



City of Florence
A City in Motion

City of Florence Council Regular Session

Florence Events Center
715 Quince Street
Florence, OR 97439
541-997-3437
www.ci.florence.or.us

- Meeting materials including information on each agenda item are published at least 24 hours prior to the meeting, and can be found of the City of Florence website at www.ci.florence.or.us/council.
- Items distributed during the meeting, meeting minutes, and a link to the meeting video are posted to the City's website at www.ci.florence.or.us/council as soon as practicable after the meeting.
- To be notified of City Council meetings via email, please visit the City's website at <http://www.ci.florence.or.us/newsletter/subscriptions>.

April 1, 2019

AGENDA

5:30 p.m.

Councilors:

Joe Henry, Mayor

Woody Woodbury, Council President Ron Preisler, Council Vice-President
Joshua Greene, Councilor Geraldine Lucio, Councilor

With 48 hour prior notice, an interpreter and/or TDY: 541-997-3437, can be provided for the hearing impaired.
Meeting is wheelchair accessible.

Proceedings will be displayed live on Cable Channel 191 and rebroadcasted on Channel 191 and the City of Florence Vimeo Site.

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

5:30 p.m.

PRESENTATIONS & ANNOUNCEMENTS

- Military Child Month Proclamation – April 2019
- Child Abuse Prevention Month Proclamation – April 2019
- Earth Day Proclamation – April 20, 2019
- New Employee Introductions
 - Anne Baker – Administrative Services Director
 - Bailey Goodwin, Michael Cirilo, and Keenan Walker – Police Officers

1. PUBLIC COMMENTS – *Items Not on the Agenda*

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CONSENT AGENDA

2. APPROVAL OF MINUTES

Consider approval of the March 18, 2019 City Council work session minutes and the March 18, 2019 City Council meeting minutes.

Kelli Weese
City Recorder

3. TSUNAMI EVACUATION WAYFINDING SIGNS GRANT

Consider acceptance of the Oregon Department of Geology and Mineral Industries (DOGAMI) and the Oregon Office of Emergency Management grant to assist with the purchasing of additional tsunami evacuation wayfinding signage.

Megan Messmer
Project Manager

4. SAFE ROUTES TO SCHOOL PROJECT ENGINEERING

Consider accepting the engineering services proposal from Civil West Engineering for improvements to 26th Street and 27th Street as part of the Safe Routes to School project and authorize the City Manager to proceed with a professional services contract.

Mike Miller
Public Works
Director

PUBLIC HEARING & ACTION ITEMS

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5. CENTRAL LINCOLN PUD MURAL

A. PUBLIC HEARING

Hear and consider written and oral testimony regarding the application from the City of Florence Public Arts Committee for a permit to paint a mural entitled "Stitching time, Weaving cultures", on the eastern and southern walls of the Central Lincoln PUD storage building located at 966 Hwy 101.

Wendy
FarleyCampebell
Planning Director

B. APPROVAL OF MURAL APPLICATION

Consider approval of **Resolution No. 5, Series 2019**, a resolution approving the installation of a mural by Artists Marino Heidel Studios per mural permit application CC 19 03 MUR 01.

6. PINE STREET VACATION

A. PUBLIC HEARING

Hear and consider written and oral testimony regarding the request to vacate the Pine Street right-of-way located near the 32nd Street right-of-way.

Dylan Huber-
Heidorn
Planning
Technician

B. APPROVAL OF PINE STREET VACATION

Consider approval of **Ordinance No. 4, Series 2019**, an ordinance approving the request for the vacation of the Pine Street right-of-way located between Block 27 and Block 28 of the plat of Frazier and Berry's as applied for by Mr. David Bielenberg.

ACTION ITEMS

The public will have an opportunity to offer comments on action items after staff has given their report. Persons wishing to address the Council must complete a Speaker's Card available online at <http://www.ci.florence.or.us/council/request-address-city-council-speakers-card>, or at the meeting. Speakers cards are due at least five (5) minutes before the meeting. Comments will be limited to three (3) minutes per person. Speakers may not yield their time to others.

7. CITY OF FLORENCE 2019-2021 WORK PLAN

Consider approval of **Resolution No. 6, Series 2019**, a resolution reaffirming the City of Florence's Council Goals adopting the 2019-2021 City of Florence Work Plan. – *Discussion continued from January 14, 2019 City Council Goal Setting Session, February 13, 2019 City Council Work Session, March 18, 2019 City Council Work Session and April 1, 2019 City Council Work Session.*

Erin Reynolds
City Manager

8. INITIATION OF FLORENCE URBAN RENEWAL AGENCY RECRUITMENT

Receive the Mayor's notice of positions to be filled and consider recruitment process for 2019 Florence Urban Renewal Agency membership.

Kelli Weese
City Recorder

REPORT & DISCUSSION ITEMS

9. CITY MANAGER REPORTS & DISCUSSION ITEMS

Erin Reynolds
City Manager

10. CITY COUNCIL REPORTS & DISCUSSION ITEMS

Joe Henry
Mayor

COUNCIL CALENDAR

All meetings are held at the Florence City Hall (250 Hwy 101, Florence Oregon) unless otherwise indicated

Date	Time	Description
April 15, 2019	- - -	City Council Work Session <i>Rescheduled to April 22nd</i>
April 15, 2019	- - -	City Council Meeting <i>Rescheduled to April 22nd</i>
April 22, 2019	10:30 a.m.	City Council Work Session <i>Tentative</i>
April 22, 2019	5:30 p.m.	City Council Meeting
May 6, 2019	10:30 a.m.	City Council Work Session <i>Tentative</i>
May 6, 2019	5:30 p.m.	City Council Meeting
May 20, 2019	10:30 a.m.	City Council Work Session <i>Tentative</i>
May 20, 2019	5:30 p.m.	City Council Meeting

PROCLAMATION

Office of the Mayor, City of Florence

Month of the Military Child April 2019

WHEREAS, Florence is proud to be a designated Coast Guard City; and

WHEREAS, The Oregon Dunes Chapter Daughters of the American Revolution Project Patriot committee supports our active duty military and their families; and

WHEREAS, April is designated as National Month of the Military Child to honor the sacrifices made by military families worldwide, with an emphasis on the experience of the dependent children of military members serving at home and overseas; and

WHEREAS, April 30th is 'Military Brat' day; local officials, businesses, and schools are encouraged to share a 'Purple Up!' message, and wear purple to show community support.

NOW, THEREFORE, I, Joe Henry, Mayor of the City of Florence, do hereby proclaim April 2019, as 'Month of the Military Child' to honor our local military children, and further resolve and proclaim April 30, 2019 as 'Purple Up! For Military Kids' day.



Joe Henry, Mayor

PROCLAMATION
Office of the Mayor, City of Florence



CHILD ABUSE PREVENTION MONTH
April 2019

WHEREAS, The public cares deeply about child abuse, and a majority report that child abuse is a very important moral issue to them; and

WHEREAS, Preventing child abuse and neglect is a community problem that depends on involvement among people throughout the community; and

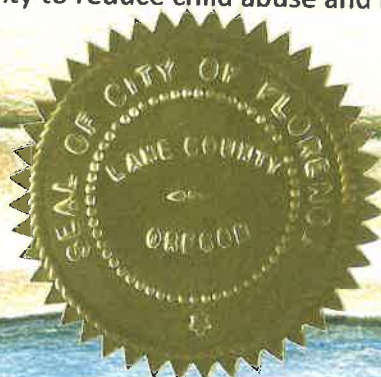
WHEREAS, Child abuse and neglect not only directly harm children, but also increases the likelihood of long-term physical and mental health problems, alcohol and substance abuse, continued family violence and criminal behavior; and

WHEREAS, Child maltreatment occurs when people find themselves in stressful situations, without community resources, and don't know how to cope; and

WHEREAS, Child abuse and neglect can be reduced by making sure each family has the support they need in raising their children in a safe, nurturing environment; and

WHEREAS, Effective child abuse prevention programs succeed because of partnerships created among social services agencies, schools, faith communities, civic organizations, law enforcement agencies and the business community;

NOW, THEREFORE, I, Joe Henry, Mayor of the City of Florence, do hereby proclaim **April 2019**, as **Child Abuse Prevention Month**, and call upon all citizens, community agencies, faith groups, medical facilities and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live. To learn more about what you can do in your community to reduce child abuse and neglect, please go to www.90by30.com.



Joe Henry, Mayor

PROCLAMATION

Office of the Mayor, City of Florence



National Earth Day
www.NationalDayCalendar.com

April 22

EARTH DAY ***April 22, 2019***

WHEREAS, The species play a unique role in the complex web of life and contribute to the ecosystem services on which all life on Earth depends, and hence, protecting our species is crucial to the survival of this planet and its inhabitants; and

WHEREAS, The loss of species is for the most part a result of human activity, including degradation of ecosystems, deforestation, pollution, and climate change; and

WHEREAS, by 2050, between 60-70% of all people will live in cities and species provide important services to city dwellers such as generating oxygen and purifying the air; controlling other animals considered pests or that spread disease; pollinating plants and crops; providing recreation opportunities and well-being, etc.; and

WHEREAS, It is more important than ever to cooperate locally and internationally to defend the environmental progress that has been heretofore gained; and

WHEREAS, Earth Day is an annual reminder of the constant need for environmental activism, stewardship commitments and sustainability efforts;

NOW, THEREFORE, I, Joe Henry, Mayor of the City of Florence, do hereby proclaim **April 22, 2019**, as **Earth Day**, throughout Florence and encourage all of it's citizens, businesses, and institutions to use Earth Day to celebrate the earth and promote the protection of our species.



Joe Henry, Mayor

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 1
Meeting Date: April 1, 2019
Department: Mayor & Council

ITEM TITLE: PUBLIC COMMENTS – *Items Not on the Agenda*

DISCUSSION/ISSUE:

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AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 2
Meeting Date: April 1, 2019
Department: City Council

ITEM TITLE: Approval of Minutes

DISCUSSION/ISSUE:

Consider approval of the draft minutes listed below.

Materials distributed during City Council meetings can be found on the City of Florence's website at www.ci.florence.or.us under the calendar date for each particular meeting. In addition, all items pertaining to the meeting including the meeting agenda, materials and items distributed, as well as electronic audio/video recordings of the meeting, are referenced at the top of each set of approved minutes, and can be referenced either on the City's website or upon request of the City Recorder.

FISCAL IMPACT:

Minutes incur staff time for compilation / retention and have no other fiscal impacts.

RELEVANCE TO ADOPTED COUNCIL GOALS:

Goal 1: Deliver efficient and cost-effective city services.

ALTERNATIVES:

1. Approve the minutes as presented
2. Review and approve the minutes with modifications

RECOMMENDATION:

Approve the minutes as presented

AIS PREPARED BY: Kelli Weese, City Recorder

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other

Comments:

ERReynolds

ITEM'S ATTACHED:

- Draft March 18, 2019 City Council work session minutes
- Draft March 18, 2019 City Council meeting minutes

**City of Florence
City Council Work Session
250 Hwy 101, Florence, Oregon
Final Action Minutes
March 18, 2019**

CALL TO ORDER - ROLL CALL

City Council Work Session called to order at 10:30 a.m.

Councilors Present: Councilors Woody Woodbury, Ron Preisler, Joshua Greene, Geraldine Lucio and Mayor Joe Henry.

Councilors Absent: None

Florence Staff Present: City Manager Erin Reynolds, City Recorder / Economic Development Coordinator Kelli Weese, Chief of Police Tom Turner, Florence Events Center Director Kevin Rhodes, Planning Director Wendy FarleyCampbell, IT Manager Les Cardwell and City Project Manager Megan Messmer.

1. WORK SESSION DISCUSSION TOPICS

- 2019 – 2020 City of Florence Goals & Work Plan: Review and consider the Draft City of Florence Goals and Work Plan.
- Review of upcoming agenda items

Start Time: 10:30 a.m.

Topic: Goals & Work Plan

Handouts: Staff Presentation

Discussion: The City Council discussed...

- Overall purpose and goal of the City's work plan,
- Purpose of the work session and next steps in creation of the work plan,
- Six proposed priorities within the work plan,
- Other work plan items included,
- Implementation of accessory dwelling units code,
- Clarification on purpose and steps toward a rental market study,
- Potential to scale back grants for performance of additional studies,

- Thoroughness of the work plan,
- Appreciation for the targets set for committees within the work plan,
- Relationship between the City of Florence and the Chamber of Commerce,
- Emphasis on Siuslaw Schools within education / workforce,

The Council took an emergency break from approximately 10:45 a.m. – 11:15 a.m.

Start Time: 11:15 a.m.
 Topic: Goals & Work Plan
 Discussion: The City Council discussed...

- Potential next steps for feedback toward the City’s work plan.

Result: The City Council determined to review the City work plan individually and supply comments to staff within 48 hours.

Start Time: 11:16 a.m.
 Topic: Upcoming Agenda Items
 Discussion: The City Council discussed...

- Potential next steps for the upcoming City Council meeting, including options to cancel the meeting.

Florence City Council meeting adjourned at 11:20 a.m.

Joe Henry, Mayor

ATTEST:

Kelli Weese
 City Recorder

This document is supplemented by agenda packet materials, meeting materials distributed and electronic audio / video recordings of the meeting and may be reviewed upon request to the City Recorder.

**City of Florence
City Council Regular Session
Florence City Hall
250 Hwy 101, Florence, Oregon
Final Action Minutes
March 18, 2019**

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Meeting called to order at 5:30 p.m.

Councilors Present: Mayor Joe Henry, Councilors Ron Preisler, Joshua Greene and Geraldine Lucio. Councilor Woody Woodbury participated via phone.

Councilors Absent: None

Staff Present: City Manager Erin Reynolds, Public Works Director Mike Miller, Chief of Police Tom Turner, Planning Director Wendy FarleyCampbell, City Recorder / Economic Development Coordinator Kelli Weese, City Project Manager Megan Messmer and Florence Events Center Director Kevin Rhodes.

Guest Presents: City Attorney Ross Williamson

Mayor Henry announced a change to the agenda to move Agenda Item #6, Urban Renewal Agency Appointment Process Code Amendments to occur just after the presentations & announcements.

