



Community Development Department

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STAFF REPORT NINTH AVENUE AND RAILROAD STREET RIGHT-OF-WAY VACATION Planning File VC-03-17

<u>HEARING BODY</u>	PLANNING COMMISSION	CITY COUNCIL
<u>HEARING DATE</u>	Monday, January 29, 2018	Wednesday, February 14, 2018
<u>HEARING TIME</u>	5:15 p.m.	7:15 p.m.
<u>HEARING LOCATION</u>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	

SUMMARY

The owners of the Van Vleet Meat property at Ninth Avenue and Jackson Street have submitted plans to expand their facility. Their expansion plans are dependent on the vacation of Ninth Avenue and Railroad Street adjacent to their site. City staff has concluded that these sections of right-of-way can be vacated and converted to private property. Doing so will eliminate City responsibility for the maintenance of this section of Ninth Avenue and Railroad Street.

The Planning Commission's recommendation on the proposal will be presented to the City Council, who is the final decision-maker on this request.

GENERAL INFORMATION

DATE OF REPORT:	January 22, 2018
FILE:	VC-03-17
TYPE OF APPLICATION:	Street Vacation for Ninth Avenue west of Jackson Street and east of the centerline of Railroad Street, and the vacation of Railroad Street north of Ninth Avenue to the railroad track.
REVIEW BODIES:	Planning Commission and City Council (Type IV) – Street Vacation
PROPERTY OWNER:	City of Albany, 333 Broadalbin St. SE, Albany, OR 97321
APPLICANT:	Gordon Steffensmeier, Civil Engineer III, on behalf of the City of Albany; 333 Broadalbin St. SE, Albany, OR 97321
ADDRESS/LOCATION:	Ninth Avenue west of Jackson Street and east of the centerline of Railroad Street, and the vacation of Railroad Street north of Ninth Avenue to the railroad tracks.
MAP/TAX LOT:	Adjacent to Linn County Assessor's Map No. 11S-03W-07BA; Tax Lots 12402 and 12501, and 11S-03W-07BD; Tax Lot 401
ZONING:	Light Industrial
COMPREHENSIVE PLAN DESIGNATION:	Light Industrial
EXISTING LAND USE:	Access to Industrial property and the railroad tracks and yard.

SURROUNDING ZONING: North: Light Industrial
South: Light Industrial
East: Light Industrial
West: Light Industrial

SURROUNDING USES: North: Meat Wholesale Facility
South: Light Industrial Buildings
East: Residences and Light Industrial Uses
West: Railroad tracks and yard

PRIOR HISTORY: No prior Land Use Cases

NOTICE INFORMATION

A Notice of Public Hearing was published in the Democrat-Herald newspaper on January 12 and 19, 2018.

A Notice of Public Hearing was mailed on January 12, 2018, to all property owners located within 300 or 400 feet of the subject properties. A notice of public hearing was also posted on the subject site at two locations on January 19, 2018. Lastly, the staff report for the proposal was posted on the City's website and available for public review on January 22, 2018. At the time this staff report was completed, no comments had been received.

STAFF ANALYSIS

The Albany Development Code (ADC) includes the following review criteria for street vacations, which must be met for this application to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

VACATIONS REVIEW CRITERIA (ADC 2.630)

Criterion (1) The requested vacation is consistent with relevant Comprehensive Plan policies and with any street plan city transportation or public facility plan.

FINDINGS OF FACT

- 1.1 The proposed vacation includes the Ninth Avenue right-of-way from the west right-of-way line of Jackson Street to the centerline of Railroad Street, and the east half of the Railroad Street right-of-way from the south line of Ninth Avenue to the railroad tracks (see Attachment A and B). The section of Railroad Street proposed for vacation has never been constructed as a City street. The section of Ninth Avenue proposed for vacation has been open to traffic and provides access to the properties abutting Ninth Avenue west of Jackson Street and the railroad yard to the west. An access easement for the railroad yard and the properties abutting Ninth Avenue west of Jackson Street will be retained over the center 26 feet of the Ninth Avenue right-of-way proposed for vacation (see Attachment C). This section of Ninth Avenue has always existed as a gravel street.
- 1.2 The vacated area will revert to the properties abutting the Ninth Avenue right-of-way west of Jackson Street, and east of the Railroad Street right-of-way (see Attachment D).
- 1.3 Albany's Transportation System Plan does not identify these sections of Ninth Avenue or Railroad Street as being a part of the city's arterial/collector street system, nor does it identify them as critical local street connections.
- 1.4 The following Comprehensive Plan policies have been identified as relevant to this review criterion:

GOAL 11: Public Facilities and Services

- a. Prohibit the construction of structures over public water lines and easements.
 - b. Prohibit the construction of structures over drainage improvements and easements.
 - c. Prohibit the construction of structures over public wastewater lines and easements.
- 1.5 Sanitary Sewer. Sanitary sewer utility maps indicate that there are no sanitary sewer mains in the right-of-way proposed for vacation. The City has plans to construct a sewer main in the Ninth Avenue right-of-way. The City will retain a utility easement over the entire right-of-way being vacated to accommodate future utilities (see Attachment E).
- 1.6 Water. There is a 12-inch diameter water main stubbed-out into the Ninth Avenue right-of-way proposed for vacation. The City will retain a utility easement over the entire right-of-way being vacated to accommodate future utilities (see Attachment E).
- 1.7 Storm Drainage. There are storm drainage pipes and ditches within the right-of-way proposed for vacation. The City will retain a utility easement over the entire right-of-way being vacated to accommodate future utilities (see Attachment E).

