
MEMORANDUM**CITY OF SPRINGFIELD**

DATE OF HEARING: February 7, 2006**TO:** Springfield Planning Commission**PLANNING COMMISSION
TRANSMITTAL
MEMORANDUM****FROM:** Sarah Summers, Planner II**SUBJECT:** Request for Vacation of Right-of-Way

ISSUE

The Planning Commission is requested to conduct a public hearing for a request to vacate right-of-way along the northerly right-of-way line of Q Street on the northwest corner of Q Street and 10th Street. The Planning Commission will decide whether to advise the City Council to approve, approve with conditions or deny the request.

DISCUSSION

The applicant, Bernie Hiatt, is requesting the vacation. The subject right-of-way (ROW) consists of a 10-foot wide by 194.28-foot long strip that was created with the Fuchsia Gardens Subdivision Plat as part of a 40-foot wide ROW dedicated for Q Street. The Q Street ROW was dedicated to the City by the applicant. The requested vacation area will become a Public Utility Easement (PUE) to accommodate an existing underground natural gas line as well as any future extension of utilities. The extra 10 feet of site is proposed to be used as landscaped area since no buildings would be permitted on the PUE. No objections to the proposed vacation were received. Staff has determined that any appreciation in value would be diminimus.

RECOMMENDATION

Staff recommends approval of the vacation request based on the attached findings.

ACTION REQUESTED

Advise the City Council to approve the vacation request at a public hearing by motion and signature of the attached recommendation by the Planning Commission Chairperson.

ATTACHMENTS

Attachment 1: Recommendation to City Council

Attachment 2: Staff report and findings

Attachment 3: Map of proposed vacation

Attachment 4: Applicant's submittal

Attachment 5: Ordinance

**ATTACHMENT 2
VACATION REQUEST
STAFF REPORT AND FINDINGS**

JO. NO. LRP2005-00037

APPLICANT

Bernard Hiatt

REQUEST

The vacation of a 10-foot wide strip of Q Street right-of-way (ROW).

LOCATION OF PROPERTY

The right-of-way (ROW) proposed to be vacated is located south of and adjacent to Tax Lot 102, Tax Map 17-03-26-13 (Northwest corner of Q Street and 10th Street).

BACKGROUND

The 40-foot Q Street ROW was created with the Fuchsia Gardens Subdivision Plat in 1963. The applicant is the original owner of the property dedicated for ROW who owns the site adjacent to the area proposed to be vacated (Tax Map 17-03-26-13, Tax Lot 102). The 10' strip of ROW has not been improved. Since Q Street is fully improved, the area to be vacated will not be needed for future improvements. There is an existing in-ground natural gas line in the area to be vacated. The applicant is proposing a Public Utility Easement (PUE) over the entire 10-foot strip. The vacated area would be used as a landscaped setback since no building is permitted on a PUE. The site is zoned Medium Density Residential which permits between 11 and 20 units per acre. Signed consent forms from the required abutting and affected property owners were submitted. No objections to the vacation were received.

APPLICABILITY OF ASSESSMENT FOR SPECIAL BENEFIT

Springfield Municipal Code Section 3.204 requires the payment to the City of an amount equal to the assessment of special benefit resulting to the abutting property (owner) that results from the vacation.

In determining the value, if any, of the special benefit, the Council is required to consider any appraisals the City possesses, public information in the files of Lane County Assessment and Taxation, and other sources relevant to the determination of value.

In light of the "background" facts set forth above, Public Works and Development Services staff recommend to Council that an increase of 0.04 acre burdened by a PUE on the MDR site would be of de minimus value. We have reviewed that recommendation with De Little, Property Management Coordinator, and she concurs.

An assessment under these facts would not appear to be appropriate.

SPRINGFIELD DEVELOPMENT CODE CRITERIA

Springfield Development Code (SDC) 9.060(2) establishes criteria for vacation of right-of-way that must be met in order to approve this request. The following findings address each of the criteria.

(a) The Vacation shall be in conformance with the Metro Plan, Transplan, the Conceptual Local Street Map and adopted functional plans, and applicable refinement plan diagram, plan district map, or conceptual development plan;

Finding 1: The Metro plan is a general plan which does not specifically discuss the vacation of rights-of-way. The right-of-way vacation process is found in SDC Article 9. The SDC is in conformance with the Metro Plan.

