

NOTICE OF DECISION

*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173*

ADMINISTRATIVE DECISION - MINOR HISTORIC REVIEW

CASE NO.: Historic Review Case 15-32 / Amanda No. 15-114579-DR

NOTICE OF DECISION DATE: September 18, 2015

REQUEST: Minor historic design review of a proposal to widen the sidewalk from 5' to 9' and install new street lights within the Right of Way (ROW), along the eastern edge of Church Street SE, from Mission Street SE north to the edge adjacent to the northern property line of 665 Winter Street SE, (Marion County Assessor's Map and Tax Lot number: 073W27DB00100) and located within the Gaiety-Hill/Bush's Pasture Park National Register Historic District.

APPLICANT: Alden Kasiewicz, SEALLP and Cindy Wagner for Salem Hospital

LOCATION: Public ROW adjacent to Church Street within the Gaiety Hill/Bush's Pasture Park National Register Historic District, from Mission Street SE north to the edge adjacent to the northern property line of 755 Mission Street SE, (Marion County Assessor's Map and Tax Lot number: 073W27DB00100)

CRITERIA: Salem Revised Code Chapter 230.075

BACKGROUND

The applicant is required by City Council to dedicate 5' of additional right of way from their parcel as part of the approval to vacate several previously existing right of ways on tax lot 073W27DB00100 in preparation for the development of the site. Specifically, the applicant is required to widen the sidewalk prior to completing the development of the site and also must install new streetlights per applicable Public Works standards (Attachment A).

PUBLIC COMMENTS

Comments have been received from Jon Christenson on behalf of the South Central Association of Neighbors (SCAN). Concerns were expressed relating to the design of the streetlights, the preservation of the historic steps to the east of the sidewalk as well as the conservation and the protection of mature trees. (Attachment B)

CITY DEPARTMENT COMMENTS

Public Works Department

The Public Works Department has reviewed the proposal and finds that the proposed street light design is in conformance with the current Public Works Design Standards, specifically the criteria for a residential development located on a Collector. They have found that the proposed scoring pattern of the new sidewalk shall be a 2 x 2 pattern to mimic the design used throughout the Gaiety Hill/Bush's

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005

CITY OF Salem
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Parks Division

The City Forester within the City of Salem Parks Division reviewed the proposal and requires that protective fencing be placed around trees within the right of way during the sidewalk construction, and that all equipment and work must be kept within the sidewalk construction envelope and out of the protected zone (Attachment C).

FINDINGS: The applicant is proposing to widen the sidewalk and install new street lights within the Gaiety Hill/Bush's Pasture Park National Register Historic District. Staff determined that the following standards from SRC Chapter 230 are applicable to this project:

230.075. Streetscape Standards.

(a) Materials.

- (1) Replacement materials should match as closely as possible to the original color, texture, size and finish of the original materials.*
- (2) Diseased street trees should be replaced in kind, if possible.*

(b) Design.

- (1) Historic street lamps shall be preserved, if feasible.*
- (2) Healthy, mature street trees shall be preserved if they are significant to the district.*
- (3) Historic landscaped buffer zones, such as the grassy median between the sidewalk and curb shall be preserved.*
- (4) Historic retaining walls should be preserved, if feasible.*
- (5) Significant sidewalk and driveway features should be preserved when they contribute to the character of the district.*
- (6) Original driveway locations and curb cuts should be preserved when they contribute to the character of the district.*
- (7) Only those portions of character-defining streetscape that are deteriorated beyond repair shall be replaced.*
- (8) New sidewalks should align with existing historic sidewalks on the block, if present.*
- (9) When feasible, replacement or new sidewalks should exhibit scoring lines and brush patterns consistent with the historic material when those elements contribute to the historic character of the district.*

Findings

Materials

The applicant is proposing to replace the existing sidewalk with concrete which matches as closely as possible the existing sidewalk, and the sidewalks found throughout the Gaiety Hill/Bush's Pasture Park Historic District, thereby meeting SRC 230.075 (a)(1). No diseased trees are proposed for replacement as part of this proposal, therefore SRC 230.075(a)(2) is not applicable.

Design

The applicant is proposing to widen the existing sidewalk from 5' to 8' in order to meet City requirements. The applicant has dedicated 5' of their private parcel (TL 073W27DB00100)

to the City, which will be in the right-of way. The applicant is proposing to widen the sidewalk 3' to the west toward Church Street. The applicant is proposing to retain trees within the median. Specifically, all mature trees within this portion of the Gaiety Hill/Bush's Pasture Park Historic District will be protected during sidewalk construction with a 6' protection zone, thereby meeting SRC 230.075(b)(2).

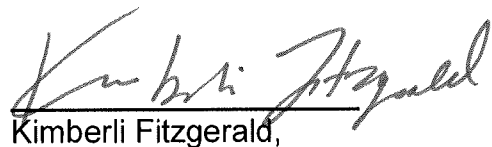
The applicant is proposing to reduce the width of the median by approximately three feet (3') in order to preserve the historic stairs, formerly part of the Oregon School for the Blind and located to the east of the existing sidewalk. The landscaped buffer zone will be preserved with twenty feet of the twenty-three foot wide landscape buffer zone retained, thereby meeting SRC 230.075(b)(3).

The historic stairs, which formerly provided access to the Oregon School for the Blind campus, will be retained, thereby meeting SRC 230.075(b)(5). The driveway entrance to the Pringle Park parking lot will be retained, thereby meeting SRC 230.075(b)(6). Those features of the streetscape that are historically intact and character defining, including the historic stairs, will be retained and not replaced, thereby meeting SRC 230.075(b)(7).

The applicant's proposed sidewalk design meets Public Works design requirements, including those relating to sidewalk alignment, thereby meeting SRC 230.075(b)(8). The scoring pattern replicates the scoring pattern found throughout the remainder of the Gaiety-Hill/Bush's Pasture Park Historic District thereby meeting SRC 230.075(b)(9).

While comments have been received relating to the design of the proposed street lights, no historic street lamps are proposed for replacement, therefore SRC 230.075(b)(1) is not applicable to evaluation of this proposal. The proposed street lights shall be installed within the median, and are in conformance with the current Public Works Design Standards, specifically Public Works criteria for a residential development located on a Collector. There are no historic retaining walls that will be disturbed as part of this proposal, therefore SRC 230.075(b)(4) is not applicable to evaluation of this proposal.