PRESENTATIONS & ANNOUNCEMENTS

- Veteran's of Foreign Wars (VFW) Awards
 - Oregon State Police – *Trooper Mike Slifer*
 - Florence Police Officer of the Year – *Acting Chief Communications Officer Kim Greenwood*
 - Siuslaw Valley Firefighter – *Captain Tony Miller*
 - West Lane Ambulance – *Mobile Integrated Healthcare Paramedic Chris Martin*
- Employee Recognition
 - Associate Planner – Glen Southerland

- *American Institute of Certified Planners (AICP) Certification*
- Senior Court Clerk – Sarah Huff
 - *Michigan State University Judicial Administration Program Certification*

Start Time: 5:30 p.m.

Action: Mr. Slifer, Ms. Greenwood, Mr. Martin and Mr. Martin were congratulated on their awards. Mr. Southerland and Ms. Huff were congratulated on their certifications.

ACTION ITEMS

The public will have an opportunity to offer comments on action items after staff has given their report. Persons wishing to address the Council must complete a Speaker's Card available online at <http://www.ci.florence.or.us/council/request-address-city-council-speakers-card>, or at the meeting. Speaker's cards are due at least five (5) minutes before the meeting. Comments will be limited to three (3) minutes per person. Speakers may not yield their time to others.

6. URBAN RENEWAL AGENCY APPOINTMENT PROCESS CODE AMENDMENTS

Consider approval of **Ordinance No. 1, Series 2019**, an ordinance amending Florence City Code Title 2, Chapter 5, Section 5, regarding the appointment method for Urban Renewal Agency Board of Director positions, by completing a second reading and action on the ordinance.

Start Time: 5:45 p.m.

Handouts: Public Comment Received Since Meeting Materials Distribution

Discussion: The City Council discussed...

- Council's individual thoughts on recommended ordinance including...
 - Councilor Lucio's stance in favor of proposed Ordinance as recommended,
 - Councilor Preisler's stance against the proposed Ordinance to ensure processes in the City remain neutral and transparent,
 - Councilor Greene's stance to recommend changes to the proposed Ordinance No. 1, Series 2019 to insulate the agency's processes from political influences and strengthen representation of special districts,
 - Councilor Greene's clarification that the proposed Ordinance No. 1, Series 2019 mandates that the Mayor has the final decision regardless of the applicants or the recommendations of the special districts,
 - Councilor Woodbury's belief that the community overwhelmingly supported the proposed Ordinance and his stance in favor of the ordinance,

- o Mayor Henry's stance that the proposed Ordinance would not change the current processes,

Comments: All Councilors present

Commenter 1: Mark Tilton – Vice-President of Siuslaw Library District Board

Handout: Speaker's Card

Discussion: Mr. Tilton discussed...

- o Florence Urban Renewal Agency's role in supporting the community with tax dollars,
- o Insurance that the FURA board members are as representative as possible of the population of Florence,
- o Recommendation that the entire City Council is involved in the appointment process, rather than having one person given the appointment authority.
- o Belief proposed recommendation serves to increase transparency and allow for each of the Councilors to speak their concerns for their constituents,

Commenter 2: Sally Wantz – Florence, OR

Handout: Speaker's Card
Speaking Notes

Discussion: Ms. Wantz discussed...

- o Clarification on the statement from Councilor Woodbury regarding overwhelming support in the community,

Response: Mayor Henry

- o Clarification to be given after public testimony,

Ms. Wantz discussed...

- o Quote from Ms. Crystal Ayres regarding group dynamics,
- o Request for the Council to give power for appointment of FURA members to the entire City Council as opposed to the Mayor,
- o Request that Mayor Henry recuse himself from any vote that would give his current position power over agency appointments, in order to avoid any real or perceived conflict of interest,

Response: Mayor Henry

- o Mayor Henry's willingness to recuse himself from voting should Councilor Greene recuse himself given his role as the Chairperson of FURA and Chairperson of the Public Art Committee,

Commenter 3: Bill Prosser - Florence, Oregon
Handout: Speaker's Card
Discussion: Mr. Prosser discussed...

- Mr. Prosser's role on the Florence Economic Development Committee and lack of conflict of interest,
- Support City Attorney's recommendation as shown in proposed Ordinance,
- Belief that the City Attorney's recommendation does not recommend a change, but a codification of the process in place for 13 years,
- Belief that the framing of the Ordinance by Councilors Greene and Preisler as something new to be disingenuous and misleading,

Commenter 4: Don Drozdenko - Florence, Oregon
Handout: Speaker's Card
Discussion: Mr. Drozdenko discussed...

- Support of the recommendation of the City Attorney,
- Appointment to the 2006 Florence Urban Renewal Agency by Mayor Brubaker,

Commenter 5: Sherry Harvey - Florence, Oregon
Handout: Speaker's Card
Discussion: Ms. Harvey discussed...

- Belief that the current City Committee appointment process has created a broad swath of committee appointments,
- Concerns brought up by others about inclusion of variety of different viewpoints on the committees and belief that the current process served to create the broadest amount of voices on the committees in the City's history,
- Ms. Harvey's role on the Environmental Management Advisory Committee (EMAC),
- Recommendation process remains the same,

Commenter 6: Jo Beaudreau - Florence, Oregon
Handout: Speaker's Card
Discussion: Ms. Beaudreau discussed...

- Hope that the Council took their time to analyze the different options before them,
- Concern for the amount of cattiness on the Council,
- Importance to be inclusive and not judge people on their thoughts and beliefs,

Commenter 7: John Scott – Florence, Oregon
Handout: Speaker’s Card
Discussion: Mr. Scott discussed...

- Past service on the Port of Siuslaw Board and the Florence Urban Renewal Agency Board,
- Past guarantees that each special district would have a representative on the Florence Urban Renewal Agency board and that the FURA board would be apolitical,
- Current role in representing the Siuslaw Fire and Rescue district on the Florence Urban Renewal Agency,
- Belief that the FURA board should strictly maintain the tradition of having each taxing district select a representative to serve on the FURA board, and that representative be selected by the City,
- Reminder that FURA is not a committee of the City but a separate taxing district,
- Belief that FURA should be as free from political persuasion as possible and recommendation that allowance of the City Council to be the appointment party would provide for that,
- Concern that the number of form letters in the meeting materials was an indication that the decision was beginning to be politicized,

Commenter 8: Pat Riley – Florence, Oregon
Handout: Speaker’s Card
Discussion: Ms. Riley discussed...

- Current role on the Florence Urban Renewal Agency representing the Siuslaw Public Library District,
- Belief that the proposed Ordinance would constitute an amendment to the FURA bylaws and reminder of the requirement that the FURA bylaws could only be amended by the Florence Urban Renewal Agency board,
- Lack of notice to the Florence Urban Renewal Agency of the proposed Ordinance,
- Belief that at the last Florence Urban Renewal Agency meeting the agency decided to hold a work session to discuss coordinating the FURA bylaws with the City’s Committee and Commission policy manual, and belief that should happen before the Council’s vote on the ordinance,
- Role of the Ordinance in affecting the Siuslaw Public Library District’s role with the FURA board and

consideration for appointment of members of the special districts,

- Belief that the best way to ensure that the special consideration continues is to have the entire City Council be authorized to appoint members to the FURA board,

Discussion:

The City Council discussed...

- Receipt of 29 letters unanimously in support of the proposed ordinance to the City Council since the meeting materials were distributed,
- Question concerning the legality of the proposed Ordinance amendments from Councilor Preisler recommending the following...
 - Setting the Council as the appointment authority for FURA members, and
 - Adding that the FURA board shall be made up of representatives of the various special districts,
- Assurance from City Attorney Williamson that Councilor Preisler's proposed amendments would be lawful,
- Discussion of the appointment process for the FURA board over the course of its existence,
- Councilor Preisler's belief that the special districts had indicated their request to...
 - Have the Council as a whole appoint members to the FURA board, and
 - To strengthen the requirement that the special districts have representation on the board,
 - Request to not continue with the second reading of the proposed Ordinance,
- Councilor Greene's concern about three issues brought up including...
 - The FURA Board's concern of amendments to their bylaws and the work session that was supposed to be held,
 - Concern that the allowance for the Mayor to appoint members to FURA would not lead to fairness and full disclosure,
 - Request that the districts continue to have a recommended appointment to the FURA board and ensure the City has the responsibility to accept that person, or state their reasons why they will not and allow the special districts to recommend appoint another member,

- Councilor Greene’s history on the FURA board and research in its creation to ensure that the board is representative of the special district’s needs,
- Councilor Greene’s request for the Council to table the second reading of the Ordinance until feedback can be received from the Florence Urban Renewal Agency and the special districts,
- Councilor Lucio’s belief that Mayor Henry will be able to give special consideration to the special districts,
- Councilor Woodbury’s stance that the Ordinance was approving the process that was completed in the past,
- Mayor Henry’s assertion that the first reading passed 3-2 and the Council should continue with a second reading of the Ordinance,
- Mayor Henry’s belief that if the Council votes the Ordinance down the Council would be back to where they started, and if the Council decided to amend the Ordinance, they would be back to square one,
- Mayor Henry’s stance that the proposed Ordinance did not recommend a change in practice, nor represents a threat to the special districts or the Florence Urban Renewal Agency,

Comments: All Councilors

Action: Second Reading of Ordinance No. 1, Series 2019
 Motion: Mayor Henry
 Second: Councilor Woodbury
 Vote: Councilor Lucio – Aye
 Councilor Preisler – Nay
 Councilor Woodbury – Aye
 Councilor Greene – Nay
 Mayor Henry – Aye
 Motion passes 3-2.

1. PUBLIC COMMENTS – *Items Not on the Agenda*

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Start Time: 6:30 p.m.

Commenter 1: Sheri Ostdiek – Florence, Oregon
 Handout: Speaker’s Card

Discussion: Ms. Ostdiek discussed...
o Recommendation the City consider a program to hire members of the homeless population to clean up the City's streets and parks.

Response: Mayor Henry
o Staff will reach out about opportunities.

Commenter 2: Patricia Baker – Florence, Oregon
Handout: Speaker's Card

Discussion: Ms. Baker discussed...
o Story of her pet who was not able to receive veterinary care in time and passed away,
o Need for after-hours emergency veterinary care in Florence,
o Local veterinarian interested in talking to the Council about the struggles in living in a small town,

Response: Mayor Henry
o Recommendation Ms. Baker reach out to the Humane Society,

Commenter 3: Kent Oberg – Florence, Oregon
Handout: Speaker's Card

Discussion: Mr. Oberg discussed...
o Water pressure near his home and request for additional assistance in updating lines.

Response: Mayor Henry
o Public Works department would follow up.

CONSENT AGENDA

2. APPROVAL OF MINUTES

Consider approval of the February 13, 2019 City Council work session minutes and the March 4, 2019 City Council meeting minutes.

3. USDA RURAL BUSINESS DEVELOPMENT GRANT FOR RAIN

Consider approval of **Resolution No. 4, Series 2019**, a resolution affirming the City Council's decision to authorize the application of a US Department of Agriculture (USDA) Rural Business Development Grant.

Start Time: 6:41 p.m.
Action: Approval of the consent agenda items as presented.
Motion: Councilor Henry
Second: Councilor Lucio
Vote: Unanimous

PUBLIC HEARING & ACTION ITEMS

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4. CROSSROADS CHURCH ZONE CHANGE

A. PUBLIC HEARING

Hear and consider written and oral testimony regarding the application for a zone change for the properties, 0.72 acres in total, located at 920 Maple Street as applied for by R. Dale Edwards on behalf of the Cross-Road Assembly.

Start Time: 6:43 p.m.

Handouts: Staff Presentation

Hearing Reading: CR Weese read the Land Use Hearing Script and officiated the public hearing procedures

Declarations: The City Council did not make any declarations.

Public Hearing: Opened at 6:47 p.m.

Applicant: Dale Edwards – Cross Road Assembly

Handout: Speaker's Card

Discussion: Mr. Edwards discussed...

- Challenges for parking and traffic flow for the Church's needs,
- Reasons for the proposed zone change including bioswales, lighting, and sidewalk improvements,
- Estimated cost savings to the church for the change in zoning,

Discussion: The City Council, Staff and Applicant discussed...

- Clarification on the City's dark sky ordinances and how it would affect with the proposed development,
- Clarification on the proposed development's purpose

Comments: Councilor Greene

Public Hearing: Closed at 6:54

B. APPROVAL OF ZONE CHANGE REQUEST

Consider approval of **Ordinance No. 2, Series 2019**, an ordinance approving the zone change from Main Street Area B to Commercial District for properties located at 920 Maple Street, Map 18-12-27-41 Taxlots 04300, 04400, and 04500, in accordance with the Florence Realization 2020 Comprehensive Plan.

Action: First Reading of Ordinance No. 2, Series 2019
Vote: Unanimous

Action: Second Reading of Ordinance No. 2, Series 2019
Motion: Mayor Henry
Second: Councilor Preisler
Vote: Councilor Lucio – Aye
Councilor Preisler – Aye
Councilor Woodbury – Aye
Councilor Greene – Aye
Mayor Henry – Aye
Motion Passes 5-0.

The City Council took a break from 6:56 – 7:01 p.m.

5. FARNSWORTH ZONE CHANGE

A. PUBLIC HEARING

Hear and consider written and oral testimony regarding the zone change application for 14 lots, consisting of 9.54 acres, located along Kingwood Street just north of the Oregon Coast Military Museum (2145 Kingwood Street) as applied for by Larry and Crystal Farnsworth.

Start Time: 7:01 p.m.

Hearing Reading: CR Weese read the Land Use Hearing Script and officiated the public hearing procedures

Declarations: Councilor Greene noted his awareness of the application in its early stages and his acquaintance with the applicants. All other Councilor's agreed.

Public Hearing: Opened at 7:02

Handouts: Staff Presentation

Discussion: The City Council discussed...

- Clarification on the inclusion of the Military Heritage Museum in the proposed zone change,

- Mayor Henry’s disclosure of his role on the Board of the Oregon Coast Military Heritage Museum,
 - Clarification on the architectural design guideline requirements for the current and proposed zoning,
 - Clarification on the inclusion of the City’s Public Works facility in the proposed zone change,
- Comments: Mayor Henry and Councilor Greene

Applicant: Larry and Crystal Farnsworth – Florence, Oregon
 Handout: Applicant Presentation
 Discussion: Mr. and Ms. Farnsworth discussed...

- Role of the proposed development in the economics of the City and the airport,
- Belief that the proposed storage facility would represent the highest and best use for the site,

Staff Response: Staff discussed...

- Clarification on the role of the zone change and the next steps for the proposed development

Public Hearing: Closed at 7:38 p.m.

