferred route for some drivers over East Main. That is not right and it will only change when East Main is improved. You may also not know, but when Abiqua Heights was developed, given the limited entrances to the development, the developer and city agreed that all traffic exiting Abiqua Heights from Tillicum would be directed to turn right onto Reserve Street towards Steelhammer. There was even a sign posted by the city directing traffic to turn right from Tillicum onto Reserve Street. The sign disappeared, and in time most of the traffic turned left onto Reserve Street. I seriously doubt if we will ever return to that agreement.

Jim and I would like to meet with you and Paul Eckley to discuss options to control the speed of traffic along Reserve Street (especially in the vicinity of the hill) and the best ways to once again begin the push to improve East Main. Thanks.

Craig Roessler

Received 3-26-16

Jason: We received the Notice of Public Hearing to vacate High St. between E. Main and Reserve St. and to rezone it R-1, Single Family Residential.

In discussing this with our neighbors there is a concern about the traffic impact on Reserve Street. It appears to me as I look at the existing lots that in addition to the High Street property that any future residences built on the south sides of lots 1144 and 1206 would need to exit onto Reserve St. if Vacation Request was approved.

Since I don't know the ultimate plans for these two properties and the proposed Vacation Request it is difficult to understand the traffic impact on Reserve St. What is the maximum number of single family residences that could be built on the south ends of lots 1144 and 1206 and the proposed vacated High Street?

Has a plan been submitted for the development of the proposed Vacation Request and the contiguous properties? It would seem that such a plan would help us and our neighbors better understand the impact of the Vacation Request on our properties. Without such a plan it would also seem difficult for the Planning Commission and City Council to determine the impact of this Vacation Request on the review criteria as described in the Notice of Public Hearing.

Thank you,

Craig and Sue Roessler