DECISION: Based upon the application materials deemed complete on September 8, 2015, and the findings as presented in this report, the application is APPROVED.



Kimberli Fitzgerald,
Historic Preservation Officer

kfitzgerald@cityofsalem.net
Phone: (503)540-2397

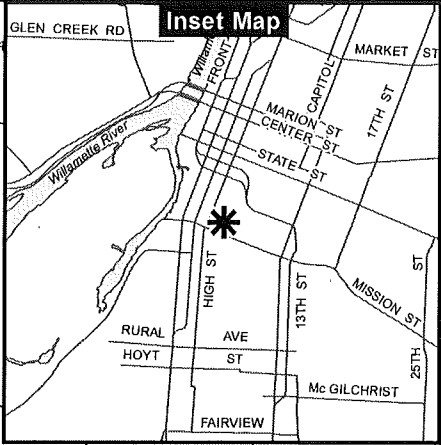
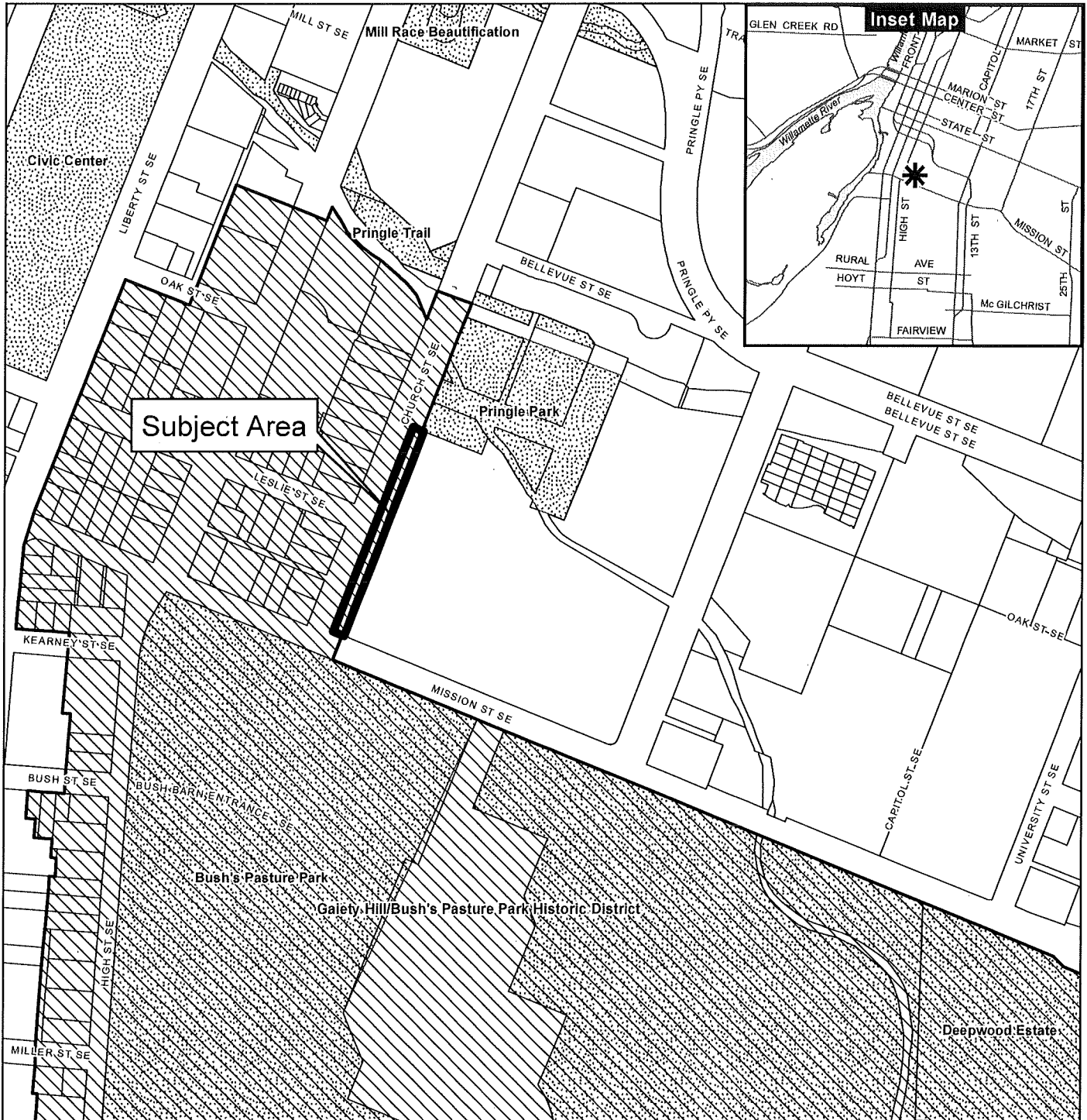
The rights granted by this decision must be exercised by October 6, 2017, or this approval shall be null and void.

Application Deemed Complete: September 8, 2015
Notice of Decision Mailing Date: September 18, 2015
Decision Effective Date: October 6, 2015
State Mandated Decision Date: January 6, 2016.

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m. October 5, 2015.** The appeal must state where the decision failed to conform to the provisions of the historic preservation ordinance (SRC Chapter 230). The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Historic Landmarks Commission will review the appeal at a public hearing. After the hearing, the Historic Landmarks Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

Vicinity Map

Gaiety Hill/Bush's Pasture Park Historic District Public Right-of-way



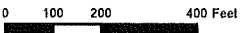
Legend

- Taxlots
- Outside Salem City Limits
- Parks
- Urban Growth Boundary
- Historic District
- City Limits
- Schools

CITY OF Salem

 AT YOUR SERVICE

Community Development Dept.