B. APPROVAL OF ZONE CHANGE REQUEST

Consider approval of **Ordinance No. 3, Series 2019**, an ordinance approving the zone change from Pacific View Business Park District to Limited Industrial District to add “Storage” and “Community Service” uses to the Limited Industrial District for properties known as Lots 1 through 14 of the Industrial Park Plat Dated 1998, located south of 27th Street and North of Airport Access Road, Map # 18-12-22-42 Taxlots 00100, 00200, 00300, 00400, 00500, 00600, 00700, 00800, & 00900.

Action: First Reading of Ordinance No. 3, Series 2019
 Vote: Unanimous

Action: Second Reading of Ordinance No. 3, Series 2019
 Motion: Mayor Henry
 Second: Councilor Lucio
 Vote: Councilor Lucio – Aye
 Councilor Preisler – Aye
 Councilor Woodbury – Aye
 Councilor Greene – Aye
 Mayor Henry – Aye
 Motion passes 5-0.

REPORT & DISCUSSION ITEMS

7. FEBRUARY COMMITTEE & COMMISSION REPORTS

Report on the Committee & Commissions for the month of February 2019.

Start Time: 7:41 p.m.
Discussion: None

8. CITY MANAGER REPORT & DISCUSSION ITEMS

Start Time: 7:42 p.m.
Discussion: The City Council discussed...

- City Council and other city upcoming meetings

9. CITY COUNCIL REPORTS & DISCUSSION ITEMS

Start Time: 7:44 p.m.
Discussion: The City Council discussed...

- Council activities in the community and community announcements

Meeting adjourned at 7:46 p.m.

ATTEST:

Joe Henry, Mayor

Kelli Weese, City Recorder

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 3
Meeting Date: April 1, 2019
Department: CMO & Comm. Dev.

ITEM TITLE: Accept Grant Award for Tsunami Evacuation Wayfinding Signage

DISCUSSION/ISSUE:

In December, the City Council authorized staff to apply for a grant through the Oregon Department of Geology and Mineral Industries (DOGAMI), the Oregon Office of Emergency Management (OEM), and the National Oceanic and Atmospheric Administration (NOAA) to purchase additional tsunami signage. The signage was intended to provide coastal communities the opportunity to improve tsunami evacuation wayfinding for both visitors and community members. They are looking to enhance the “beach to exit point” evacuation routes to direct people to safety destinations outside of the inundation zone. The project will help to create consistent signage up and down the Oregon Coast. The additional signage builds upon the work that has been done over the past year through the Beat the Wave project.

The City was notified that our request for additional signage had been granted in early March. The approved request includes 57 additional signs for the Florence community. OEM will order and supply the signs for City staff to install.

FISCAL IMPACT:

The City, through the Beat the Wave project, has already reviewed the gaps in our signage for tsunami evacuation wayfinding. We have identified and prioritized where additional signage is needed and what types would accomplish the desired messaging. The grant funding will help to fund those needs.

Based on the costs associated with each type of sign, the City applied for 57 signs with a value of approximately \$7,800. The matching contribution for the City is through staff time to install the signs. Public Works Director Mike Miller has estimated that to be approximately \$7,880, which includes staff time, equipment, and breakaway sign post material. Of that total, the post material is estimated at \$2,300. OEM is still reviewing those costs for potential reimbursement through the grant, but the City has the ability to cover the cost of the posts if they are not eligible.

RELEVANCE TO ADOPTED COUNCIL GOALS:

The application for these grant funds meets the Council Goals of:

- City Service Delivery – Improving the delivery of cost effective and efficient services by leveraging available grant funds.
-

- Livability & Quality of Life – Providing information to our community members and visitors on how to safely enjoy the natural beauty in and around Florence.
- Communication & Trust – Improving our wayfinding signage to better communicate how to safely evacuation in the event of an emergency and proving a system that is consistent throughout our area and the entire coast.
- Financial & Organizational Sustainability – Leveraging grant funds to address wayfinding system gaps that were identified earlier this year.

ALTERNATIVES:

1. Authorize staff to accept the grant award for tsunami evacuation wayfinding signage.
2. Do not authorize staff to accept the grant.

RECOMMENDATION:

Staff recommends that the City Council authorize staff to accept the grant award from the Oregon Department of Geology and Mineral Industries and the Oregon Office of Emergency Management for additional tsunami evacuation wayfinding signage.

AIS PREPARED BY: Megan Messmer, City Project Manager
Glen Southerland, Associate Planner

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other
 Comments: *ERReynolds*

ITEMS ATTACHED: None

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 4
Meeting Date: April 1, 2019
Department: Public Works

ITEM TITLE: Engineering Services for 26th and 27th Street Safe Routes to School Project

DISCUSSION/ISSUE:

In September 2013, the City solicited proposals from experienced and qualified civil engineering firms, licensed in the State of Oregon, to perform civil and environmental engineering for our capital improvement projects. The City received six proposals, which were then scored and ranked according to the criteria contained in the Request for Qualifications/Proposals. Civil West Engineering Services, Inc. is one of two firms that were selected through that process. In addition, Civil West Engineering Services, Inc. provided the engineering services for the FY 2014 and 2015 Street Preservation Programs; Rhododendron Drive Water, Stormwater and Roadway Improvements; 1st Street Stormwater Improvements; Hwy 101 – Maple to Hwy 126 Water Line Replacement; Munsel Lake Road/North Fork Siuslaw River Road Water and Sewer Improvements; 6th and Hemlock streets Stormwater Improvements; 2nd and Ivy streets Stormwater Improvements; and Coastal Highlands Phase 2 Stormwater Evaluation.

In January 2019, City Council accepted the 2019-2020 Safe Routes to School (SRTS) Infrastructure grant which provides “enhanced crossing, and sidewalks for Siuslaw Elementary School students”. This highly competitive grant provides up to \$346,400 in grant funding towards the \$433,000 project.

Civil West Engineering will provide design and construction services to improve pedestrian mobility along 26th Street between Hwy 101 and Oak Street, as well as designs for the infill sidewalk, curb ramps, and connection to the existing asphalt path within the Pine Street right-of-way. Additionally, Civil West Engineering will provide detailed plans for the ADA-compliant pedestrian ramps and curb cuts at the intersection of 26th and Oak streets.

Staff has reviewed the proposed scope of services for the project, including the work tasks and fees, and finds the proposal to be adequate and within reason for projects of this scope. The proposal of \$39,050 is a not-to-exceed maximum for the scope of the design and construction services for the pedestrian mobility project.

FISCAL IMPACT:

The engineering fee proposal from Civil West Engineering Services, Inc. is not to exceed \$39,050.

The total preliminary estimated construction costs (based on recent work and unit prices) is \$200,000. The engineering service fee represents 19.52-percent of the overall project budget for sidewalks, ADA-compliant ramps, and asphalt path portion of the project. Due to the small size of the project and complexity of designing the ADA-compliant ramps, the engineering fee is of a higher value than typical water, wastewater or stormwater projects.

RELEVANCE TO ADOPTED CITY WORK PLAN:

- City Service Delivery – improving, maintaining and enhancing our infrastructure as feasible.
- Livability & Quality of Life – by providing stormwater facilities to prevent localized flooding to an area of the community. Being responsive to our community’s needs with efficient, effective and sustainable service delivery.
- Economic Development – quality stormwater facilities enhances the redevelopment potential of this area as well as protect properties from localized flooding events due to undersized stormwater systems.
- Communication & Trust – strengthening citizen trust by cooperatively working with residents for the common good.
- Financial & Organizational Sustainability – construction infrastructure that supports current and future needs.

ALTERNATIVES:

1. Accept the engineering service proposals from Civil West Engineering Services, Inc.
2. Reject the proposals from Civil West Engineering Services, Inc. and request proposals from another qualified firm.

RECOMMENDATION:

Accept the engineering services proposal from Civil West Engineering, Inc. and authorize the City Manager to proceed with a professional services contract.

AIS PREPARED BY: Mike Miller, Public Works Director

CITY MANAGER’S RECOMMENDATION: Approve Disapprove Other

Comments: *ER Reynolds*

ITEM’S ATTACHED: None

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 5
Meeting Date: April 1, 2019
Department: Planning Dept.

ITEM TITLE: Central Lincoln PUD Mural - Resolution No. 5, Series 2019

DISCUSSION/ISSUE:

Application: The applicant, the City of Florence Public Art Committee, agent for Central Lincoln PUD proposes a mural entitled “Stitching Time, Weaving Cultures” to be painted on the eastern and southern walls of the Central Lincoln Public Utility District storage building. The eastside of the mural would be 108 ft. by 15.5 ft. and the south side of the mural would be 37 ft. by 15.5 ft.

This is a quasi-judicial land use application requiring a public hearing. The Florence City Council is the review body as set out in the [Florence City Code Title 10 Chapter 26](#). The resolution, findings of fact and application materials are attached to this AIS. Additionally, exhibits of the application, agency referral comments received from Oregon Department of Transportation and Central Lincoln PUD and public testimony are included as separate attachments not included as part of the ordinance attachments. The applicable criteria are listed in the “Applicable Criteria” section of the findings. Only the code sections, comprehensive plan policies and appendices, and resolution are the policy considerations that may be applied in the decision-making process. Application materials, testimony and referrals that speak to the criteria may also be considered.

The findings include a review of the application against the applicable criteria and incorporate testimony and referral comments or concerns where applicable. Where project changes were needed or it was found necessary to ensure the code is met, conditions of approval are included. Additionally, informational items are listed to ensure information is conveyed that is applicable but not necessarily a condition of approval. Findings available on March 25th have been amended to include testimony received as of March 27th at noon. Testimony received later will be provided as Exhibit N. The appeal body to this decision is the State of Oregon’s Land Use Board of Appeals. Those individuals who have testified in person or writing and provided a mailing address have standing for appeal. Appeals must be filed with the state, within 21 days of Council decision, and address applicable, substantive criteria.

FISCAL IMPACT:

No proposed fiscal impact to the City of Florence.

RELEVANCE TO ADOPTED CITY WORK PLAN:

Goal 1: City Service Delivery – Community Development

ALTERNATIVES:

1. Approve the mural permit as proposed,
2. Review and recommend changes to the proposed mural permit findings and approve as amended,
3. Continue the Public Hearing to a date certain if more information is required, or
4. Do not approve the mural permit, by revising the findings and resolution stating how the application does not meet the criteria.

RECOMMENDATION:

Planning Staff--Approve with conditions of approval

AIS PREPARED BY: Wendy FarleyCampbell, Planning Director

**CITY MANAGER'S
RECOMMENDATION:**

Approve Disapprove Other
Comments:

ER Reynolds

ITEM'S ATTACHED:**Attachment 1 – Resolution 5, Series 2019**

- Exhibit A - Staff Report
- Exhibit B - Design Drawings
- Exhibit C - Project Location, Design, Lighting
- Exhibit D - Site Plan
- Exhibit E - Existing Conditions
- Exhibit F - Mural Contract, dated
- Exhibit G - IGA
- Exhibit H - Maintenance Plan
- Exhibit I - Application

Attachment 2 – Supplemental Information

- Exhibit J – Additional Project Information
- Exhibit K - Landscaping Plan-Resolution 17 08 CUP 05
- Exhibit L – Referrals (received by 3-27-19, 12 pm)
- Exhibit M – Testimony (received by 3-27-19, 12 pm)

Attachment 3 – Florence City Code, Title 10 Chapter 26: Mural Regulations

**CITY OF FLORENCE
RESOLUTION 5, SERIES 2019**

A Resolution for a Mural Permit request for Marino Heidel Studios to paint a mural entitled “Stitching Time, Weaving Cultures” on the eastern and southern walls of the Central Lincoln Storage Building, located on the northwest corner of Quince St. and Highway 126.

RECITALS:

1. Application was made by the City of Florence Public Art Committee, representative for the Central Lincoln Public Utility District, for a mural permit as required by FCC 10-1-1-4, FCC 10-1-1-6-3, and FCC 10-26-5.
2. The City Council met in a duly-advertised public hearing on April 1, 2019, as outlined in Florence City Code 10-1-1-6-3, to consider the application, evidence in the record, and testimony received; and
3. The Florence City Council, per FCC 10-1-1-6-3 and FCC 10-26, finds, based on the Findings of Fact, application, evidence and testimony presented to them, that the application meets the applicable criteria through compliance with certain Conditions of Approval.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE REOLVES AS FOLLOWS:

Based on the findings of fact and the evidence in record the request for a Mural Permit for Marino Heidel Studios to paint a mural entitled “Stitching Time, Weaving Cultures” on the eastern and southern walls of the Central Lincoln storage building meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan with the conditions of approval as listed below.

Approval shall be shown on:

“A” Findings of Fact	“F” Mural Contract, dated 2-26-19
“B” Design Drawings	“G” IGA
“C” Project Location, Design, Lighting	“H” Maintenance Plan
“D” Site Plan	“I” Application
“E” Existing Conditions	

1. Findings of Fact attached as Exhibit “A” are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented for this City Council hearing, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal City Council action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.
3. Prior to commencing painting of the mural, a statement that the mural and all of its individual elements are original works of art shall be provided to the Community Development Department by the muralist
4. The applicant shall contact the Community Development Director when the work is ready for inspection. The mural shall be in conformance with the application and the provisions of the FCC 10-26.
5. The mural permit shall obtain inspection approval within 12 months of the date of this approval or the mural permit is considered expired. No further work may be performed on the mural prior to obtaining a new permit.
6. The applicant shall submit a revised landscape plan for the Central Lincoln PUD site that implements the conditions and findings of Resolution PC 17 08 CUP 05. Landscaping shall be installed in conjunction with the Mural Permit and concluded in advance of the required Mural Inspection by the Community Development Department.
7. The lighting plan shall be revised to annotate lighting wiring to be behind the walls. Lighting plan shall include the color and material of the fixtures. The light fixtures shall be full cut off design and aimed to not shine glare into the right-of-way or onto nearby properties. The applicant shall monitor the lighting arms to ensure the lighting does not shine in a manner to impair the road vision of vehicle drivers, pollute the night sky, or create a hazard to pedestrians or the general public.

Informational:

1. The applicant shall ensure that the mural meets the requirements for ORS 377.700 to 377.840 and shall obtain an ODOT Outdoor Advertising permit if needed.
2. A one-time extension of 12 months may be requested and granted subject to the criteria of FCC 10-26-9-C.
3. Thirty days prior to removal of the mural the property owner must submit notice to the Community Development Department.

4. A lighting inspection will be performed in conjunction with the Mural Permit inspection to ensure the requirements of Title 4 Chapter 7 Section 25-F are met.

