

City of Stayton

MEMORANDUM

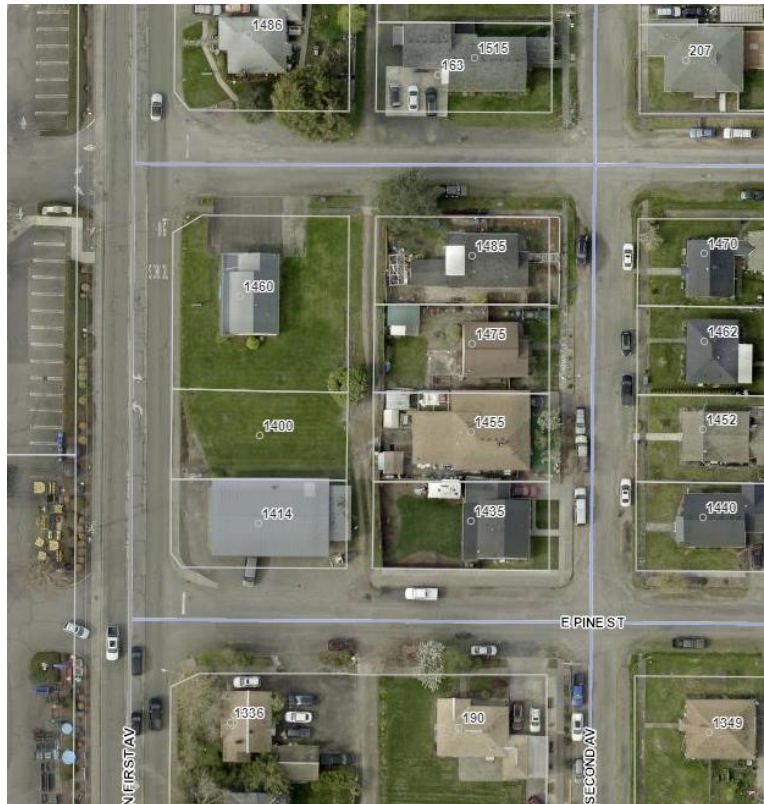
TO: Chairperson Larry McKinley and Planning Commission Members
FROM: Jennifer Siciliano, Director of Community and Economic Development
DATE: March 22, 2025
SUBJECT: Application for Vacation of Alleyway between N First Avenue and N Second Avenue, Running from E Pine to E Fir Streets

ISSUE

The issue before the Planning Commission is a public hearing on an application to vacate an alleyway between N First Avenue and N Second Avenue, running from E Pine to E Fir Streets.

BACKGROUND

The alleyway requested is shown below, in a 2023 aerial photo:



Signatures were obtained from two-thirds of property affected by the vacation of the alleyway. See the table below including addresses, property owner, size of parcel and whether they signed the petition.

Address	Owner	Size (acres)	Signed
1460 N 1st Ave	Evelyn Bertoli	.23	Yes
1400 N 1st Ave	Evelyn Bertoli	.12	Yes
1414 N 1st Ave	Evelyn Bertoli	.11	Yes

City of Stayton

1485 N 2nd Ave	Blair Ziebert	.11	Yes
1435 N 2nd Ave	James Baxter	.11	Yes
1455 N 2nd Ave	Eric Gonzalez	.11	-----
1475 N 2nd Ave	Seth Merrell	.11	-----

The Community and Economic Development Department did receive two comments from agencies and no comments from the general public. SCTS sent comments that they have existing facilities that service First Avenue within the easement and would require access to them. Astound Broadband responded that they had no comments regarding the alleyway vacation.

The Planning Commission did approve an alleyway vacation directly south of the proposed alleyway vacation. The Planning Commission approved the vacation of the alleyway between N First Avenue and N Second Avenue, running from E Pine to E Hollister Streets on July 31, 2023.

ANALYSIS

This report presents the Planning Staff's summary and analysis concerning this application. Attached is an application from James Baxter requesting the City to vacate the alleyway between N First Avenue and N Second Avenue, running from E Pine to E Fir Streets.