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Case No. _____

Historic Alteration Review - Public Resource Worksheet

Site Address: 665 Winter St SE

Resource Status: Contributing
 Non- Contributing

Type of Work: Activity Proposed

Major Minor New Construction:

Replacement, Alteration, Restoration or Addition of:

Architectural Feature:

- Awning
- Door
- Exterior Trim, Lintel
- Other architectural feature
- Roof/Cornice
- Masonry/Siding
- Storefront
- Window(s) Number of windows: _____

Landscape Feature:

- Fence
- Streetscape
- Other Site feature (describe)
- Public Sidewalks / Street Lighting

New:

- Addition
- New Accessory Structure
- Sign
- Mural
- Accessibility Ramp
- Energy Improvements
- Mechanical Equipment

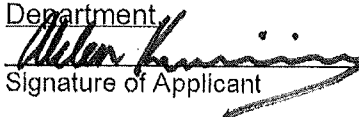
Will the proposed alteration be visible from any public right-of-way? YES NO

Project's Existing Material: Concrete, Asphalt Project's New Material: Concrete

Project Description

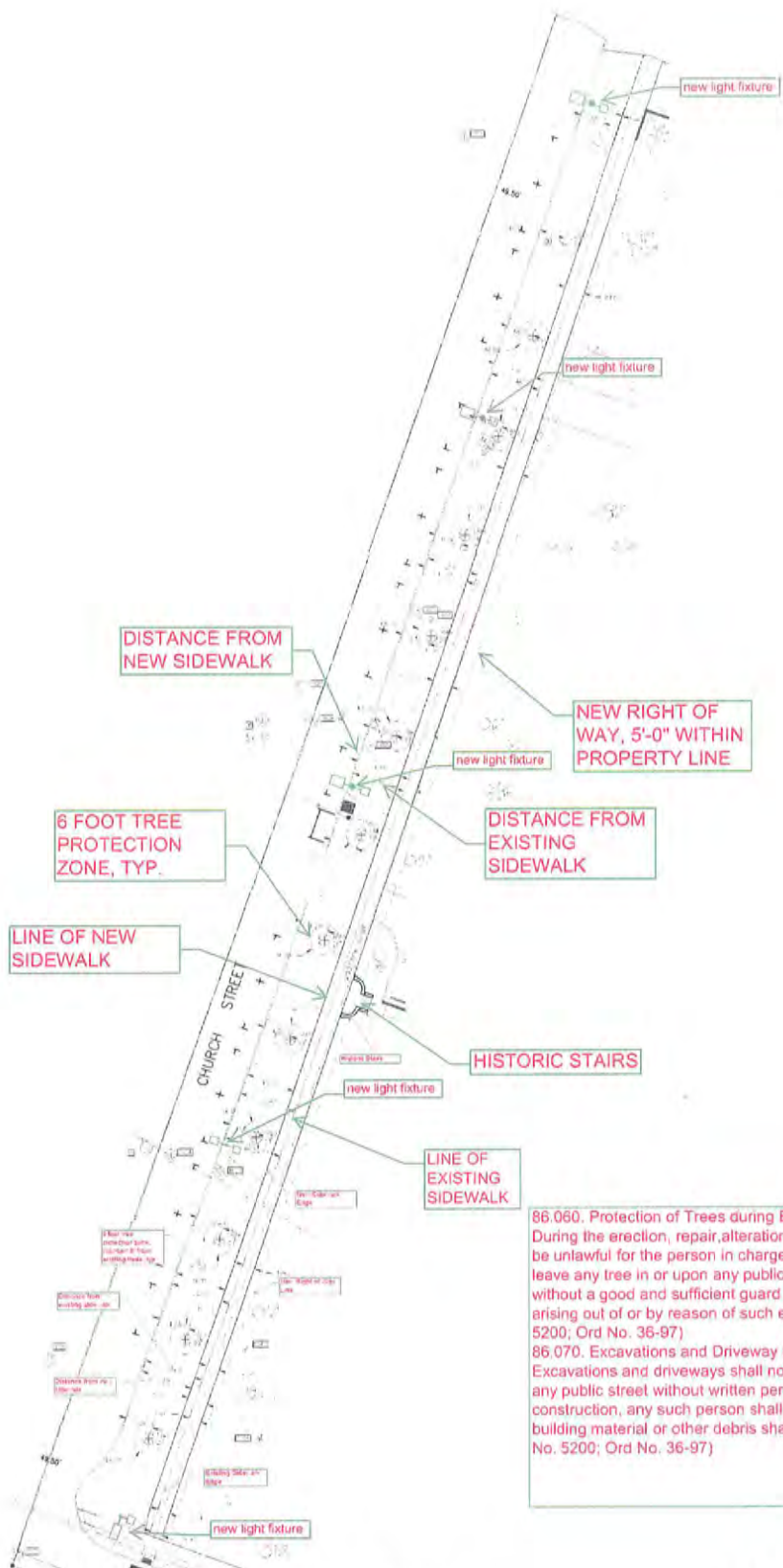
Briefly provide an overview of the type of work proposed. Describe how it meets the applicable design criteria in SRC Chapter 230. Please attach any additional information (i.e., product specification sheets) that will help staff and the HLC clearly understand the proposed work:

Proposal to widen sidewalk adjacent to Church Street and the Salem Hospital Property from current 5 feet to 8 feet. Widening will occur at sidewalk edge East of Church Street. Per recommendation from Kimberli Fitzgerald the sidewalk scoring will replicate historic 'four square' tooled joints. All sidewalk replacement will occur within the Public Right-of-way. No Historic stamped and dated sidewalk panels currently exist in area identified to be replaced. Per Site Plan review requirements, new street lights will be installed within the right-of-way per the attached drawing. Light fixture types are as required by City of Salem Public Works Department.