ADOPTION:

This Resolution is passed and adopted on the 1st day of April 2019.

Joe Henry, Mayor

Attest:

Kelli Weese, City Recorder

**FINDINGS OF FACT
FLORENCE CITY COUNCIL
Exhibit "A"**

Public Hearing Date: April 1, 2019
Application: Resolution No. 5, Series 2019 / CC 19 03 MUR 01

I. PROPOSAL DESCRIPTION

Proposal: A request for a Mural Permit for Marino Heidel Studios to paint a mural entitled "Stitching Time, Weaving Cultures" on the eastern and southern walls of the Central Lincoln Storage Building.

Applicant: City of Florence Public Art Committee, Representative for Central Lincoln PUD

Property Owner: Central Lincoln PUD

Location: 966 Highway 101
Northwest corner of intersection of Hwy 126 and Quince Street

Site: Map # 18-12-26-32 Taxlots 05400, 5500, 5600, & 5700

Comprehensive Plan Map Designation: Downtown

Zone Map Classification: Mainstreet District (M)

Surrounding Land Use / Zoning:

Site: Central Lincoln PUD offices and maintenance shop | M
North: Office | Commercial (C)
South: Dunes Village Shopping Center | M
East: Offices | M
West: Hotel & Fuel Station | M

Streets / Classification:

East – Quince St. / Local; North – 10th St. / Local; West - Highway 101 / Major Arterial;
South – Highway 126 / Major Arterial

II. NARRATIVE:

The applicant proposes to paint a mural entitled "Stitching Time, Weaving Cultures" on the eastern and southern walls of the Central Lincoln Public Utility District storage building. The eastside of the mural would be 108 ft. by 15.5 ft. and the south side of the mural would be 37 ft. by 15.5 ft.

III. NOTICES & REFERRALS:

Notice: On March 12, 2019 notice was mailed to surrounding property owners within 100 feet of the property. The property was posted on March 12, 2019. Notice was published in the Siuslaw News on March 27, 2019.

At the time of this report, the City had received 24 written public comments on the proposal. They are listed and summarized below and included under Exhibit M. Testimony received after noon March 27th will be provided at the meeting as Exhibit N.

Name	Date Received	Comment
Barret, Jeanne	3-12-19	Traffic Safety, Blocky art style
Brock, Dolly	3-15-19	Fresh, Colorful, unique
Burke, Patricia & Huber Martin	3-12-19	Garish, distracting, lack of local artist inclusion
Childs, Dick & Karen	3-14-19	Disapprove of design, cost, use of out of area artists
Central Lincoln PUD	3-19-19	Supportive, collaborative with Public Art Committee, Board unanimously approves
Drozdenko, Don	3-15-19	Not-representative of Florence, Portland-style graffiti
Ford-Mackey, Sherri	3-15-19	Not representative of peaceful friendly spirit and vibe of Florence
Jacobson, Rose	3-24-19	Hard edged quality, static faceless dancer, photographic quality not needed to capture sweeping elements of Florence
Jarvis, Bruce	3-19-19	Visual distraction for east originating traffic due to bright colors and graffiti figures. Style not reflective of spirit of Florence, provide hearing opportunity
Malone, Betty	3-18-19	Design not representative of community, modern style
Olson, Gene & Stanton, Sylvia	3-18-19	Location should be in Old Town or along Hwy 101, explanation of Florence boat history and suggestions for mural content.
Owen, Jeannie	3-12-19	Dislikes style, suggests content, use local artist
Read, Bob & Gini	3-22-19	Owens Edwards Jones investment building, not in keeping with community aesthetic, driver distraction, graffiti, cost
Saubert, Sue	3-25-19	Inappropriate, not depict soul of community-natural beauty, heritage
Shields, Kim	3-15-19	Design inappropriate and controversial
Shores, Belinda	3-15-19	Design art centric and not focused on town's history, recreation, sea and landscapes
Florence Chapter of American Rhododendron Society	3-25-19	Requests City flower Rhododendron be placed on mural instead of "poppies."
Gallup, Ed	3-27-19	Dissatisfaction with mural. Chaotic. Picasso-like. Should express beauty and clarity.
Lofy, Theresa	3-26-19	Not right design for Florence. Should have the bridge and Rhodies.
Stimmell, Alan & Pam	3-26-19	Does not represent our quaint town-forest, ocean, fishing boats, bridge, otter. No local artist used. Too bold-city mural not coastal.
Hanson, Maynard	3-26-19	Lines should be softened, Indian looks oriental, needs bear & fish, flowers look hard. Put to a vote. Love idea of mural.
Bruce, Tai	3-26-19	Provided input from DK Child about background and history of PAC

		and public art efforts. Own comments include-mural to loud. Florence is vibrant thriving in mellow tones. More graffiti like. Seek a toned down vision with a listing of native flora and fauna. Include Coast Guard.
Spinner, Michael	3-25-19	Thank you for listening, use social media, concern with accidents at this intersection-bright confusing art make more dangerous. Use more subtle piece for this corner.
Curtis, Mary	3-25-19	Opposed. Harsh, garish, loud. Big city not small town. Use local artists and include as collage.

Referral: On March 12, 2019, a request for referral comments was sent to Oregon Dept. of Transportation, Florence Chamber of Commerce, Urban Renewal District, Siuslaw Pioneer History Museum, and Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. On March 24th a request for referral comments was sent to Florence Police.

At the time of this report, the City had received referral comments on the proposal from:

ODOT, Deborah Lund, Exhibit L, states the project is exempt from needing a permit if no compensation is exchanged for the right to place the mural. The mural would still need to comply with the outdoor advertising statutes which she included for reference.

Central Lincoln PUD, Exhibit L, stated support for the mural.

Florence Police Dept., Exhibit L, provided traffic crash/accident data for intersections of Highway 126 and Spruce, Quince and Highway 101 from 2012 to 2018.

IV. APPLICABLE REVIEW CRITERIA

[Florence City Code](#)

[Title 10:](#)

[Chapter 1: Zoning Administration, Section 1-6-3](#)

[Chapter 6: Design Review, Section 6-6](#)

[Chapter 26: Mural Regulations, Sections 1 through 7, and 9 through 12 and 14](#)

[Chapter 27: Mainstreet District, Sections 5B, G & J](#)

[Chapter 34: Landscaping, Section 3](#)

[Chapter 37: Lighting, Section 5](#)

[Title 4:](#)

[Chapter 7: Sign Regulations, Section 25](#)

[Florence Realization 2020 Comprehensive Plan](#)

Chapter 1: Citizen Involvement: Policies 4 through 6

Planning Commission Resolution: PC 17 08 CUP 05

V. FINDINGS

Code criteria are listed in **bold**, with response beneath. Only applicable criteria have been listed.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-6-3: TYPE III REVIEWS – QUASI-JUDICIAL LAND USE HEARINGS:

A. Hearings are required for Type III (quasi-judicial) land use matters requiring Planning Commission review. Type III applications include, but are not limited to:

The applicant has proposed a mural, requiring a land use hearing as stated under 10-26-5-A. The applicant has applied for a Type III approval, meeting this criterion.

B. Notification of Hearing:

1. **At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**
2. **Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.**

Notice of the public hearing was posted on the subject property on March 12, 2019. On this same date, notice was mailed to all property owners within 100 feet of the property. Notice was also published within the Siuslaw News one time on March 27, 2019. These criteria are met.

C. Notice Mailed to Surrounding Property Owners - Information provided:

1. **The notice shall:**
 - a. **Explain the nature of the application and the proposed use or uses which could be authorized;**
 - b. **List the applicable criteria from the ordinance and the plan that apply to the application at issue;**
 - c. **Set forth the street address or other easily understood geographical reference to the subject property;**

- d. **State the date, time and location of the hearing;**
- e. **State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;**
- f. **State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;**
- g. **State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;**
- h. **Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.**
- i. **Include the name of a local government representative to contact and the telephone number where additional information may be obtained.**

The provided notice contained all of the information listed in FCC 10-1-1-6-3-C. These criteria are met.

D. Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 10.

E. Action by the Planning Commission:

- 1. **At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.**
- 2. **Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.**
- 3. **In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.**
- 4. **There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.**

Florence City Code Title 10 Chapter 26 states the City Council shall consider mural permit applications under the proceedings of the land use hearing procedure. The City Council held a public hearing on April 1, 2019 which met the standards of FCC 2-10 and the intent of FCC 2-3. These criteria are met.

TITLE 10: CHAPTER 26: MURAL REGULATIONS

10-26-1: PURPOSE, GENERAL PROVISIONS: The purpose of this chapter is to allow for murals on a content-neutral basis while maintaining specific standards with regard to the location, size, quantity and installation. Murals provide benefits distinct from signs, such as improved aesthetics and community identity if they are located at heights and scales visible to pedestrians.

The application includes a mural. The findings of fact are content neutral except where criterion specifically include content related terminology such as history, natural etc. The mural is proposed to be located on a building situated at a property corner with abutting sidewalks along both sides. The abutting streets also have sidewalks along their opposite sides. The mural is large enough to be visible to pedestrians within the adjacent area. The mural meets the general purpose of the mural regulations.

10-26-2: DEFINITIONS:

MURAL: A work of visual art which is tiled or painted directly upon, or affixed directly to a fence, wall or an exterior wall of a building and exceeds the maximum size of wall sign allowed in a sign district. Visual art that is intended to communicate an informational message is not considered a mural and is regulated under the sign code.

The mural is proposed to painted directly upon the southern and eastern walls of the Central Lincoln PUD storage building. The mural is proposed to cover the entire faces of each wall and thus be larger than the maximum 6% wall coverage permitted by a wall sign, regulated by Title 4 Chapter 7. The proposal meets the definition of a mural and thus requires a mural permit.

10-26-3: PROHIBITED MURALS:

A. Murals that include any of the following are prohibited and are nuisances. A mural shall not include:

- 1. Electrical or mechanical components; or**
- 2. Changing images.**

The proposed mural does not include any electrical or mechanical components or changing images. This criterion is met.

10-26-4: PROHIBITED MURALS:

A mural that is not visible from the public right-of-way and not visible from public property is allowed without a mural permit.

The proposed mural would be visible to the public from the Quince St. and Highway 126 rights-of-way and thus requires a mural permit.

10-26-5: MURAL PERMIT APPLICATION:

- A. A mural permit application shall be considered by the City Council and shall proceed under the procedures of FCC 10-1-1-5, “Land Use Hearings.”**

This criterion is included under Chapter 1 reviewed earlier in the report and is met.

- B. The general application requirements of FCC 10-4-1-4 shall apply, except for the submittal information required under FCC 10-1-1-4-B-2 and B-3. An application for a mural permit must contain the following information:**

- 1. Authorization from the property owner of the location where the mural is to be installed and agreement to maintain the mural for the life of the mural, unless the mural is removed under the circumstances specified in Section 10-26-11 of this Title.**
- 2. A site plan drawn to scale that shows the location of existing structures and where the mural is to be installed, location of property lines, abutting right-of-way, names of streets, information of other murals on abutting properties and north arrow.**
- 3. A map (e.g. tax map or aerial map) that shows the existing land use on-site and the surrounding land uses within three-hundred feet (300’) of the site.**
- 4. A color image of the proposed mural with dimensions drawn to scale.**
- 5. A building elevation depicted to scale showing the proposed building area where the mural is to be installed. Information detailing the existing building materials and architectural features, as well as proposed mural materials, construction size, and depth.**
- 6. Information regarding the expected life span of the mural and maintenance plan for the life of the mural. The maintenance plan shall specify the frequency of maintenance and provisions to address fading and vandalism (i.e. durable exterior paints, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and cheaper repair of the mural if needed).**

Section FCC 10-4-1-4 is a typo and should read “FCC 10-1-1-4” as set out in Ordinance 5, Series 2011. In 2016 section 10-1-1-4 was amended and B-2 & B-3 renumbered. Prior to 2016, B2 and B3 included identification of public utilities, facilities, grade changes, and natural features in the area. The other sections that were applicable included the requirement to submit forms and application materials related to mural. The application materials submitted meet the submittal requirements of Chapter 1 and section B above.

10-26-6: MURAL PERMIT CRITERIA: No person may commence mural installation on a site without first obtaining a mural permit. Murals without a mural permit are signs regulated by Title 4, Chapter 7. Use of murals does not affect the amount or type of signage otherwise allowed by the sign regulations of Title 4 Chapter 7. For approval, a mural permit application must meet the following criteria.

A. The Mural is compatible with the aesthetic appearance of adjacent buildings and the surrounding community character.

In evaluating this criterion, the following are examples of factors that can be used to measure compatibility and community character.

- 1. The mural is harmonious with or integrates aspects of special architectural and design features of surrounding buildings or the larger neighborhood.**
- 2. The mural may reflect the diversity of the world.**
- 3. The mural may reflect historic, cultural, or natural heritage.**
- 4. The mural respects the original character of the building and surrounding buildings**

“Compatible” is defined as the ability to exist or occur together without conflict. Adjacent is abutting, neighboring, or alongside. There are no other properties adjacent to the Central Lincoln PUD site. It is surrounded on all four sides by streets. The Dunes Shopping Center, hotel, and former County office buildings are nearest to the storage building and lie across rights-of-way and are setback from the streets by their respective parking lots and landscaping. Further away but in the area are 7-11, Edward Jones, and West Coast Real Estate. The nearest building is over 150 feet away. The adjacent building criterion is found to not apply.

Community Character is the sum of all the attributes and assets that make a community unique and establish a sense of place for its residents. The 4 example elements listed above are considered below. They are examples and so some but not all factors need be considered.

1. **“The mural is harmonious with or integrates aspects of special architectural and design features of surrounding buildings or the larger neighborhood.”** There are no adjacent buildings. The buildings in the area were constructed in the mid 1960’s. Quince St. contains the back of buildings on the west side and the front of buildings on the east side. The building fronts are the old county building, apartment complex, Orygon Home Center, and West Coast Autobody shop. The buildings in the neighborhood contain no special architectural features to harmonize with. This property is included in the “Gateway District – Highway 126” of the Florence Downtown Implementation Plan. The objective of the Florence Downtown Plan is to revitalize the properties within its district to serve as the primary cultural, tourist, commercial and community core to serve all of Florence’s citizens and visitors. Redevelopment of this corridor, as illustrated below, envisions buildings up to the sidewalk, on-street parking, and mixed-use storefront retail.