Finding 2: Q Street is fully improved. The vacation of the unused 10 feet of ROW would not be in conflict with the Transplan, the Conceptual Local Street Map, any adopted functional plan or the Q Street Refinement Plan.

Finding 3: There is not a plan district map or a conceptual development plan for this area.

Conclusion: Because the SDC complies with the Metro Plan and there is no conflict with any of the above plans, this application complies with criterion (a).

(b) The Vacation shall not conflict with the provisions of Springfield Municipal Code 1997; and this Code, including but not limited to, street connectivity standards and block lengths; and

Finding 4: The application does not involve vacating an entire street or street length. Q Street is fully improved and the proposed vacation is only for a section of unimproved ROW. The application does not conflict with the provisions of either the Springfield Municipal Code or the Springfield Development Code.

Conclusion: Since the ROW vacation does not conflict with the Municipal Code or Development Code and does not involve a section of improved street, this application complies with criterion (b).

(c) There shall be no negative effects on access, traffic circulation, emergency service protection or any other benefit derived from the public right-of-way, publicly owned land or Partition or Subdivision Plat.

Finding 5: Q Street is fully improved and Springfield Public Works has determined that there would be no future improvements. The street paving, curb and sidewalk are outside of the proposed vacation area. The section to be vacated is not required for ROW. Access, traffic circulation, and emergency service protection are not affected by the vacation.

Finding 6: There is an existing underground natural gas line in the portion of the ROW to be vacated. A Public Utility Easement (PUE) over the entire vacated area is proposed. There are no other public benefits derived from the unimproved section of ROW.

Finding 7: Because the ordinance protects any underground utilities and there are no negative effects or public benefits involved in this application, the proposal complies with this portion of the criterion (c).

CONCLUSION

Staff has demonstrated that the proposed request to vacate the walkway is in conformance with the vacation criteria of approval (Ref. SDC 9.060(2)).

RECOMMENDATION

Recommendation of approval of the proposed vacation to the City Council and that no assessment under SMC 3.204 occur.

PREPARED BY:

Sarah Summers
Planner

ORDINANCE NO. _____ (SPECIAL)

AN ORDINANCE VACATING A 10-FOOT WIDE PORTION OF Q STREET IN THE CITY OF SPRINGFIELD, LANE COUNTY OREGON

WHEREAS, the Springfield Common Council has declared its intention to vacate a 10-foot wide portion of Q Street in the City of Springfield; and

WHEREAS, the application for right-of-way vacation was submitted in conformance with the provisions of ORS 271.080 et. seq., and with the provisions of Article 9 VACATIONS of the Springfield Development Code; and

WHEREAS, the Springfield Planning Commission conducted a public hearing on this proposed vacation on February 7, 2006, and the testimony, findings and conclusions of that meeting have been considered by the City Council; and

WHEREAS, the findings and testimony submitted by the applicant and those in support of this right-of-way vacation satisfy the criteria of approval for vacations found in Section 9.060 of the Springfield Development Code; and

WHEREAS, such vacation is in the best interest of the City in carrying out its plans and programs for the general development of the City; and

WHEREAS, lawful notice of the proposed vacation was published and posted; and

WHEREAS, the Springfield Common Council met in Council Chambers, at 225 Fifth Street, on Tuesday, the 21st day of February, 2006 (First Reading) and on March 6th (Second Reading), at the hour of 7:00 p.m., to hear any objections to the proposed vacation and ___ persons appeared to object;

NOW, THEREFORE, THE CITY OF SPRINGFIELD DOES ORDAIN, AS FOLLOWS:

Section 1: The Council finds that the legal notice of the hearing was lawfully published and posted; that ___ objections were made at the vacation hearing held; that the public interest will not be impaired by the vacation of this public right-of-way, and that vacation of said right-of-way will be in the best interest of the public and increase the benefit of the property involved.

Section 2: The public right of way in the City of Springfield, as described in Attachment A of this Ordinance, is declared to be vacated.

Section 3: The findings adopted by the City Council in support of this right-of-way vacation, are hereby made part of this ordinance by reference.

ORDINANCE ____