Signature of Applicant

Architect of Record

19-June-2015
Date Submitted/Signed



DISTANCE FROM NEW SIDEWALK

NEW RIGHT OF WAY, 5'-0" WITHIN PROPERTY LINE

6 FOOT TREE PROTECTION ZONE, TYP.

DISTANCE FROM EXISTING SIDEWALK

LINE OF NEW SIDEWALK

HISTORIC STAIRS

LINE OF EXISTING SIDEWALK

86.060. Protection of Trees during Erection, Repair, Etc., of Buildings.
 During the erection, repair, alteration, or removal of any buildings or structure, it shall be unlawful for the person in charge of such erection, repair, alteration, or removal to leave any tree in or upon any public street in the vicinity of such building or structure without a good and sufficient guard or protectors as shall prevent injury to such tree arising out of or by reason of such erection, repair, alteration, or removal. (Ord No. 5200; Ord No. 36-97)

86.070. Excavations and Driveway Construction Near Trees.
 Excavations and driveways shall not be placed within six feet of any tree in or upon any public street without written permit from the director. During such excavation or construction, any such person shall guard any tree within six feet thereof, and all building material or other debris shall be kept at least four feet from any tree. (Ord No. 5200; Ord No. 36-97)



PROJECT NAME
S.H. OUTPATIENT REHAB CENTER
 PROJECT No.
1264
 DRAWING TITLE
HISTORIC SIDEWALK REVIEW

SK No. _____
 ISSUE DATE 9.11.2015
 REVISION _____
 SCALE _____
 REFERENCE _____

HSR
S|E|A
 SCOTT EDWARDS ARCHITECTURE LLP
 2525 E. Burnside St., Portland, OR 97214
 phone: (503) 226-3617 www.sealp.com



FOR COUNCIL MEETING OF: September 22, 2014
AGENDA ITEM NO.: _____
PUBLIC WORKS FILE NO.: _____

TO: MAYOR AND CITY COUNCIL
THROUGH:  LINDA NORRIS, CITY MANAGER
FROM:  PETER FERNANDEZ, P.E., PUBLIC WORKS DIRECTOR
SUBJECT: PETITION FOR VACATION OF PUBLIC RIGHTS-OF-WAY LOCATED BETWEEN MISSION STREET SE, CHURCH STREET SE, WINTER STREET SE, AND PRINGLE PARKWAY

ISSUE:

Shall City Council approve vacation of four rights-of-way located between Mission Street SE, Church Street SE, Winter Street SE, and Pringle Parkway subject to the following conditions of approval:

- a) Petitioner to provide easements for the construction, maintenance, repair, and replacement of existing municipal and utility facilities,
- b) Petitioner to provide a Creek and Open Channel Setback and Maintenance Easement for Pringle Creek, and
- c) Petitioner to transfer land for dedication of additional right-of-way to the City, and construct pedestrian improvements along Church Street SE as compensation for an assessment of special benefit.

RECOMMENDATION:

Approve vacation of four rights-of-way located between Mission Street SE, Church Street SE, Winter Street SE, and Pringle Parkway subject to the following conditions of approval:

- a) Petitioner to provide easements for the construction, maintenance, repair, and replacement of existing municipal and utility facilities,
- b) Petitioner to provide a Creek and Open Channel Setback and Maintenance Easement for Pringle Creek, and
- c) Petitioner to transfer land for dedication of additional right-of-way to the City, and construct pedestrian improvements along Church Street SE as compensation for an assessment of special benefit.

SUMMARY AND BACKGROUND:

The City of Salem has received a petition from Salem Health, Inc., Norm Gruber, President (Salem Health), to vacate four rights-of-way located between Mission Street SE, Church Street SE, Winter Street SE, and Pringle Parkway (Attachment 1, Vicinity Map). The vacation of the existing rights-of-way are an integral part of the development plan submitted by Salem Health to construct an outpatient rehabilitation facility. It was believed the subject rights-of-way had been vacated at the time other nearby rights-of-way had been vacated in the late-1800s, but after further research it was determined these rights-of-way had never been vacated. Salem Health has asked the City to vacate the rights-of-way and return ownership of the property encumbered by the right-of-way in order to allow the proposed Outpatient Rehabilitation Center project to move forward.

FACTS AND FINDINGS:

On June 5, 2014, Salem Health submitted a petition to vacate four unopened rights-of-way located between Mission Street SE, Church Street SE, Winter Street SE, and Pringle Parkway. The four rights of way proposed for vacation include:

1. Leslie Street SE between Cottage Street SE and Winter Street SE
 - Approximately 66 feet wide and 348.74 feet long
 - Contains 23,017 square feet of land
2. Cottage Street SE between Pringle Creek and Mission Street SE
 - Approximately 99 feet wide and 525 feet long
 - Contains 51,836 square feet of land
3. University Addition Block 23 alleyway
 - Approximately 16.5 feet wide and 295 feet long
 - Contains 4,874 square feet of land
4. University Addition Block 25 portion of alleyway
 - Approximately 16.5 feet wide and 82 feet long and 8.25 feet wide by 41.44 feet wide
 - Contains 1,684 square feet of land

The locations of these four rights-of-way are shown on Attachment 2. The legal descriptions and surveys showing the rights-of-way proposed for vacation are provided in Attachment 3.

On August 11, 2014, City Council directed the City Manager to set a date for the public hearing in compliance with *Oregon Revised Statutes* (ORS) 271.080-271.230 and *Salem Revised Code* (SRC) 255.065. The public hearing was scheduled for September 22, 2014.

The *Salem Transportation System Plan* (Salem TSP) establishes the goals, policies, and objectives for planning, developing, and operating its street system. SRC 255.065(6) implements these goals, policies, and objectives by establishing the criteria for approving the vacation of public right-of-way. The eight criteria are listed below along with the findings that detail how each criterion is met.

(A) The area proposed to be vacated is not presently, or will not in the future be needed for public services, facilities, or utilities;

FINDING:

Transportation: The rights-of-way proposed to be vacated are not currently used for public transportation services. A portion of the Leslie Street SE and Cottage Street SE right-of-way currently serves as driveway access to Salem Hospital parking. The area is served by Mission Street SE to the south, Church Street SE to the west, Pringle Parkway to the north, and Winter Street SE to the east. Additionally, a path system through Pringle Park and along Shelton Ditch provides east/west bicycle and pedestrian connectivity between Church Street SE and Winter Street SE. Therefore, the rights-of-way proposed to be vacated are not needed for public transportation purposes.

Utilities: All utilities, City departments, and relevant public agencies were notified of these proceedings. The following utilities, as well as Pringle Creek, are located within the rights-of-way proposed for vacation.