The mural site is located on the northwest corner of the Hwy 126 gateway area. The area is intended to serve as the eastern gateway into the city. Gateways are places where the road narrows and the travelers slow to an in-town speed. The Revision Florence project currently under construction will serve as an anchor on the southern side of the intersection and provide a gateway effect. A mural on the opposite corner would support the Downtown Plan by providing a northern anchor for the gateway entrance. The storage building is located up to the sidewalk providing continuous pedestrian access. Future building development at this intersection as proposed in the plan will provide additional sense of narrowing to motorists.

In summary the buildings in the area do not ascribe to the Downtown Plan's architectural criteria. So, painting a mural to match the neighborhood character of 1960's or the nearby strip mall architecture is not in keeping with the Downtown Plan. The city has not adopted a document that includes a definitive community character description for Florence. The word "mural" is not found in the Florence Comprehensive Plan or any of its Chapter 2 exhibits. The site is located within a redevelopment area and project includes historical topics in keeping with the area's intended development plan. This criterion of integrating elements of the neighborhood or being harmonious with the neighborhood is found to not apply. The mural's attempt to implement the Downtown Plan by establishing a presence at the east gateway intersection and incorporation of historic Florence elements is in keeping with community vision to redevelop the area.

2 & 3. "The mural may reflect the diversity of the world." The mural reflects the diversity of the world...of art and incorporates historic, cultural and natural heritage. The muralist illustrates local ideas and influences using contemporary and abstract styles. These elements are listed in the design drawings as the following: folk art fiber arts of quilting, weaving, applique and embroidery; local natural influences such as waves, seagulls, cat tails, bear grass and elk. She states she uses the combination of sun and moon and the bridge to illustrate time upon which she incorporates the contemporary culture of bicycling. There are elements of expressionism and abstraction such as her exploration of rivers and mountains within the "Chevron" quilt pattern on the Highway 126 side and quilting squares and appliqued flowers on the Quince St. side. She cites an exhibit at the Siuslaw Pioneer History Museum as a source of inspiration for the design. The phrase "graffiti" has been used by some testifiers to describe the mural's style. The artist does incorporate vibrant colors in a composed manner which is present in a type of graffiti called a "piece". The art however does not include any of the other elements of typical graffiti such as scribbled or sprayed writings or drawings. It would be interpreted from some of the testimony received that Florence murals should incorporate the Realism art style where the

subject of the painting looks like the real thing. The mural's style can be different from those typical of the area and other coastal communities and need not be realistic. This criterion is met.

4. "The mural respects the original character of the building and surrounding buildings." The existing building is simple rectangular cinderblock warehouse with a role of function. The character of the surrounding buildings as stated earlier is from the 1960's. Graphic and psychedelic art from the sixties included bright repetitive patterns and iconic and stylistic imagery. Some of these elements could be said to be present in the proposal with the repetitive chevron and quilting square patterns, simple bright flower imagery, and stylistic deer and seagulls. The composition as a whole is not 60's era but certain elements offer a wink to the surrounding 1960s architecture. The proposal respects the surrounding architecture. This criterion is met.

B. The mural will enhance the building appearance and overall visual attractiveness of the City. The overall objective is for viewers of all ages to experience a sensation of engagement, humor, wonder or delight, or all of these emotions.

In evaluating this criterion, the following are examples of factors that can be used to measure appearance and attractiveness.

- 1. The mural will not adversely dominate the building or surrounding area.**
- 2. The mural will not create traffic or safety hazards.**
- 3. The mural is harmonious with the scale, color, details, materials, and proportion of the building.**

The call for entry to artists included the requirement for the mural to illustrate the Public Art Committee's (PAC) mission by being exciting, engaging and incorporating a "wow factor". The art submissions were required to be age neutral. The PAC solicited art entries meeting the engagement factor. The three examples of evaluation criteria are considered below.

1. The mural covers the southern and eastern walls of the building. The building is a cinder block structure with no special architectural features. The mural's proposal to cover the walls is not an adverse domination of the building. As one enters Florence from the east there is a stand of trees that is proposed to be retained in the Downtown Plan. This stand of trees filters the mural from the eastern perspective. There are other buildings to the south and the traffic signal to the west that draw one's attention. The mural does not dominate the surrounding area due to the other visual elements around the Quince St. intersection.
2. Referrals were sent to ODOT and the Florence Police Department. ODOT responded that the mural would be exempt from an "Outdoor Advertising" permit if there was no compensation exchanged for the right to place the mural at the location. However, since both sides of the mural are visible to Hwy 126 the mural must comply with ORS 377.700 to 377.840. Most of these regulations are related to lighting and moving parts addressed and conditioned for approval elsewhere in this report. The applicant shall ensure that the mural meets the requirements for ORS 377.700 to 377.840 and shall obtain an ODOT Outdoor Advertising permit if needed. **(Informational 1)**

The Florence Police were not originally identified to receive a referral and thus received the referral with a short lead response time. At the time of writing current information was not yet available.

The 2012 Transportation Systems Plan (TSP) evaluated the function and safety of roadways and intersections within Florence. The TSP included intersection crash data for the years 2005 through 2009. The intersection of Highway 126 and Quince St. had a total of 5 collisions during the reporting period with a crash rate of .17 crashes per million entering vehicles. For the years 2007 to 2009 segment crash data was compiled for three segments on Hwy 101 and 126. There were 4 total crashes between mileposts 2.64 and 2.78 on Hwy 126 (east of North Fork Rd.) with a crash rate of .66 crashes per million vehicle miles traveled. Neither of the crash analyses identified any patterns or trends in the crash types that indicated an opportunity for specific engineering treatments to reduce the crashes. The function of the 126/Quince St. intersection is expected to not meet mobility standards by 2035 with the northbound lane on south Quince not operating functionally due to the volume of through traffic on Highway 126. The intersection presently is compliant with the mobility standards.

The Florence Police provided crash/accident data for the period between 2012-2018. The data for 2014 is inconclusive. For the years of 2018, 2017 and 2016 there were 3, 5 and 3 accidents, respectively at the intersection of 126/Quince, almost triple that reported in the four-year reporting year of the TSP.

The mural as proposed appears to meet the ODOT safety standards for Highway Outdoor Signage standards. The safety data available within the TSP for the period of 2005-2009 indicate the intersection and highway segment are operating within acceptable mobility standards. The data from the police records shows an increase in counts. However, without the combined analysis as is provided in a TSP study the information does not have the context needed to identify patterns or trends in the crashes and whether an associated problem needs correction or mitigation. It is worth noting a Rapid Flash Beacon pedestrian crossing was installed east of the Quince St. intersection in the last year. It may have some affect and reduce crashes along Highway 126. The TSP is slated for an update in the upcoming work plan. At that time the crash data will updated and sufficient time will have been available to see any affects the RFB has on crash numbers along Hwy 126. The analysis will provide any needed engineered traffic mitigation improvements. This criterion is met with the data available.

3. The scale, details and proportion related to the building and neighborhood were addressed elsewhere in the report. The proposed colors and materials compliment the beige cinderblock building.

C. Internal illumination of a mural is not permitted. External illumination is allowed and shall be consistent with the illumination standards of Section 4-7-25 of this Code.

The mural does not include internal illumination. External illumination is proposed and is reviewed in the 4-7-25 section later in the report. This criterion is met.

D. Murals are permitted only on the flat planes of walls and may extend no more than six inches (6”) from the plane of the wall, unless approved by the City Council.

The mural is proposed to be painted directly on the southern and eastern wall surfaces of the Central Lincoln PUD storage building. These wall surfaces are flat and contain no projections. This criterion is met.

E. Murals shall be installed for durability and maintained for the life of the mural or until the mural is removed. Murals shall consist of materials that have proven performance for withstanding the coastal climate.

The application includes information on maintenance protection. The building is proposed to be prepared for painting 2-3 times with Krill Primer Sealer from Miller Paints. The TSW Acryli-Master Graffiti Resistant Coating includes a UV and Weather-proofing coating that is warranted for 10 years. The Public Art Committee will monitor the mural for durability and reassess the mural in 10 years to determine whether to reapply the sealer. This criterion is met.

F. The Mural shall use materials, coatings, or other protective techniques that will be resistive to vandalism and graffiti.

The application includes information on graffiti protection. The mural is proposed to be coated three times with TSW Acryli-Master Graffiti Resistant Coating anti-graffiti sealer which warrants the mural for ten years. The Public Art Committee and PUD plan to work together to ensure the long-term viability of the mural. This criterion is met.

G. The creator/artist is under contract or other obligation to complete the Mural.

The muralist, Marino-Heidel Studios, signed a Personal Services Contract with the Florence Urban Renewal Committee on January 19, 2019. On February 6, 2019, City Manager Erin Reynolds signed the agreement. This criterion is met.

H. The Mural is an original work of art.

The Call for Entry used to solicit applicants for the mural location included under the "Eligibility" category "Entries must be the original design and artwork of the entrant ..." and under the "Design Guidelines for Submission" category "Designs must not include any breach of intellectual property, trademarks, brands, business names, corporate or organizational branding". The signed personal contract does not include the same language or requirements. Prior to commencing painting of the mural, a statement that the mural and all of its individual elements are original works of art shall be provided to the Community Development Department by the muralist. **(Condition 3)**

I. If a mural installation includes any changes to a building that would otherwise require Design Review as described in Title 10 Chapter 6, those changes must be approved through the Design Review process simultaneous with approval of the Mural Permit. Murals may not otherwise result in the site property or structure becoming out of compliance with other land use code provisions, prior land use approvals, or prior conditions of approval governing the building or property on which the mural is to be located.

The Central Lincoln PUD site received a recent approval in 2017 from the Planning Commission under Resolution PC 17 08 CUP 05. The approval included conditions related to landscaping. No changes to the storage building were proposed under that approval.

However, the storage building's architecture is pre-existing non-conforming for the Mainstreet District and the related criteria of FCC 10-6 Design Review.

The mural application does not include any changes to the building that require Design Review under Chapter 6 of Title 10. The mural addition will not result in the building becoming more out of compliance with the architectural design criterion than it already is. The landscaping criteria as they relate to the previous 2017 approval are reviewed below.

In applying the above criteria, the City shall make its decision in accordance with applicable constitutional requirements.

10-26-7: STRUCTURAL REVIEW: Murals with any element that weighs more than 7 pounds per square foot or in total weigh more than 400 pounds require structural review.

The mural painting will be applied directly to the walls of the building. The proposal does include six lights installed on the building every 20 feet of its length. Electrical permits will be required. There are no structural elements proposed that require structural review. This criterion is met.

10-26-9: INSPECTIONS AND EXPIRATION OF PERMIT:

A. Inspections: The Director will conduct inspection of murals for which a permit has been issued. The permit holder must notify the Director when the work is ready for inspection.

The inspection shall verify that the mural is in conformance with the application and in conformance with the provisions of this Chapter. Structural inspections shall be completed in conjunction with any required building or structural permits and shall verify the applicable requirements from the applicable codes. The inspector shall take at least one photo to be kept on file to document the site, mural size, mural location and mural image consistency.

The Director may conduct inspections whenever it is necessary to enforce any provision of the City Code, to determine compliance with the City Code, or whenever the Director has reasonable cause to believe there exists any violation of the City Code.

The applicant shall contact the Community Development Director when the work is ready for inspection. The mural shall be in conformance with the application and the provisions of the FCC 10-26. **(Condition 4)**

B. Expiration of Permit: If inspection approval has not been obtained by the applicant within twelve months of issuance of a mural permit, the permit is void, and no further work on the mural may be done at the premises until a new permit has been secured and a new fee paid.

The mural permit shall obtain inspection approval within 12 months of the date of this approval or the mural permit is considered expired. No further work may be performed on the mural prior to obtaining a new permit. **(Condition 5)**

C. Extensions of Permit: The Director may extend a permit for one period of twelve months upon finding the following criteria have been met.

- 1. The request for an extension is made in writing prior to expiration of the original approval.**
- 2. There are special or unusual circumstances that exist which warrant an extension.**
- 3. No material changes of surrounding land uses or zoning has occurred.**

The Director may deny the request for an extension of the mural permit if new land use regulations have been adopted that affect the applicant's proposal.

A one-time extension of 12 months may be requested and granted subject to the criteria of FCC 10-26-9-C. **(Informational 2)**

10-26-10: MAINTENANCE OF A PERMITTED MURAL: For any mural approved after March 21, 2011, the building owner is responsible for ensuring that a permitted mural is maintained in good condition, fading is addressed and the mural is repaired in the case of vandalism or accidental destruction in accordance with the approved maintenance plan.

The application includes a maintenance plan for the mural. It cites collaboration between the Art Inventory and Maintenance Planning Subcommittee and the property owner-Central Lincoln PUD, whom is also the applicant and building owner. The application also includes an Inter-Governmental Agreement between the City of Florence and Central Lincoln PUD that is effective for 10 years. It includes general provisions for City maintenance and specific abatement within 30 days due to condition, vandalism or damage. The City's nuisance code in FCC 6-1 requires graffiti removal within 5 days of written notice to remove. This criterion is met.

10-26-11: ALTERATIONS TO A PERMITTED MURAL: Alterations of the mural must be approved by obtaining a new permit through the process described in Section 10-26-3 of this Chapter.

10-26-12: REMOVAL OF A PERMITTED MURAL:

Prior to removal of a mural the property owner must notify the Community Development Department at least 30 days prior to its removal with a letter stating the intent to remove the mural. Any associated materials that were used to affix or secure the mural to the wall must be removed at the time of the removal of the mural or incorporated into a new mural application. This includes, but is not limited to mounting hardware or brackets, caulk or grout, and adhesives or glues.

Thirty days prior to removal of the mural the property owner must submit notice to the Community Development Department. **(Informational 3)** No mounting hardware or adhesives are proposed for this mural project.

TITLE 10: CHAPTER 6: DESIGN REVIEW

10-6-6: ARCHITECTURAL DESIGN: The Architectural Design criteria are designed to address and implement the Florence Downtown Architectural Guidelines. Where applicable, the following criteria consider the historical character of Florence through proper building massing, siting, and materials which reflect important aspects of Oregon’s traditional Northwest architecture. The type of building to which this code may apply may differ by district. The following requirements are intended to create and maintain a built environment that is conducive to walking; reduces dependency on the automobile for short trips; provides natural surveillance of public spaces; creates a human-scale design, e.g., with buildings placed close to streets or other public ways and large building walls divided into smaller planes with detailing; and maintains the historic integrity of the community.