State law requires the application include the signatures of the owners of property adjacent to the right-of-way proposed for vacation and the signatures of owners of two thirds of the "affected land." This application includes the signatures of two-thirds of the owners of the properties affected by the vacation.

Vacation of alleyways is not included in Chapter 17.12 of the Land Use and Development Code; therefore there are no criteria in the Code that the Planning Commission must determine are met. The role of the Planning Commission in this case is advisory to the City Council. ORS 271.120 provides that the City Council may grant the request for vacation "if they find the public interest will [not] be prejudiced."

There is an existing utility located within the alleyway proposed to be vacated. The proposed draft order suggests a public utility easement with the alleyway for access, and maintenance of all utilities within the alleyway with the cost of the easement, preparation of the easement, and recording incurred by the applicant.

The staff recommendation is for the Planning Commission to recommend that the City Council vacate the alleyway with the granting of a utility easement to the City of Stayton.

RECOMMENDATION

The staff recommendation for approval with conditions is reflected in the draft order that is attached to the staff report.

There may be testimony at the public hearing that requires the draft order be modified to reflect that testimony.

OPTIONS AND SUGGESTED MOTIONS

Staff has provided the Planning Commission with a number of options, each with an appropriate motion. The Planning Department recommends the first option.

City of Stayton

- 1. Recommend to the City Council that the alleyway between N First Avenue and N Second Avenue, running from E Pine to E Fir Streets, be vacated, adopting the draft order as presented.**

I move the Stayton Planning Commission to recommend to the Stayton City Council that the alleyway between N First Avenue and N Second Avenue, running from E Pine to E Fir Streets be vacated and adopt the draft order presented by Staff.

- 2. Recommend to the City Council that the alleyway between N First Avenue and N Second Avenue, running from E Pine to E Fir Streets be vacated, adopting modifications to the draft order.**

I move the Stayton Planning Commission to recommend to the Stayton City Council that the alleyway between N First Avenue and N Second Avenue, running from E Pine to E Fir Streets, be vacated and adopt the draft order with the following changes...

- 3. Recommend to the City Council that the alleyway between N First Avenue and N Second Avenue, running from E Pine to E Fir Streets, not be vacated, directing staff to modify the draft order.**

I move the Stayton Planning Commission to recommend to the Stayton City Council that the alleyway between N First Avenue and N Second Avenue, running from E Pine to E Fir Streets be vacated and direct staff to and bring a revised draft order for Planning Commission approval at the June 30, 2025, meeting.

- 4. Continue the hearing until June 30, 2025.**

I move the Stayton Planning Commission continue the public hearing on the application to vacate that the alleyway between N First Avenue and N Second Avenue, running from E Pine to E Fir Streets until June 30, 2025.

- 5. Close the hearing but keep the record open for submission of written testimony.**

I move the Stayton Planning Commission close the hearing on the application to vacate that the alleyway between N First Avenue and N Second Avenue, running from E Pine to E Fir Streets but maintain the record open to submissions by the applicant until June 3, allowing 7 days for review and rebuttal and then an additional 7 days for the applicant to reply, with final closure of the record on June 30, 2025.

- 6. Close the hearing and record and continue the deliberation to the next meeting.**

I move the Stayton Planning Commission continue the deliberation on the application to vacate that to vacate that the alleyway between N First Avenue and N Second Avenue, running from E Pine to E Fir Streets until June 30, 2025.

CITY OF STAYTON
PETITION FOR VACATION OF STREET OR ALLEY

James Baxter II HEREBY PETITIONS the City Council of the City of Stayton, Oregon to vacate the following described street or alley located within the city limits of the City of Stayton, Marion County, Oregon. To wit:

Inbetween pine - fir & 1st & 2nd

Reasons for submission of petition for street/alley vacation:

people use as
a parking spot so there can't be
any thru traffic. Homeless use it to
rummage through Spanols trash.