- Pringle Creek is located in a portion of the Cottage Street SE right-of-way that is proposed to be vacated. Therefore, staff recommends a condition be applied to this vacation that requires the petitioner to provide a creek and open channel setback, and a maintenance easement for Pringle Creek in a form acceptable to the City.
- An existing 36-inch City storm main extends from Mission Street SE northward to Pringle Creek in the Cottage Street SE right-of-way. Salem Health is proposing to relocate these facilities to allow for the construction of the new Outpatient Rehabilitation Center. As a condition of the Site Plan Review for the Outpatient Rehabilitation Center (SPR-VAR 14-07 Condition No. 8, Attachment 4), Salem Health is required to obtain construction permits and dedicate easements for the replacement storm main. In order to maintain the service of the existing storm main until the new main is operational, staff recommends that a condition be applied to this vacation that requires the petitioner to provide an easement over the Cottage Street SE right-of-way until the new main is complete. Upon acceptance of the new main by the City, the City Manager can then quit claim the existing easement.
- A water main and a fire hydrant are currently located within a portion of Leslie Street SE and Cottage Street SE rights-of-way that are proposed to be vacated. Once the outpatient rehabilitation center is constructed, these facilities will no

longer be needed and will be abandoned. Therefore, staff recommends a condition be applied to this vacation that requires the petitioner to provide an easement to protect the existing facilities until such time as the Public Works Director determines they can be abandoned.

With the recommended conditions to provide easements for the construction, maintenance, repair, and replacement of the existing municipal and public utilities, and a creek and open channel setback and maintenance easement for Pringle Creek, the proposed right-of-way vacation complies with this criterion.

(B) The vacation does not prevent the extension of, or the retention of public services, facilities, or utilities;

FINDING: There are no adopted plans that call for the extension of new public services, facilities, or utilities to or through the proposed areas to be vacated. Additionally, the recommended conditions listed in section "(A)" above will serve to protect the existing utility services. The proposed vacation will have no effect on the provision of public utilities, services, or facilities and will not degrade transportation services or accessibility in the area. Therefore, the proposed vacation complies with this criterion.

(C) Public services, facilities, or utilities can be extended in an orderly and efficient manner in an alternate location;

FINDING: There are no adopted plans that call for the extension of new public services, facilities, or utilities through the proposed areas to be vacated. Access to the new Outpatient Rehabilitation Facility will be provided by private driveways connecting to Mission Street SE and Winter Street SE with an additional pedestrian access provided to Church Street SE. The proposed vacation will have no effect on the provision of public utilities, services, or facilities and will not degrade transportation services or accessibility in the area. Therefore, the proposed vacation complies with this criterion.

(D) The vacation does not impede the future best use, development of, or access to abutting property;

FINDING: The four rights-of-way proposed for vacation are located adjacent to property owned by Salem Health and Pringle Park, which is owned by the City of Salem. All of the abutting properties have existing driveway access to the public street network. Under the new development proposal, site access to the Outpatient Rehabilitation Center, as well as existing hospital parking, will be provided by driveways and a sidewalk network connecting to Mission Street SE and Winter Street SE with an additional pedestrian access to Church Street SE.

The proposed right-of-way vacations will allow for the expansion of the Salem Health Campus and will allow the construction of the proposed Salem Health Outpatient Rehabilitation Center project to proceed.

Therefore, the proposed vacation complies with this criterion.

(E) The vacation does not conflict with provisions of the Unified Development Code (UDC) including the street connectivity standards and block lengths;

FINDING: The proposed vacations do not conflict with the provisions of the UDC regarding street connectivity and block lengths. While the existing street network exceeds the block length standards which call for a maximum street spacing of 600 feet along one axis and 400 feet along the other axis, the connectivity of Cottage Street SE and Leslie Street SE beyond the site of the Outpatient Rehabilitation Center project site is limited by existing development patterns, Bush's Pasture Park, Pringle Creek, and Shelton Ditch.

Access to the proposed Outpatient Rehabilitation Facility will be provided by private driveways and sidewalks connecting to Mission Street SE, a Minor Arterial, and Winter Street SE, a Collector, with an additional pedestrian access provided to Church Street SE, a Collector. An existing path system through Pringle Park and along Shelton Ditch provides additional east/west bicycle and pedestrian access between Church Street SE and Winter Street SE. These facilities provide an interconnected local street system that allows for the dispersal of traffic and encourages a mix of travel modes.

Therefore, the proposed vacation complies with this criterion.

(F) All required consents have been obtained;

FINDING: Petition-Initiated Vacations require the consent of 100 percent of the abutting real property owners and two-thirds of the property owners within the affected area which is defined in ORS 271.080. The applicant has submitted the signed consent of abutting and affected property owners and staff has determined that all of the required consents have been obtained. Therefore, the proposed vacation complies with this criterion.

(G) Notices required by ORS 271.080-271.130 have been duly given;

FINDING: Notice of this public hearing was provided as required by ORS 271.080-271.130. Notice was published in the *Statesman Journal* and posted on the right-of-way proposed for vacation. Therefore, the proposed vacation complies with this criterion.

(H) The public interest would not be prejudiced by the vacation.

FINDING: Approval of this vacation with the recommended Conditions of Approval is compatible and consistent with the intent, goals, and policies of the Salem TSP and the SRC and is in the best interest of the public health, safety, and welfare of the citizens of the City of Salem. Therefore, the proposed vacation complies with this criterion.

Public Comment

As of the date of the preparation of this staff report, no comments have been received.

Assessment of Special Benefit

In accordance with SRC 255.065(b)(7)(C), City Council may, at its discretion, require a petitioner for a vacation to pay an assessment of special benefit in an amount deemed by City Council to be just and equitable under the circumstances. The amount of the assessment is generally determined by computing the square foot value of property in the vicinity of the vacation and taking this figure and multiplying it by the square footage of the area to be vacated. Special benefits also include the costs of public improvements in the vacated area.

The Real Property Services Division of the Urban Development Department estimated the value of the right-of-way for this vacation at \$16.46 per square foot without easements (Attachment 5). This amount would be reduced by 50 percent with the reservation of a utility easement. Applying these values to the approximately 81,411 square feet of the vacation with easements over portions of the rights-of-way yields a total approximate value of \$724,000.

Staff and petitioner have discussed the possibility of the petitioner conveying to the City five feet of the petitioner's property along Church Street SE, from Mission Street SE to the north end of petitioner's property, and constructing an eight-foot sidewalk and landscaping in the right-of-way along Church Street SE from Mission Street SE to the driveway entrance to Pringle Park (Attachment 6, Enhanced Pedestrian Improvements Map) The approximate value of the property conveyance and improvements is \$120,000.