In applicable zoning districts such as Old Town and Mainstreet, the City Planning Official, the City Planning Official’s designee, or the Planning Commission may require any of the following conditions in order to establish a minimum level of design quality and compatibility between buildings. The Planning Commission may approve adjustments or variances to the standards as part of a site Design Review approval, pursuant with FCC 10-5 and 10-6, respectively.

This criterion is included to address the Design Review reference in code section FCC10-26-6-I. No modifications to the storage building are proposed that require review under the architectural review criteria of Chapter 6 or Title 10. The building is located in the Mainstreet District that is subject to implementing the Florence Downtown Architectural Standards. They include strong emphases on creating and where it exists preserving the historical character of Florence and incorporating aspects of Oregon’s traditional Northwest Architecture into new construction.

In context the mural is proposed to be placed on a large wall face that if built today would require architectural relief. The mural illustrates the Siuslaw Bridge a bascule bridge designed by Conde McCullough that includes elements reflecting the art deco period of its construction in 1936. The mural considers the historical character of Florence through its inclusion.

This criterion is not applicable.

TITLE 10: CHAPTER 27: MAINSTREET DISTRICT

10-27-5 Site and Development Provisions

B. Fences, Hedges, Walls and Landscaping: Landscaping shall be in accordance with FCC 10-34, except as modified by the following specific standards:

Area “A” as shown on the following page: A minimum of 10% landscaping is required. The calculation of the required minimum may include street trees installed and maintained by the applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All landscaping included within the 10% calculation must be installed and maintained by the applicant or his/her successors.

Interior parking lots may be separated from rear courtyards by walls, fences or hedges 4' in height or less. Eating establishments may separate outdoor eating areas from parking lots and adjacent buildings or structures by a fence, wall or hedge not to exceed 6' in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas.

Where a commercial use abuts a residential district, see FCC 10-34-3-7-D.

G. Lighting. Street lighting, building lighting and lighting of parking lots and walkways shall conform to the following lighting standards: 1. Light fixtures shall conform to the lighting styles in the Architectural Guidelines. 2. Lighting shall be pedestrian scaled. 3. Refer to Section 10-37 of this Title for additional requirements. 4. Wiring for historic fixtures shall be underground. Other overhead wiring shall be placed underground, where possible.

J. General Provisions. 1. Outdoor storage of materials and display of merchandise for sale shall be subject to approval by the Planning Commission.

B: The Central Lincoln PUD site received approval for an addition via Resolution PC 17 08 CUP 05. The approval included a landscape plan labeled Exhibit E. The landscape plan included proposed plantings along the southern and eastern walls of the storage building. Central Lincoln PUD knew as the time of their filing the potential for a mural to be installed and the landscaping to be revised. The applicant shall submit a revised landscape plan for the Central Lincoln PUD site that implements the conditions and findings of Resolution PC 17 08 CUP 05. Landscaping shall be installed in conjunction with the Mural Permit and concluded in advance of the required Mural Inspection by the Community Development Department. **(Condition 6)**

G: Six lighting fixtures are proposed to illuminate the mural. The schematics state they will be RAB floodlights rectangular in shape daisy chained every 20 feet and directed towards the building face. The schematic does not include the model number or enough detail (color, material) to determine whether they conform to the architectural guidelines. The lights are proposed to be installed less than 16 feet in elevation meeting the pedestrian scale criterion. The lights are proposed to be wired either under the eave in conduit or behind the walls. Code requires wiring to be underground. Underground for wall mount daisy chain lighting does not meet the intent of the code. Behind the walls meets the intent of not being visible. The lighting plan shall be revised to annotate lighting wiring to be behind the walls. Lighting plan shall include the color and material of the fixtures. **(Condition 7)**

J. The proposal includes the storage of mural construction materials on the CPUD site. No outdoor storage of material for sale is proposed. This criterion is met.

TITLE 10: CHAPTER 34: LANDSCAPING

10-34-3: Landscaping sets standards for and requires landscaping of all development sites. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other relevant standards are provided in each land use district for specific types of development.

This criterion was reviewed in Resolution PC 17 08 CUP 05. The revised landscape plan required under the above condition will be required to meet the standards of FCC 10-34. This criterion is conditioned to be met.

TITLE 10: CHAPTER 37: LIGHTING

10-37-5: EXEMPTIONS:

- J. Lighting for public monuments, murals, and statuary providing lighting is properly aimed and shielded to contain light to the art feature and not shine glare into the public right of way or onto abutting or nearby properties.**

The lighting for the proposed mural is exempt from the requirements of Title 10 Chapter 37 if aimed and shielded to contain light to the wall and not shine glare onto the public right of way or nearby properties. The light fixtures shall be full cut off design and aimed to not shine glare into the right-of-way or onto nearby properties. **(Condition 7)**

TITLE 4: CHAPTER 7: SIGN REGULATIONS

4-7-25: ILLUMINATION – GENERAL RESTRICTIONS:

- A. No sign, light, lamp, bulb, diode, tube, or device shall be used or displayed in violation of this section.**
- B. No light source shall create an unduly distracting or hazardous condition to a motorist, pedestrian or the general public. Lighted signs shall be placed, shielded or deflected so as not to shine into residential dwelling units or structures, or impair the road vision of the driver of any vehicle.**
- C. External light sources for a sign shall be directed and shielded to limit direct illumination of any object other than the sign, including light pollution of the night sky.**
- D. Except for holiday seasonal decorations, temporary signs shall not be illuminated.**
- E. Illumination from signs located within or adjacent to a Residential Sign District shall not exceed 25 foot candles when measured at the brightest point on the sign, at a distance of one foot (1') from the sign face using an incident light meter. Signs found to be too bright shall be adjusted or removed as directed by the Community Development Director.**
- F. Illumination from signs located on any property in any sign district other than the Residential Sign District shall not exceed 125 foot candles when measured at the brightest point on the sign, at a distance of one foot (1') from the sign face using an incident light meter. Signs found to be too bright shall be adjusted or removed as directed by the Community Development Director.**

This code section is referred to under Title 10 Chapter 26 Mural Section 4-C. Section D & E does not apply. The proposed lighting is not configured to be distracting or hazardous. The

lights are proposed to be on arms that include pivotable sections to direct the illumination to the wall. The applicant shall monitor the lighting arms to ensure the lighting does not shine in a manner to impair the road vision of vehicle drivers, pollute the night sky, or create a hazard to pedestrians or the general public. **(Condition 8)** A lighting inspection will be performed in conjunction with the Mural Permit inspection to ensure the requirements of Title 4 Chapter 7 Section 25-F are met. **(Informational 4)**

FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN

CHAPTER 1: CITIZEN INVOLVEMENT

- POLICY 4. Official City meetings shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.**
- POLICY 5. Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public.**
- POLICY 6. Planning documents and background data shall be available to interested citizens.**

Citizen involvement was encouraged and facilitated during the public notice portion of the land use process. The City Council public hearing was well publicized and held at a regular time. The agenda provided the opportunity for comment both on this item and for general comment. Records of the meeting where an official action will take place will be kept at City Hall and made available on request. Documents are available to the public upon request. Policies 4 through 6 have been satisfied.

VI. CONCLUSION

The proposed application meets the requirements of City Code and the Florence Comprehensive Plan with conditions.

Exhibit B

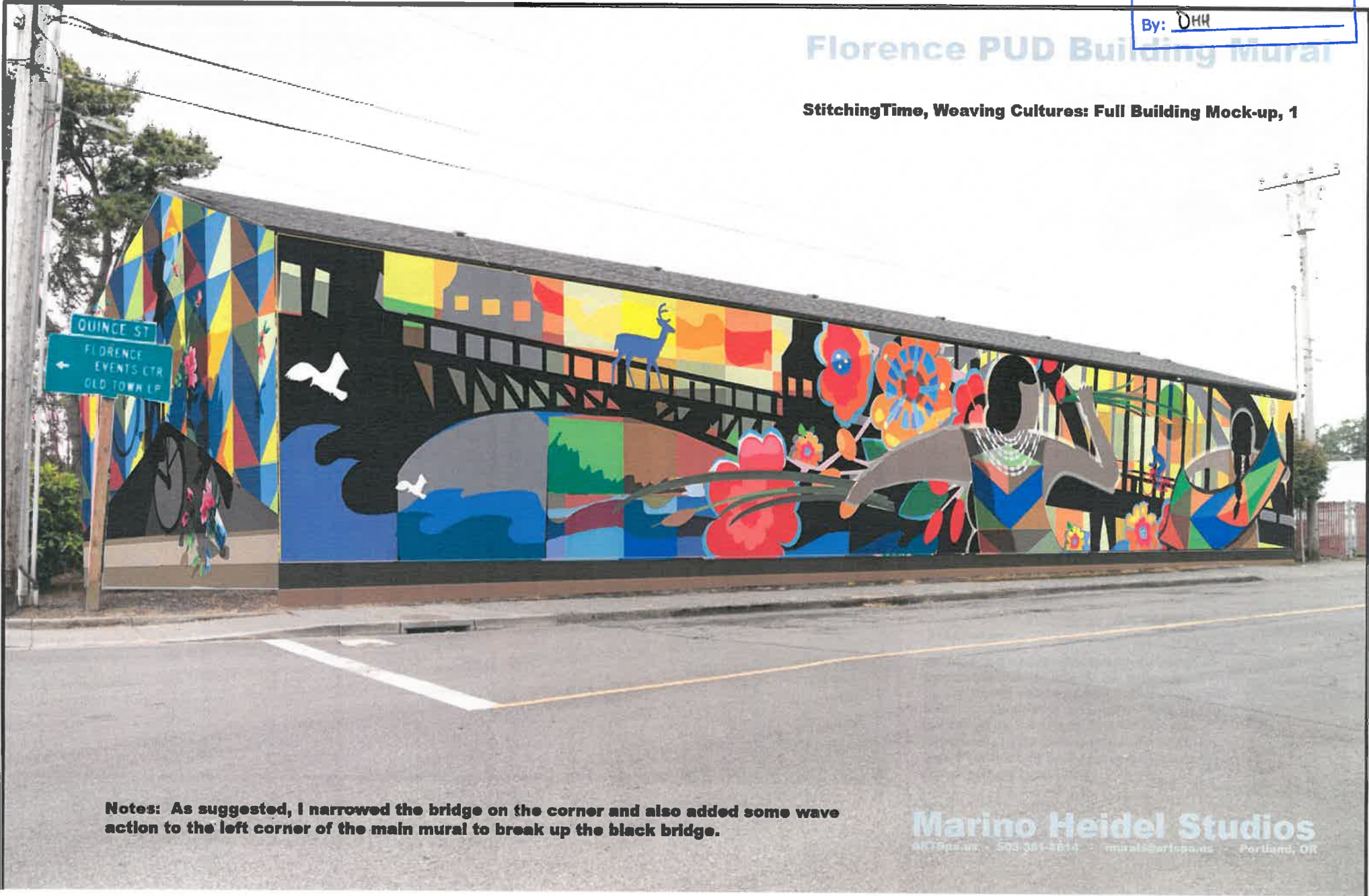
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City of Florence

MAR 5 2019

By: DHH

Florence PUD Building Mural

StitchingTime, Weaving Cultures: Full Building Mock-up, 1



Notes: As suggested, I narrowed the bridge on the corner and also added some wave action to the left corner of the main mural to break up the black bridge.

Marino Heidel Studios
4179pa.us - 503.361-4614 - murals@marino.us - Portland, OR

Stitching Time, Weaving Cultures - Version 1

Florence PUD Building Mural



Excellent for “selfies”. A person positioning themselves near the center, will appear to be amongst the falling flowers.

Marino Heidel Studios
ARTS@mh.us | 503.383.8614 | marinoheidel.com | Portland, OR

Side Mural Concept

The background is patterned after the “Chevron” style American quilt pattern, (example on right.) In this mural, the pattern represents mountains and rivers of the coast range. The Rhodies honor the Rhododendron Festival. All aspects tie into the content of the main, front mural.



Version 1:

This version weaves in and out, examining concepts of time.

The full moon rises as a shift in time between the front mural in which the sun is represented. A breeze blows through the mountains, setting flowers into a whirl. The large silhouette of the bicyclist, is consistent with the silhouettes in the main mural. Because it is a silhouette, it does not distract from the background, but becomes integrated as if a piece of the fabric.

The value of this integration continues, giving consideration of the possible movement through past, present and future.

In the forefront, the idea of a sidewalk or ledge, ties the mural immediately to the present site. The vase of flowers, tips, or has been set askew from a bicyclist or unseen pedestrian that has just passed by, creating another movement in time. A vase of flowers is a relatable image to most people.



Stitching Time, Weaving Cultures - Version 1

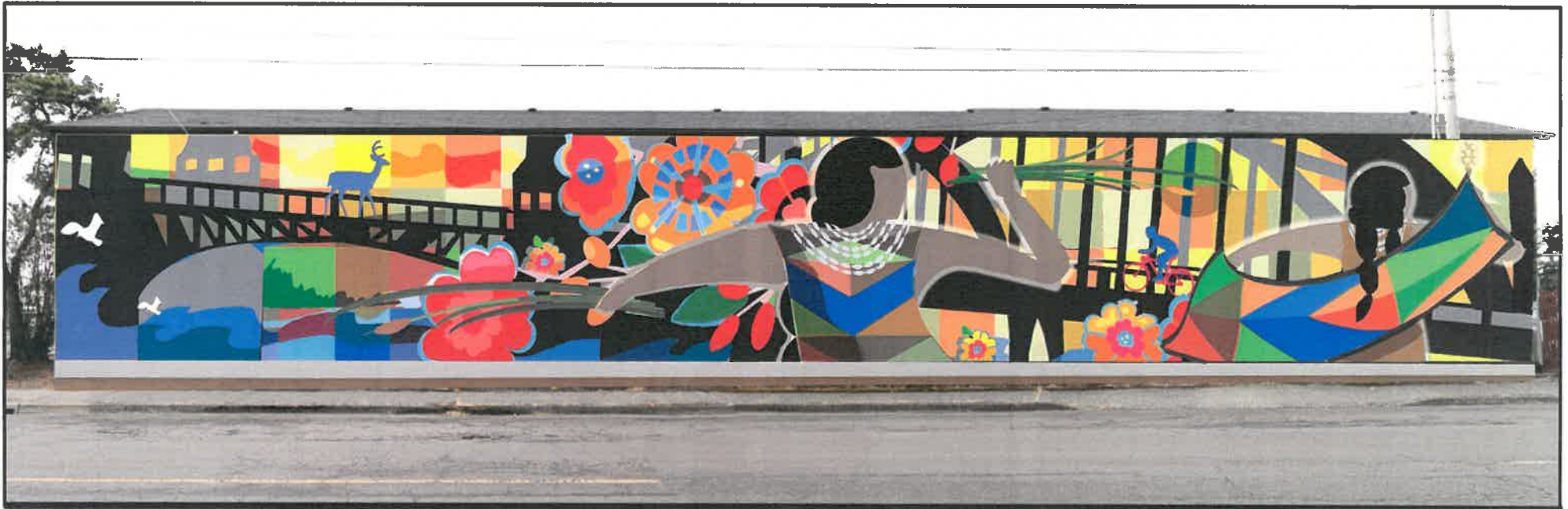
Influences

Building's Architecture
Florence Area History
Siuslaw Bridge
First People and Americana
Folk Arts of Quilting, Embroidery,
Weaving, Applique, Sewing
Ethnobotany of Coastal Oregon



Florence PUD Building Mural
conceptual drawings - digital

Marino Heidel Studios



Concept: The mural celebrates folk arts and speaks to cultural interchange. In a contemporary and original manner, this mural also stitches together ideas that represent the Florence, Oregon area. The imagery is inspired by past and present folk arts of the sewing and weaving disciplines/practices of many cultures. Native flora and fauna, such as bear grass, cattails and tanned hides, were used to create clothing, flowers and other plants were used to create dyes by many people including the Kuitsh and Siuslaw People. In the mural, materials used in making clothing are represented by the cattails the center figure carries, bear grass flower carried by the second figure and the elk on the bridge. The backdrop of the mural represents quilting squares, the large flowers - applique/embroidery. The Siuslaw Bridge gives the sense of a time line and ushers in the more contemporary culture of bicycling. The bicycling culture continues on the back mural. Additionally the mural subjects tie into the "Home Arts" exhibit at the Florence Museum.