CONCLUSIONS

- 1.1 City utilities exist within the area proposed for vacation. The City has plans to build a sewer main within the right-of-way proposed for vacation.
- 1.2 The City will retain a utility easement over the entire right-of-way being vacated to accommodate future utilities.
- 1.3 An access easement for the railroad yard and the properties abutting Ninth Avenue west of Jackson Street will be retained over the center 26 feet of the Ninth Avenue right-of-way proposed for vacation.
- 1.4 The proposed vacation does not conflict with Albany's Transportation System Plan.
- 1.5 This criterion is met with the condition that an Access Easement benefitting the properties abutting Ninth Avenue west of Jackson Street and for the railroad yard west of Railroad Street be retained, and with the condition that a Utility easement benefitting the City of Albany be retained over the entire area being vacated.

CONDITIONS

- Condition 1 **Access Easement.** An Access Easement benefitting the properties abutting Ninth Avenue west of Jackson Street and for the railroad yard west of Railroad Street shall be retained over the center 26 feet of the Ninth Avenue right-of-way proposed for vacation. This easement shall also provide access for emergency service protection to all the properties adjacent to the vacated areas.
- Condition 2 **Utility Easement.** A Utility easement benefitting the City of Albany shall be retained over the entire area being vacated.

Criterion (2) *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 OF FACT

- 2.1 An Access Easement benefitting the properties abutting Ninth Avenue west of Jackson Street and for the railroad yard west of Railroad Street shall be retained over the center 26 feet of the Ninth Avenue right-of-way proposed for vacation. Vacating the right-of-way will not have a negative effect on any properties.

CONCLUSIONS

- 2.1 The proposed street vacation will not negatively impact access between public right-of-way, and will not eliminate access to any of the adjacent parcels.

- 2.2 This criterion is met with Condition of Approval 1 that ensures access to the properties abutting Ninth Avenue west of Jackson Street and for the railroad yard west of Railroad Street shall be retained.

Criterion (3) The requested vacation will not have a negative effect on traffic circulation or emergency service protection.

FINDINGS OF FACT

- 3.1 As discussed with respect to Criterion 2, above, the vacation will not have a negative impact on access between rights-of-way or remove access to any of the adjacent parcels.
- 3.2 Per Condition of Approval 1, the retained access easement will provide emergency service protection to all of the properties adjacent to the vacated area.

CONCLUSION

- 3.1 The requested vacation will not have a negative effect on traffic circulation or emergency vehicle service protection.
- 3.2 This criterion is met with Condition of Approval 1 that ensures that the retained access easement will also provide access for emergency service protection to all the properties adjacent to the vacated areas.

Criterion (4) 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 OF FACT

- 4.1 The vacated right-of-way is graveled and provides access for fire safety. The vacated right-of-way will be improved to Code standards as the properties abutting Ninth Avenue west of Jackson Street redevelop.

CONCLUSION

- 4.1 The vacated right-of-way provides access for fire safety and emergency services and will be improved to code standards as the properties abutting Ninth Avenue west of Jackson Street redevelop.
- 4.2 This criterion is met without conditions.

Criterion (5) The public interest, present and future, will be best served by approval of the proposed vacation.

FINDINGS OF FACT

- 5.1 The existing right-of-way is not needed to serve the general public, though it is maintained by the City. Once vacated, the City will no longer be responsible for maintaining it.
- 5.2 Vacating the right-of-way will provide opportunities for abutting properties to redevelop and expand their operations into the vacated street right-of-way, potentially creating jobs or expanding the tax base.

CONCLUSION

- 5.1 Approving the right-of-way vacation will provide neighboring properties with more developable land and eliminate the City's need to maintain the vacated right-of-way.

OVERALL CONCLUSION

The proposed street vacation meets all applicable review criteria with the conditions that an Access Easement benefitting the properties abutting Ninth Avenue west of Jackson Street and for the railroad yard west of Railroad Street be retained, and with the condition that a Utility Easement benefitting the City of Albany be retained over the entire area being vacated. The retained access easement will also provide access for emergency service protection.

OPTIONS FOR THE PLANNING COMMISSION

The Planning Commission has three options with respect to the proposal:

- Option 1: Recommend that the City Council approve request as proposed;
- Option 2: Recommend that the City Council approve the request with conditions of approval; or
- Option 3: Recommend that the City Council deny the request.

STAFF RECOMMENDATION

Based on the analysis in this report, staff suggests that the Planning Commission pursue Option 2 and recommend that the City Council approve the requested street vacation as conditioned in this staff report. Should the Planning Commission accept this recommendation, the following motion is suggested:

I move that the Planning Commission recommend that the City Council approve the proposed Street Vacation (planning file VC-03-17) as conditioned in the staff report. This motion is based on the findings and conclusions in the staff report and findings in support of the application made by the Planning Commission during deliberations on this matter.

CONDITIONS OF APPROVAL

- Condition 1 **Access Easement.** An Access Easement benefitting the properties abutting Ninth Avenue west of Jackson Street and for the railroad yard west of Railroad Street shall be retained over the center 26 feet of the Ninth Avenue right-of-way proposed for vacation. This easement shall also provide access for emergency service protection to all the properties adjacent to the vacated areas.
- Condition 2 **Utility Easement.** A Utility Easement benefitting the City of Albany shall be retained over the entire area being vacated.

ATTACHMENTS

- A. Attachment A - Map of Proposed right-of-way vacation
- B. Attachment B - Legal Description of proposed Ninth Avenue and Railroad Street right-of-way vacation
- C. Attachment C - Map showing the retained Access Easement
- D. Attachment D - Map showing where vacated areas will be transferred
- E. Attachment E - Map showing the retained Utility Easement