The proposed Outpatient Rehabilitation Center project creates a unique opportunity to provide improvements that would strengthen the pedestrian connection between two important City resources, Bush's Pasture Park and Pringle Park, as well as serve the proposed Salem Hospital Commemorative Garden and Adaptive Playground for disabled children.

Further, the rights-of-way proposed for vacation have not been used by the public for several decades, and the parties had assumed the area had previously been vacated.

Due to the public benefit provided by the dedication of additional right-of-way for pedestrian improvements along Church Street SE, and the condition of the right-of-way proposed for vacation, staff recommends City Council accept as payment of the assessment of special benefit the conveyance of additional right-of-way along Church Street SE and the construction of the sidewalk and landscaping improvements through the following condition of approval:

- Dedicate an additional five feet of right-of-way along the Church Street SE frontage,

- Extend the proposed eight-foot-wide sidewalk being constructed as a part of the Outpatient Rehabilitation Center project northward approximately 20 feet to connect to the Pringle Park driveway, and
- Provide landscaping including street trees along the east side of the sidewalk

These improvements, along with the eight-foot-wide sidewalk being constructed by the Hospital as a part of the proposed Outpatient Rehabilitation Center, will create special and distinctive tree-lined walkway that will reinforce the park to park connection. These improvements will also serve to strengthen the unique identity and character of this portion Church Street SE.

Conclusion

With the recommended conditions, the proposed vacation of rights-of-way is consistent with the intent, goals, and policies of the Salem TSP and the SRC and complies with the criteria established in SRC 255.065(6). The proposed vacation will not affect the provision of public utilities, services, or facilities and will not degrade transportation services or accessibility in the area. Approval of this vacation is in the best interest of the public health, safety, and welfare of the citizens of the City of Salem and furthers the public interest by releasing unneeded public property.

Alternatives

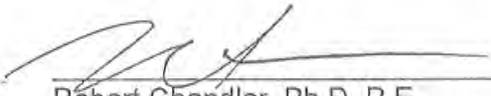
City Council may:

1. Enact an ordinance granting the vacation, in whole or in part;
2. Enact an ordinance granting the vacation, in whole or in part, with conditions or reservations it deems to be in the public interest, or
3. Adopt a resolution rejecting the proposed vacation.

Staff recommends City Council approve the vacation of four rights-of-way located between Mission Street SE, Church Street SE, Winter Street SE, and Pringle Creek subject to the following conditions:

- a) Petitioner to provide easements for the construction, maintenance, repair, and replacement of existing municipal and utility facilities,
- b) Petitioner to provide a Creek and Open Channel Setback and Maintenance Easement for Pringle Creek, and

- c) Petitioner to transfer land for dedication of additional right-of-way to the City, and construct pedestrian improvements along Church Street SE as compensation for an assessment of special benefit.



Robert Chandler, Ph.D, P.E.
Assistant Public Works Director

Attachments:

- 1: Vicinity Map
- 2: Detailed Location Map
- 3: Legal Description of Proposed Vacation
- 4: Site Plan Review SPR-VAR 14-07
- 5: Assessment of Special Benefit Valuation
- 6: Enhanced Pedestrian Improvements

Ward 2

September 10, 2014

Prepared by: Judith Johnduff, Associate Transportation Planner

1 additional east/west bicycle and pedestrian access between Church Street SE and Winter
2 Street SE. The rights-of-way proposed to be vacated are not needed for public
3 transportation purposes.

4 **Utilities:** All utilities, city departments, and relevant public agencies were notified of
5 these proceedings. Several utilities as well as Pringle Creek are located within the rights-
6 of-way proposed for vacation.

7 Pringle Creek extends through the Cottage Street SE right-of-way proposed to be
8 vacated. Therefore, as a condition of this vacation, petitioner shall provide the City a
9 creek and open channel setback and maintenance easement for Pringle Creek in a form
10 and location acceptable to the City.

11 An existing 36" storm main extends from Mission Street SE northward to Pringle Creek.
12 The petitioner is proposing to relocate these facilities consistent with the petitioner's
13 approved Site Plan Review (Exhibit B). As a condition of the Site Plan Review,
14 petitioner is required to obtain construction permits and provide easements for the new
15 storm main. In order to maintain the service of the existing storm main until the new
16 main is operational, the vacation shall be conditioned on petitioner providing an easement
17 by separate instrument in a form acceptable to the City for the existing 36" storm main,
18 which may be abandoned and quitclaimed by the City once a new easement for the
19 relocated storm main is provided.

20 A water main and a fire hydrant are currently located within a portion of Leslie Street SE
21 and Cottage Street SE which are proposed to be vacated. Once petitioner's development
22 is completed, these facilities will no longer be needed and may be abandoned. The
23 vacation shall be conditioned on petitioner providing an easement for these facilities by
24 separate instrument, which may be abandoned and quitclaimed by the City once the City
25 determines the facilities are no longer needed. The proposed vacation complies with this
26 criterion.

27 *(B) The vacation does not prevent the extension of, or the retention of public services,*
28 *facilities, or utilities;*

29 **FINDING:**
30

1 There are no adopted plans that call for the extension of new public services, facilities, or
2 utilities to or through the proposed areas to be vacated. The recommended conditions
3 listed above will protect the existing public and private facilities. The proposed vacation
4 will have no effect on the provision of public utilities, services, or facilities and will not
5 degrade transportation services or accessibility in the area. The proposed vacation
6 complies with this criterion.

7 *(C) Public services, facilities, or utilities can be extended in an orderly and efficient*
8 *manner in an alternate location;*

9 **FINDING:**

10 There are no adopted plans, including the Salem Transportation System Plan, that call for
11 the extension of new public services, facilities, or utilities through the proposed areas to
12 be vacated. Access to the abutting property will be provided by private driveways
13 connecting to Mission Street SE and Winter Street SE with an additional pedestrian
14 access provided to Church Street SE. The proposed vacation will have no effect on the
15 provision of public utilities, services, or facilities and will not degrade transportation
16 services or accessibility in the area. The proposed vacation complies with this criterion.

17 *(D) The vacation does not impede the future best use, development of, or access to*
18 *abutting property;*

19 **FINDING:** The four rights-of-way proposed for vacation are located adjacent to Salem
20 Hospital property and Pringle Park which is owned by the City of Salem. All of the
21 abutting properties have existing driveway and sidewalk access to the public street
22 network. Under the new development proposal, site access to the abutting property will
23 be provided by driveways and a sidewalk network connecting to Mission Street SE and
24 Winter Street SE with an additional pedestrian access to Church Street SE. The proposed
25 vacation complies with this criterion.