ARTIST'S NOTES: Changes - The mural committee asked for the wave action and seagulls (left front) be added to the final schematic and that the large flowers in front be changed from white to a different color. *Jesse Beers, also suggested the white flowers be changed in color. They were changed to oranges similar in color to tiger lilies, a native plant. Jesse Beers also suggested that the fringe on the women's outfits and the long sleeves be removed and that beaded collars/necklaces be added.

*Special thanks to Jesse Beers, the Cultural Stewardship Manager, Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

Florence PUD Building Mural

conceptual drawings - digital

Stitching Time, Weaving Cultures

Marino Heidel Studios
ARTSpa.us - 503-381-8614 - marids@artspa.us - Portland, OR

February 7, 2019
3rd round

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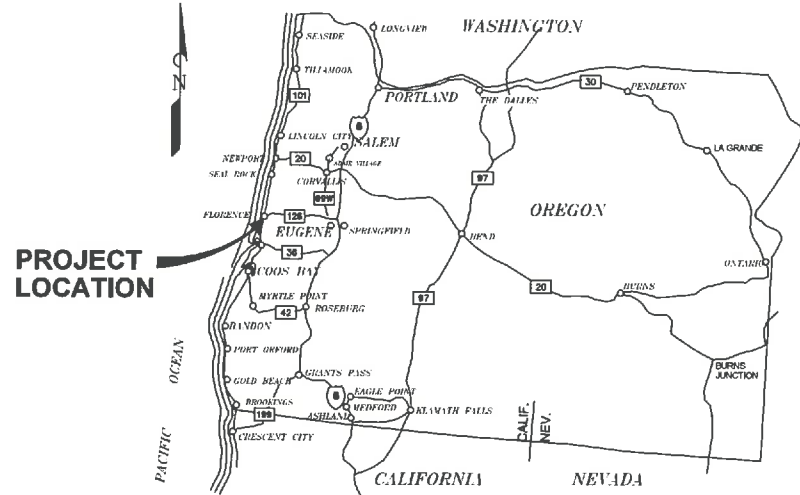
CITY OF FLORENCE

LANE COUNTY, OREGON

SIUSLAW BRIDGE STEPS ART INSTALLATION

PROJECT NO. 1503-ART
FEBRUARY 2019

PRELIMINARY



LOCATION MAP



541-266-8601
www.civilwest.com
486 E Street
Coos Bay, Oregon 97420



VICINITY MAP
NOT TO SCALE



CENTRAL LINCOLN PUD SHOP WITH PROPOSED ARTWORK

REV.	DATE	DESCRIPTION	BY

Designed By: ALF
Drawn By: ALF
Checked By: ALF
Project No: 1503-ART

CITY OF FLORENCE
LANE COUNTY, OREGON
SIUSLAW BRIDGE STEPS ART INSTALLATION
COVER SHEET

RECEIVED
City of Florence
MAR 5 2019
By: DHH

Exhibit C

DATE: 2/14/19 FILE: C:\CW_Projects\1503-Florence\1503-001-Florence-General-Service\Documents\Art-Installations (2019)\DWG\1503-ART FOR CLIPUD.dwg

DATE:2/14/19 FILE:C:\CW_Projects\1503-Florence-General-Service\Documents\Art-Installations (2019)\DWG\1503-ART FOR CLPUD.dwg



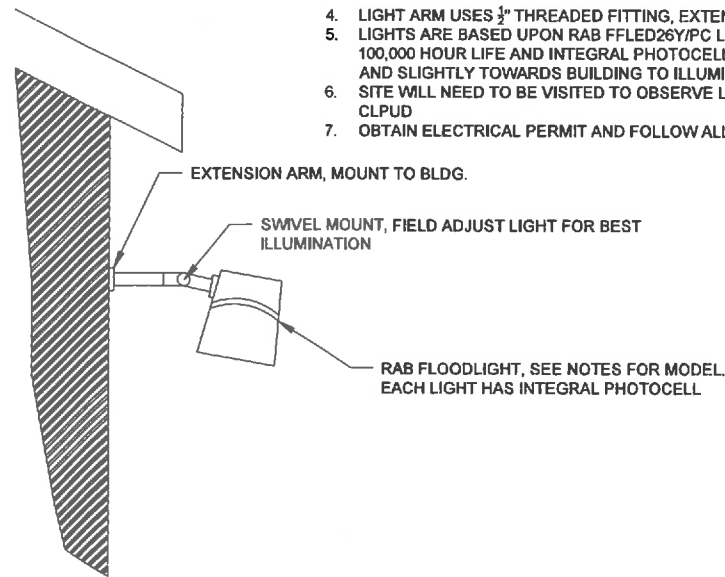
1 EAST WALL BUILDING
NOT TO SCALE



2 SOUTH WALL BUILDING
NOT TO SCALE

GENERAL NOTES

1. SET (6) LIGHT FIXTURES AND ANGLE THEM TO ILLUMINATE ARTWORK.
2. BUILDING IS OWNED BY CENTRAL LINCOLN PUD. BUILDING HAS SPARE CIRCUITS IN PANEL AND CLPUD WILL ALLOW ELECTRICIAN TO INSTALL A CIRCUIT.
3. USE PVC CONDUIT IN OUTDOOR EXPOSED AREAS, EMT IN INDOOR. HIDE CONDUIT BEHIND WALLS OR UNDER EAVES TO AVOID OBSCURING ARTWORK.
4. LIGHT ARM USES 1/2" THREADED FITTING, EXTENSION WILL NEED TO MATE. USE #12 WIRE TO FIT THROUGH 1/2" HOLE
5. LIGHTS ARE BASED UPON RAB FFLED26Y/PC LED LIGHT WITH 3000K COLOR, UNIVERSAL VOLTAGE INPUT, 26 WATTS, 100,000 HOUR LIFE AND INTEGRAL PHOTOCELL. LIGHTS HAVE ADJUSTABLE TILT, SET LIGHT TO AIM TOWARD GROUND AND SLIGHTLY TOWARDS BUILDING TO ILLUMINATE ATWORK.
6. SITE WILL NEED TO BE VISITED TO OBSERVE LOCATION OF ELECTRICAL PANEL, COORDINATE VISIT WITH CITY AND CLPUD
7. OBTAIN ELECTRICAL PERMIT AND FOLLOW ALL NEC AND OREGON ELECTRICAL SPECIALTY CODE RULES



3 LIGHT MOUNT DETAIL
NOT TO SCALE

PRELIMINARY



541-266-8601
www.civilwest.com
486 E Street
Coos Bay, Oregon 97420

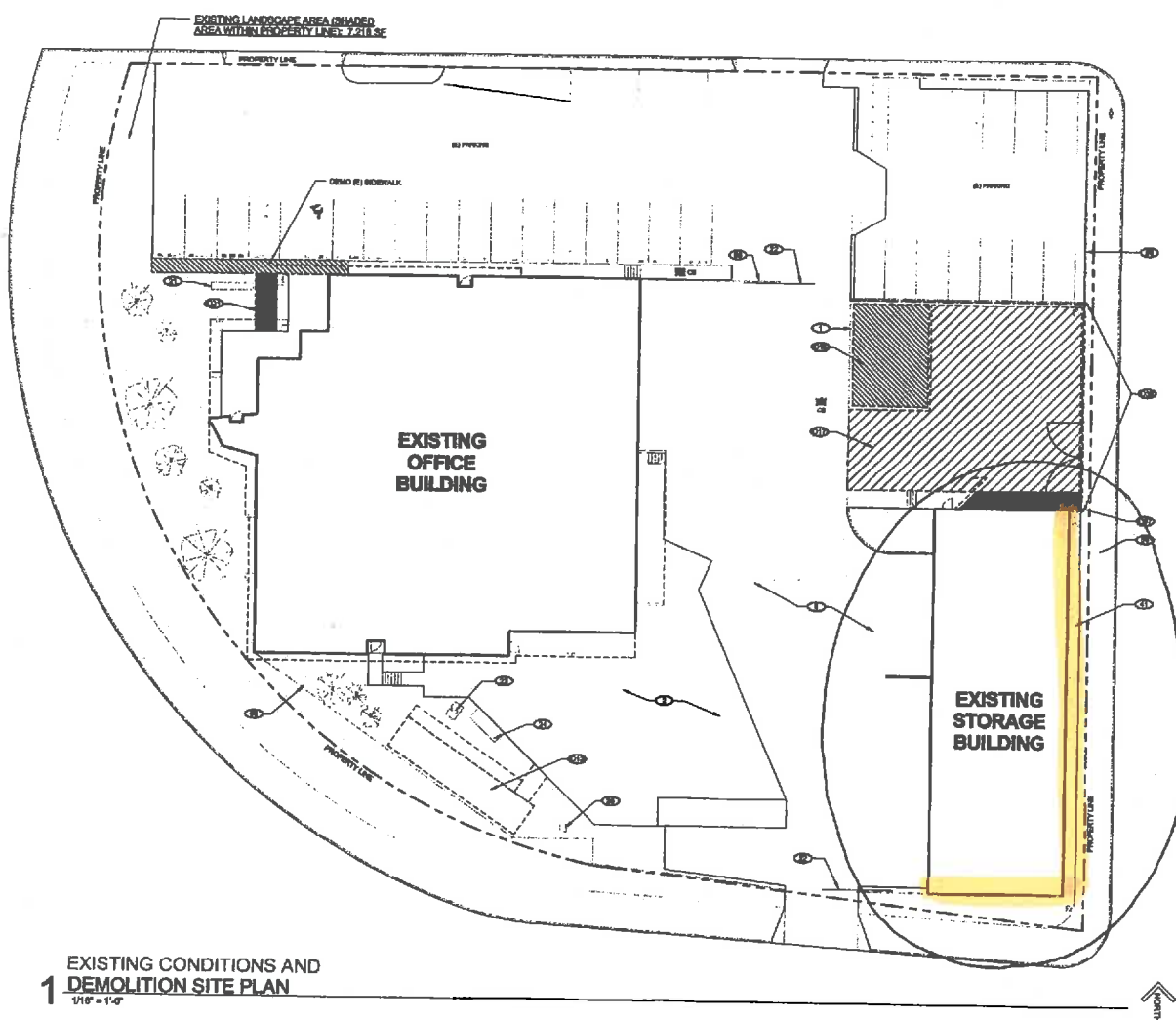
REV.	DATE	DESCRIPTION	BY

Designed By: ALF	Drawn By: ALF	Checked By: ALF
Project No: 1503-ART		

CITY OF FLORENCE
LANE COUNTY, OREGON
SIUSLAW BRIDGE STEPS ART INSTALLATION
LIGHTING PLAN

© 2017 PVOI ARCHITECTURE

PRINTED ON 3000271-10-24-2017 FROM FILE: C:\Users\Architectural\Documents\2017\03\08_Southern_Operations_Center_Remodel\DWG\17-03-08_Southern_Operations_Center_Remodel.dwg
SCALE OF 11 X 17 SHEETS IS HALF OF SCALE INDICATED



1 EXISTING CONDITIONS AND DEMOLITION SITE PLAN
1/16" = 1'-0"

GENERAL NOTES - DEMOLITION

- A. PATCH & REPAIR (E) SURFACES AFTER DEMOLITION PRESERVE AND PROTECT AREAS OUTSIDE OF SCOPE OF WORK TO MAINTAIN (E) CONDITIONS AND CONTIGUOUS SECURITY LEVELS FOR OCCUPANCY.
- B. CURBS OF ALL DISJOINED ITEMS OFF SITE (AND DO NOT ALLOW CURBS TO ACCUMULATE).
- C. WHERE (E) FLOORING IS TO REMAIN, PROTECT FROM DAMAGE.
- D. COORDINATE EXACT EXTENT OF DEMOLITION WITH DETAILS OF NEW WORK.

KEYNOTE LEGEND

- 1 (E) CURB TO REMAIN
- 2 (E) CONCRETE DOCK
- 3 (E) ASPHALT PAVING
- 21 (E) SIGN TO REMAIN
- 22 (E) GATE TO REMAIN
- 23 (E) TRANSFORMERS TO BE RELOCATED BY OWNER
- 24 (E) PROPANE TANK TO BE RELOCATED BY OWNER
- 25 (E) WATER VALVE
- 41 (E) LANDSCAPING TO REMAIN, TYP.
- 56 (E) CHAIN LINK FENCE TO REMAIN
- 59 (E) CONCRETE SIDEWALK, TYP.
- 618 REMOVE MODULAR TRAILER AND ASSOCIATED PERMITS, DECK, STAIRS, PAULS, ROOF ETC.
- D16 DEMO (E) CONCRETE PAVING AND SUB-BASE TO DEPTH REQUIRED FOR NEW PAVING & BASE.
- D17 DEMO (E) AS PAVING AND SUB-BASE TO DEPTH REQUIRED FOR NEW PAVING & BASE.
- D81 DEMO (E) LANDSCAPE AS REQUIRED FOR NEW SIDEWALK.
- D88 DEMO (E) CHAIN LINK FENCE, GATES, AND FOOTINGS
- D87 REMOVE (E) LANDSCAPING AND SOIL TO DEPTH REQUIRED FOR NEW PAVING

P.V.O.I.