If vacation is granted, the vacated area will be used for:

Private property, all 7 lots will get
it surveyed to attain property.

The signatures attached to this petition as Attachment A and Attachment B, which are incorporated herein by this reference, represent the consent of all owners of land abutting the street/alley for which vacation is proposed, and the consent of landowners of not less than two-thirds of the area of real property, as defined by ORS 271/080(2), affected by this petition.

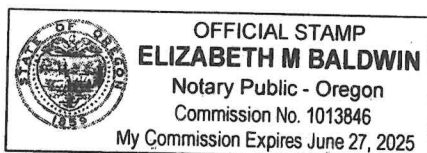
Date: 02/27/25 By: James Baxter II

STATE OF OREGON)

ss.

County of Marion)

On this 27th day of February, 2025 personally appeared before me the above-named James Baxter II and acknowledged the foregoing to be (his/her) voluntary act and deed.



Elizabeth M Baldwin
Notary Public for Oregon
My Commission expires: June 27, 2025

SIGNATURE OF CONSENT FROM RESIDENT PROPERTY OWNERS

DATE _____

02/21/25

2-26-25

2-26-25

)

) SS.

)

I, James Baxter, being duly sworn upon oath, say that I secured each name appearing on the within and foregoing petition, and each name was signed freely, voluntarily, without undue influence of any nature and under no misrepresentation as to the facts.

02/27/25

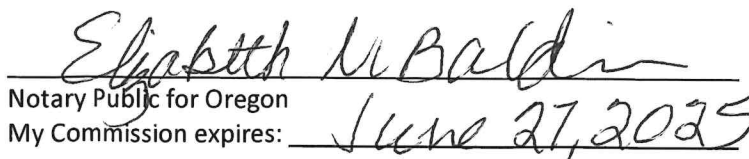
By:

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City of Stayton

Department of Community and Economic Development

362 N. Third Avenue • Stayton, OR 97383

Phone: (503) 769-2998 • Fax (503) 769-2134

jsiciliano@staytonoregon.gov

www.staytonoregon.gov

REQUEST FOR COMMENTS ON PROPOSED VACATION OF ALLEY

DATE: April 25, 2025

TO: Stayton Police Department
North Santiam School District
Marion County Public Works
Stayton Cooperative Telephone
Santiam Water Control District

Stayton Fire District
Stayton Public Works
Pacific Power
Northwest Natural
Wave Broadband

FROM: City of Stayton Community and Economic Development Department

RE: **Land Use File 5-02/25** – A petition to vacate the alley between N First Avenue and N Second Avenue, running from E Pine to E Fir Streets.

APPLICANT: James Baxter, 1435 N Second Avenue, Stayton, OR 97383

TAX MAP/LOT NUMBER: 091W10AC02900

DECISION CRITERIA: ORS 271.120 – whether the public interest will be prejudiced by the vacation.

APPLICATION DEEMED COMPLETE: March 29, 2025

PUBLIC HEARING DATE: May 27, 2025

The City of Stayton is soliciting comments which you may wish to contribute to Stayton's review of the above described land use case. Any questions should be directed to Jennifer Siciliano, Community and Economic Development Director, 362 N. Third Avenue, Stayton, Oregon 97383, (503) 769-2998 or at jsiciliano@staytonoregon.gov.

In order for staff to process this application in a timely manner, comments need to be in our office by **May 12, 2024**. You may make your comments to city staff by phone, email, or letter. You may use the response form below.

Failure to reply or participate in a hearing will be interpreted as no objection to the proposal.