26 *(E) The vacation does not conflict with provisions of the UDC including the street*
27 *connectivity standards and block lengths;*

28 **FINDING:** The proposed vacations do not conflict with the provisions of the UDC
29 regarding street connectivity and block lengths. While the existing street network
30 exceeds the City's block length standards, the connectivity of Cottage Street SE and

1 Leslie Street SE beyond petitioner's abutting property is limited by existing development
2 patterns, Bush's Pasture Park, Pringle Creek, and Shelton Ditch.

3 Access to the abutting property will be provided by private driveways connecting to
4 Mission Street SE, a Minor Arterial, and Winter Street SE, a Collector, with an additional
5 pedestrian access provided to Church Street SE, a Collector. An existing path system
6 through Pringle Park and along Shelton Ditch provides additional east/west bicycle and
7 pedestrian access between Church Street SE and Winter Street SE. These facilities
8 provide an interconnected local street system that allows for the dispersal of traffic and
9 encourages a mix of travel modes. The proposed vacation complies with this criterion.
10 *(F) All required consents have been obtained;*

11 **FINDING:** Petition-initiated vacations require the consent of 100 percent of the
12 abutting real property owners and two-thirds of the property owners within the affected
13 area which is defined in ORS 271.080. The applicant has submitted the signed consent of
14 abutting and affected property owners, and staff has determined that all of the required
15 consents have been obtained. The proposed vacation complies with this criterion.

16 *(G) Notices required by ORS 271.080-271.130 have been duly given;*

17 **FINDING:** Notice of this public hearing was provided as required by ORS 271.080-
18 271.130. Notice was published in the Statesman Journal and posted on the right-of-way
19 proposed for vacation. The proposed vacation complies with this criterion.

20 *(H) The public interest would not be prejudiced by the vacation.*

21 **FINDING:** The City Council received written testimony from Curt Fisher and others
22 indicating that public interest would be prejudiced by the removal of trees, impacts on
23 existing natural areas along Pringle Creek, the development of parking areas that exceed
24 the maximum allowed by code, and a lack of bicycle lanes and other improvements along
25 Mission Street. The Council finds that the criterion is limited to impacts from the
26 vacation only, and the potential impact of subsequent development either within the
27 vacated right-of-way, or abutting property is not a consideration. The term "public
28 interest" as used in this criterion relates to the public benefits currently realized by this
29 right-of-way that would be prejudiced by the vacation. These public interests include
30 present and potential future use of the right-of-way for transportation and public and

1 private utilities. In this case, the rights-of-way proposed for vacation are unopened and
2 are not used for any public transportation purpose. As set forth above in the findings for
3 the other criteria, petitioner will provide new easements for the existing private and
4 public utilities, which will be relocated at petitioner's expense. Further, the findings
5 demonstrate that pedestrian and vehicle access from and to the transportation system, and
6 neighboring properties are already accommodated through the existing transportation
7 system, and that access will be enhanced through additional right-of-way and pedestrian
8 and landscaping improvements to be provided by petitioner. The conditions of approval
9 will ensure that the public interest will continue to be preserved through this vacation.
10 The public interest does not include consideration of impacts that may result from
11 development as a result of the vacation when that development has received separate land
12 use approval and is otherwise allowed. Any tree removal or development occurring on
13 the right-of-way to be vacated, or petitioner's property abutting the right-of-way, is
14 subject to separate land use review or approvals distinct from this vacation.

15 Council received written testimony that a "concrete entry stairwell" immediately east of
16 the Church Street sidewalk is a historical "contributing site feature" and was not
17 addressed in the staff report. The stairwell is located north of Howard Hall and well
18 north and just adjacent to the eastern boundary of the Gaiety Hill/Bush's Pasture Park
19 Historic District. The stairwell is not a designated historic resource. Although it appears
20 to be referenced in the National Register of Historic Places Nomination for the Oregon
21 State School for the Blind ("School"), the School site has never been designated either a
22 historic resource or a local or national historic district. Although Howard Hall was
23 designated as a local historic resource, the stairwell is located north of Howard Hall, is
24 not included in this local designation, and therefore historic design review for stairwell is
25 not required under the Salem Revised Code.

26 Even assuming the stairwell is a designated historic resource, it is not located within the
27 right-of-way proposed for vacation. It may be within the area that is proposed for
28 landscaping improvements, as required by the City as part of the assessment of special
29 benefit. However, the vacation and conditions of approval do not grant land use
30 approval for the construction of any improvements or for any alteration of the stairwell.

1 Those approvals, to the extent they may be need, would come at the time when the
2 landscaping improvements are made.

3 Further, conditions of approval attached to other development, such as pedestrian
4 amenities, are not necessary to support a finding that the public interest is not prejudiced
5 by this proposal. Rather, approval of this vacation with the recommended conditions,
6 such as the protection for existing private and public utilities, will assure that the vacation
7 is compatible and consistent with the criteria set forth in SRC 255.065(b)(6) and will not
8 prejudice the public health, safety, or welfare of the citizens of the city of Salem. The
9 proposed vacation complies with this criterion.

10 (4) The facts and findings contained in the Staff Report dated September 22, 2014, are
11 hereby adopted as facts and findings in support of this decision, and by this reference
12 incorporated herein.

13 (d) **Assessment of Special Benefit.** SRC 255.065(b)(7) permits the City Council to assess a
14 special benefit upon the owner of the real property abutting right-of-way to be vacated that
15 the City Council deems just and equitable under the circumstances. In this instance, City
16 Council finds, as set forth in the Staff Report, that development of an eight-foot wide
17 pedestrian facility along the east side of Church Street SE connecting Mission Street SE to
18 the driveway entrance to Pringle Park; a transfer of approximately 5 feet of petitioner's
19 land, approximately 3,000 square feet of land, along the Church Street SE right-of-way
20 from Mission Street SE to the north end of the petitioner's property; and development of
21 landscaping improvements on that land as payment of the assessment of special benefit is
22 just and equitable under the circumstances. As set forth in the Staff Report, the rights-of-
23 way to be vacated have been closed to the public and are not used for public transportation
24 purposes. All necessary easements for public and private facilities, and the cost of
25 relocation of those facilities will be the responsibility of petitioner, and therefore the
26 construction of the pedestrian facility and the additional land to be dedicated as right-of-
27 way, and developed with landscaping improvements, is adequate payment of the
28 assessment of special benefit.