PLEASE CHECK THE APPROPRIATE ITEMS:

- ☐ We are not affected by the proposal.
- ☐ We have reviewed the proposal and have no comments.
- ☐ We would like to receive a copy of the staff decision/report in this case.
- ☒ Our comments are attached.
- ☐ Our comments are:

By: John Eckis Date: 4/28/25

Agency: SCTC

THE CITY OF STAYTON IS AN EQUAL OPPORTUNITY EMPLOYER AND SERVICE PROVIDER

POLICE
386 N. THIRD AVENUE
STAYTON, OR 97383
(503) 769-3423
FAX (503) 769-7497

**COMMUNITY AND
ECONOMIC
DEVELOPMENT**
362 N. THIRD AVENUE
STAYTON, OR 97383
(503) 769-2998
FAX (503) 767-2134

PUBLIC WORKS
362 N. THIRD AVENUE
STAYTON, OR 97383
(503) 769-2919
FAX (503) 767-2134

WASTEWATER
950 JETTERS WAY
STAYTON, OR 97383
(503) 769-2810
FAX (503) 769-7413

LIBRARY
515 N. FIRST AVENUE
STAYTON, OR 97383
(503) 769-3313
FAX (503) 769-3218

Comments On Proposed Vacation Of Alley Running Between N First Ave and N Second Ave
From E Pine to E Fir Streets:

SCTC has facilities feeding the N First Ave lots on this alley. SCTC will need a utility easement provided and granted to SCTC prior to vacation of the alley. Attached is a copy of the original as built of SCTC facility.

Thank You

SCTC Engineering

John Eckis



City of Stayton

Department of Community and Economic Development

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DATE: April 25, 2025

TO: Stayton Police Department
North Santiam School District
Marion County Public Works
Stayton Cooperative Telephone
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Wave Broadband

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Failure to reply or participate in a hearing will be interpreted as no objection to the proposal.

PLEASE CHECK THE APPROPRIATE ITEMS:

- ☒ We are not affected by the proposal.
- ☐ We have reviewed the proposal and have no comments.
- ☐ We would like to receive a copy of the staff decision/report in this case.
- ☐ Our comments are attached.
- ☐ Our comments are:

By: Derek Anderson, Director of Construction Date: 04/25/2025

Agency: Astound Broadband (Formally Wave Broadband)

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POLICE
386 N. THIRD AVENUE
STAYTON, OR 97383
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BEFORE THE STAYTON PLANNING COMMISSION

In the matter of

) Application for Vacation
) of Alleyway between N First Avenue and
) N Second Avenues running from
) E Pine to E Fir Streets

RECOMMENDATION OF APPROVAL

I. NATURE OF PROCEEDINGS

The proceedings are for a request to vacate the Alleyway between N First Avenue and N Second Avenue, running from E Pine to E Fir Streets. A petition requesting the City vacate the right of way was submitted by James Baxter who lives at 1435 N 2nd Avenue.

II. PUBLIC HEARING

A public hearing was held on the proposal before the Stayton Planning Commission on May 25, 2025. At that hearing the Planning Commission reviewed Land Use File # 05-02/25 to vacate the Alleyway and made it part of the record. At the public hearing there was testimony from the applicant. The Planning Commission has considered their testimony in the findings and conclusions below.

III. FINDINGS OF FACT

1. James Baxter is the owner of 1435 N 2th Avenue. Ms. Looper has submitted a petition requesting the City vacate the Alleyway between N First Avenue and N Second Avenue, running from E Pine to E Fir Streets.
2. The petition was accompanied by the signatures of the owners of five of the seven parcels adjacent to the alleyway proposed for vacation. The signatures meet the requirement of the obtaining two-thirds of the property “affected” by the proposed vacation.
3. SCTC has facilities feeding the N First Avenue lots and will need a utility easement to provide and grant access before vacation to the alleyway.

IV. PUBLIC COMMENTS

The Planning Department received comments prior to the public hearing from SCTC and Astound Broadband.

V. ORDER

Based on the findings of fact, the Planning Commission voted on May 25, 2025, to recommend to the City Council that the Alleyway be vacated with a public utility easement to be granted to the city to maintain utilities.

Larry McKinley, Chairperson

Date

Jennifer Siciliano, City Planner

Date

Stayton Planning Commission Order, Land Use File # 05-02/25
Vacation of the Alleyway between N First Avenue and N Second Avenue, running from E Pine to E
Fir Streets