29 **Section 2. Vacation.** That certain property more particularly described in Exhibit A of this
30 Ordinance shall be vacated subject to the following conditions:

- 1 a) Petitioner shall provide the City a creek and open channel setback and maintenance easement
2 for Pringle Creek in a form and location acceptable to the City.
3 b) Petitioner shall provide an easement by separate instrument in a form and location acceptable
4 to the City for the existing 36" storm main.
5 c) Petitioner shall provide an easement by separate instrument in a form and location acceptable
6 to the City for the existing water main and a fire hydrant that are currently located within a
7 portion of Leslie Street SE and Cottage Street SE which are proposed to be vacated.

8 **Section 3. Assessment of Special Benefit.** Petitioner shall provide the City with an executed
9 general warranty deed, in a form acceptable to the City, conveying approximately 3,000 square
10 feet of land along the Church Street SE right-of-way in a location to be determined by the City,
11 and provide security in the form of a performance bond or other security, in a form acceptable to
12 the Public Works Director, for the construction of the landscaping improvements.

13 **Section 4. Vacation Effective Date.** This vacation shall not be effective until:


- 14 (a) All fees and the assessment of special benefit have been satisfied.
15 (b) All required legal documents have been signed, filed, and, if required, recorded.
16 (c) The petitioners have complied with all conditions attached to the vacation.
17 (d) A certified copy of this ordinance is recorded with the Marion County Clerk.

18 PASSED by the City Council this 27 day of October, 2014.

19 ATTEST:

20 

21
22 City Recorder

23 Approved by City Attorney: 
24

25 Checked by: J. Johnduff

26 G:\Group\legal\1\COUNCIL\2014\092214 vacation of ROW located between Mission, Church, Winter, and Pringle Parkway Ord No 21-14.docx
27
28
29
30

Kimberli Fitzgerald - HIS15-32 South Church Street Sidewalk: Preliminary Observations

From: ed scan <edscannewsletter@gmail.com>
To: Kimberli Fitzgerald <kfitzgerald@cityofsalem.net>
Date: 8/14/2015 5:33 PM
Subject: HIS15-32 South Church Street Sidewalk: Preliminary Observations

Dear Ms. Fitzgerald,

Of interest and concern would be conservation and protection of the mature trees and clarity of, and protection, conservation of the Historic Steps east from the sidewalk.

The Historic Steps, as noted earlier, in public comments on the right-of-way transfer, are a detail element identified in the research in preparation of the nomination of the OSSB campus to the National Register of Historic Places by the State of Oregon Historic Preservation Office.

The Historic Steps are in the Site Development Plan documents of Salem Health.

Unclear is the connection of the sidewalk and Historic Steps to the proposed commemorative garden and play area. The garden and play area are not shown in the architectural drawings submitted.

Regards,

Jon Christenson

Kimberli Fitzgerald - South Church Street sidewalks and lighting re: Case No. HIS15-32

From: ed scan <edscannewsletter@gmail.com>
To: KFitzgerald@cityofsalem.net
Date: 8/15/2015 10:40 PM
Subject: South Church Street sidewalks and lighting re: Case No. HIS15-32
CC: Sstudnar@cityofsalem.net
Attachments: IMG_4001.jpg; IMG_4003.jpg

RE: Case No. HIS15-32

Dear Ms. Fitzgerald (Kimberli),

In brief perusal of the application material, I noted lighting is also a factor and feature of the sidewalk area being proposed by Salem Hospital: would you know the aesthetic of the sidewalk compatibility and integration to the to-be-installed lighting of the concept being proposed.

North of the sidewalks - east and west side - is the historic South Church Street Bridge that sets a tone for the street with its unique lighting. That is much enamored.

Will the style of the lighting integral to the sidewalk and the historical context: a much loved street.

Photographs from today.

Jon Christenson
Co-Chair, SCAN Historic Preservation, Parks & Gardens Committee

Kimberli Fitzgerald - 15-114579-DR_Church Street Historic Design Review

From: Curtis Pellatz
To: Kimberli Fitzgerald
Date: 8/26/2015 4:08 PM
Subject: 15-114579-DR_Church Street Historic Design Review

Kimberli,

Public Works has reviewed the application for the Historic Design Review relating to the Church Street frontage improvements at 755 Mission Street, and have the following findings:

IMPACT TO THE EXISTING TREES:

"Protective fencing required around trees within r/w during sidewalk construction. See Urban Forester for details."

Impact on trees will need to be on an individual basis - some trees are much larger and have large surface roots extending toward the current walk - these trees may sustain more substantial damage than other smaller trees. Also, as I understand that when the sidewalk is built 3' closer, it actually means 4' to the construction limits. Most of these trees are 8' from the current walk. This means the work will be only four feet from the tree. All the work and equipment must be kept within the sidewalk construction envelop and not staged or operated in the area protected by the fencing they will install around the r/w trees.

STREET LIGHTING:

From the Assistant City Traffic Engineer, the proposed street light design is in conformance with the current Public Works Design Standards (PWDS), Section 6.28 for Street Lighting. The design meets the criteria for a Residential development located on Collector street (Church Street) as stated in Section 6.28(c), Pavement Illumination Design.

STAIRS:

The approved Public Construction plans indicate the stairs located north of the intersection are to be retained during the construction of the new sidewalk. A recent 5-foot right-of-way dedication of the Church Street boundary line shows that the landing area of the stairs will now be located within the public right-of-way.

SIDEWALK CONSTRUCTION:

The scoring pattern of the new sidewalk shall be a 2'x2' pattern to mimic the patterns used in the sidewalk retrofit projects within the Gaiety Hill/Bush's Pasture Park Historic District. Any alternate design shall be approved by the Pubic Works Director.

Thank you,

Curt Pellatz

Project Coordinator
City of Salem, Oregon
PW - Development Services
503-588-6211 x7442
cpellatz@cityofsalem.net