PRELIMINARY
NOT FOR
CONSTRUCTION

80% DESIGN SET
CENTRAL LINCOLN PEOPLES UTILITY DISTRICT
1000 W. 11TH AVENUE, LINCOLN, NE 68502
SOUTHERN OPERATIONS CENTER REMODEL

DEMOLITION SITE
PLAN

NO.	DATE	DESCRIPTION

DESIGN REVIEW SUBMITTAL 3/9/17

RECEIVED
City of Florence
MAR 8 2019
By: DHH

D001 Exhibit C

Exhibit E

PHOTO APPENDIX: Please reach out to Sarah Moehrke if you would like more photos



East Facing Wall, 108 ft x 15.5 ft



South Facing Wall, 37 ft x 15.5 ft



View from Eastern corner of Highway 126 and Quince St.

Exhibit E

RECEIVED
City of Florence
FEB 28 2019
By: DHH



City of Florence
A City in Motion

Public Art Personal Services Contract
Marino-Heidel Studios / Florence Urban Renewal Agency

This agreement is made and entered into as of December 1, 2018, by and between the Florence Urban Renewal Agency, hereinafter called "THE Agency", and Marino-Heidel Studios, an independent artist-team, hereinafter referred to as "ARTIST." It is mutually agreed as follows:

The term of this agreement shall commence **February 1, 2019** and continue until **December 30, 2019**.
 The ARTIST's services under this agreement shall consist of the following:

Scope of Work

- Design, plan and install a mural as described in Exhibit A located on the South and East side of the Central Lincoln PUD Building at the corner of Quince Street and Highway 126 in Florence, Oregon (Tax lot: 1812263205700).
- All preparation of the wall including cleaning and priming will be completed by a licensed company and be completed and compensated by the Florence Urban Renewal Agency before work by the ARTIST can be started. All electrical work will be completed by a Licensed Electrician and completed and compensated by the Florence Urban Renewal Agency outside of this contract. All landscaping work will be completed by a licensed landscaper and completed and compensated by the Florence Urban Renewal Agency outside of this contract.
- Maintain proper communication with THE AGENCY, as appropriate.
- Secure and pay for City of Florence business license for which ARTIST is responsible for proper execution and completion of the artwork. ARTIST shall comply with all applicable laws, statutes and regulations in connection with the performance of this agreement.
- Be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the performance of the agreement.
- Keep the premises and surrounding area free from accumulation of waste materials or rubbish caused by operations under the agreement. At completion of the installation project the ARTIST shall remove from and about the Project waste materials, rubbish, the ARTIST's tools, construction equipment, machinery and surplus materials. If the ARTIST fails to clean up as provided in the contract, the Florence Urban Renewal Agency may do so, and the cost thereof shall be charged to the ARTIST.
- Erect and maintain, as required by existing conditions and performance of the agreement, required safeguards for safety and protection, including posting danger signs and other warnings against hazards, promulgating safety regulations and notifying the City of Florence and users of adjacent sites and utilities.
- Notify THE AGENCY of proposed installation timeline at least four (4) weeks in advanced of initial installation date.

- Provide the City of Florence with digital images of completed mural in a format agreed upon between THE AGENCY and ARTIST.

PAYMENT FOR SERVICES

THE AGENCY agrees to pay the ARTIST a fixed rate of \$30,000 to complete the scope of work. The ARTIST will submit a signed invoice to THE AGENCY for payment.

Payment Schedule:

Phase I: Design

Phase 1-A:

- Payment I begins the project and provides starting funds for design fees including labor, mockup materials, and printing
- An invoice describing the deliverables completed
- Artist returns signed contract and a copy of the Artist's W-9
- \$10,000 upon receipt of this phase

Phase 1-B:

- An invoice describing the deliverables completed
- Consent of Final Design by the Florence City Council and approval of a Mural Permit (FCC 10-26)
- \$10,000 upon receipt of this phase

Phase II: Construction

- An invoice describing the deliverables completed
- Installation of ARTWORK: *Stitching Time, Weaving Cultures* Completed.
- Receipt of the "Certificate of Substantial Completion" from THE AGENCY.
- Attendance and Participation in unveiling/ opening celebration at the completion of the project, as well as potential community events throughout the painting process as agreed upon by the Public Art Committee (PAC and the ARTIST)
- \$10,000 upon completion of this phase

Phase III: Post-Construction

- Participation in any marketing-related materials that the AGENCY would like to create, i.e. marketing videos and photographs, interviews with local press, etc. until the termination of this contract
- In the event that the AGENCY needs to do maintenance on the mural after construction has been completed and this contract has been terminated, the AGENCY and the ARTIST will negotiate terms outside of this contract to satisfy both parties

The ARTIST shall be solely responsible for any and all compensation of individuals providing services pursuant to this agreement, including but not limited to, federal and state withholding taxes, workers' compensation, and other fringe benefits required by law or contract.

INDEPENDENT ARTIST STATUS

- (A) The ARTIST is engaged as an independent ARTIST and is responsible for obtaining all assumed business registrations or professional occupation licenses required by state law or local government ordinances and for payment of any federal, state and local taxes and fees due on or as a result of any payments to ARTIST by THE AGENCY.
- (B) The ARTIST (and ARTIST's subcontractors and employees, if any) are not employees of the City of Florence and are not eligible for any benefits through the AGENCY, including without limitation federal

social security, health benefits, workers' compensation, unemployment compensation, and retirement benefits.

- (C) The ARTIST is free from the direction and control over the means and manner of creating the Work of Art, subject only to the right of THE AGENCY to specify the desired results.
- (D) The ARTIST or ARTIST's subcontractors will furnish the tools or equipment necessary for the creation of the artwork, not including storage space for the ARTIST's tools and equipment and a scissor lift for the entire term of the painting, which will be supplied by the AGENCY.
- (E) The AGENCY will provide lodging accommodations for the ARTIST and their assistants for a maximum of eight (8) weeks while the installation of the mural takes place in Florence, Oregon; if the installation takes longer, the lodging costs will fall to the ARTIST.
- (F) The ARTIST has the authority to hire and fire employees and subcontractors to perform work on the Work of Art; and
- (G) As specified herein, payment for ARTIST's labor or services is to be made upon completion of the performance of specific portions of the project.

The ARTIST shall hold harmless, defend, and indemnify the AGENCY, and their officers, agents, and employees against all claims, demands, actions, and suits (including all attorney fees and costs) brought against any of them arising from the ARTIST's work or any subcontractor's work under this agreement. THE AGENCY shall hold harmless, defend, and indemnify ARTIST and ARTIST's officers, agents and employees, against all claims, demands, actions and suits (including attorney fees and costs) arising from any tortious conduct by THE AGENCY.

LIABILITY INSURANCE

The ARTIST shall or shall cause its subcontractors to maintain public liability and property damage insurance that protects the ARTIST, its subcontractors, the AGENCY, and their officers, agents, and employees from any and all claims, demands, actions and suits for damage to property or personal injury, including death, arising from the ARTIST's or the subcontractor's work under this Agreement. The insurance shall provide coverage for not less than \$1,000,000 for personal injury to each person, \$1,000,000 for each occurrence, and \$1,000,000 for each occurrence involving property damages; or a single limit policy of not less than \$2,000,000 covering all claims per occurrence. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the term of the Agreement. The insurance shall be without prejudice to coverage otherwise existing and shall name as additional insureds the AGENCY and their officers, agents and employees. Notwithstanding the naming of additional insureds, the insurance shall protect each insured in the same manner as though a separate policy had been issued to each, but nothing herein shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insurer would have been liable if only one person or interest had been named as insured. The coverage must apply as to claims between insureds of the policy. The insurance shall provide that the insurance shall not terminate or be canceled without thirty (30) days written notice first being given to the City of Florence. If the insurance is canceled or terminated prior to completion of the contract, ARTIST shall provide or cause its subcontractors to provide a new policy with the same terms. ARTIST agrees to maintain or cause its subcontractors to maintain continuous uninterrupted coverage, for the duration of the contract. ARTIST shall furnish or cause its subcontractors to furnish the AGENCY with a certificate of insurance evidencing such insurance coverage promptly following a request therefore.

MODIFICATION

Any modification of the terms of this agreement, including assignment of rights or obligations, shall be in writing and signed by all parties.

TERMINATION

Either party may terminate this agreement upon thirty (30) days written notice to the other party delivered by certified mail or in person. Termination of this agreement for any cause shall be without prejudice to any obligations or liabilities of either party accrued prior to or because of such termination.

OWNERSHIP/COPYRIGHT/NON-EXCLUSIVE LICENSE/CREDITS

- (A) **OWNERSHIP.** The WORK created under this agreement shall be the property of the AGENCY.
- (B) **COPYRIGHT.** The ARTIST shall retain copyright but shall make no exact duplications to full scale of the WORK at another location. All copyright and further reproduction rights to the WORK shall remain with ARTIST.
- (C) **NON-EXCLUSIVE LICENSE.** ARTIST shall grant a non-exclusive license to THE AGENCY to copy or reproduce the WORK for all standard collection purposes including specifically (but not limited to): exhibition and collections catalogues, THE AGENCY's website, handouts, brochures, didactic labels, magazines, journals, and newspapers; to transmit or otherwise communicate a display thereof by means of any device or process (examples include but are not limited to slides, film, and television) and to authorize others to do the same, but only on the condition that all such reproductions of said WORK bear a copyright notice as prescribed by the Copyright Law of the United States. This non-exclusive license, which does not transfer ownership of copyright to THE AGENCY shall endure for the entire term of the copyright in and to said WORK (to the extent permissible under the copyright laws of the United States) and shall survive all assignments of copyright.
- (D) **CREDITS.** The ARTIST also agrees that photographic reproductions of the WORK made by ARTIST for publicity purposes shall refer to the fact that the WORK is installed on the Central Lincoln PUD Building (Tax Lot: 1812263205700), Florence, Oregon.

WAIVER OF VISUAL ARTISTS RIGHTS ACT

Artist agrees to the terms of the Artwork Easement Agreement for the WORK to be installed for the Central Lincoln PUD Building Mural located on the south and east side of the Central Lincoln PUD building at the corner of Quince Street and Highway 126 (Tax lot: 1812263205700) in Florence, Oregon, expressly waives any rights under the federal Visual Artists Rights Act that would interfere with the performance of any rights under the Artwork Easement Agreement or that are otherwise contrary to the terms of the Artwork Easement Agreement.

PROMPT PERFORMANCE

All duties to be performed hereunder shall be performed as specified or, if not specified, in a prompt and timely manner. The ARTIST agrees to use ARTIST's best efforts to complete the project.

ARBITRATION

Claims and disputes between the parties arising out of or relating to this agreement shall be decided by arbitration in accordance with the arbitration rules of the American Arbitration Association then in effect, unless the parties agree to use other arbitration rules or services. Nothing in this paragraph shall prohibit or limit the parties' rights to mediate or negotiate any dispute.

If any proceeding is instituted by a party to enforce any terms of this agreement, the prevailing party in the proceeding shall be entitled to recover its reasonable attorney fees, costs, and expenses as fixed by the

arbitrator or court, whether incurred before the institution of the proceeding, in the prosecution of defense of the proceeding, or on appeal.

This agreement shall be governed by the laws of the state of Oregon.

For Marino-Heidel Studios:

Signature Angelina Marino-Heidel Date 01-19-2019

Angelina, Marino-Heidel, Marino-Heidel Studios
7331 SW Barbur Blvd. Portland, OR 97219
503-381-8614 | Angelina@artspa.us

For the Florence Urban Renewal Agency:

Signature ER Reynolds Date 2/6/2019

Erin Reynolds, City Manager
250 Highway 101, Florence, Oregon 97439
541-997-3437 | Sarah.Moehrke@ci.Florence.or.us

CONTACT PARTIES:

Sarah Moehrke, Community and Economic Development Assistant
541-997-3437 | Sarah.Moehrke@ci.Florence.or.us

Kelli Weese, City Recorder / Economic Development Coordinator
541-997-3437 | Kelli.Weese@ci.florence.or.us

Exhibit A
Central Lincoln PUD Mural
Site Photos

Below are photos of the installation site for the mural for the Central Lincoln PUD Building located at the corner of Highway 126 and Quince Street (Tax lot: 1812263205700) in Florence, Oregon.

It is understood the ARTIST will make every effort to create the WORK in the spirit of the design, but that the necessity for continuous refinement and development may alter the final rendering. The ARTIST therefore, with the approval of THE AGENCY, which approval shall not be unreasonably withheld, may make necessary design modifications as the WORK progresses so long as general concept and materials remain the same.



East Facing Wall, 108 ft x 15.5 ft



South Facing Wall, 37 ft x 15.5 ft

**INTERGOVERNMENTAL AGREEMENT FOR A PUBLIC ART INSTALLATION IN
THE CITY OF FLORENCE, OREGON**

This Intergovernmental Agreement is between the Central Lincoln People's Utility District ('District', property owner) and the City of Florence ('City').

I. RECITALS

- A. The City has adopted a process for the placement of public art in and on public and private locations throughout the City of Florence.
- B. District owns the property legally described in Exhibit A (attached hereto and incorporated herein) and is willing to make said property available to the City for placement of a mural and subsequent landscaping and lighting as appropriate.

II. AGREEMENT

Mural will be the property of the City of Florence public art collection and may be removed or terminated by either party per this agreement. The above recitals are incorporated into and made a part of this Agreement. In consideration of the recitals set out above, Agency and City agree as follows:

- A. Grant of Easement: District conveys, grants and warrants to the City, its successors and assigns, an easement for the purpose of installing, maintaining, operating and exhibiting a Mural on the real property described in Exhibit A, including removal and replacement of vegetation in front of wall described in Exhibit A. City agrees to maintain any vegetation it installs adjacent to mural.
- B. Approval Process: The Mural design shall be approved by the City of Florence's Public Art Committee per the Public Art Guidelines adopted by the Florence City Council. Prior to final approval of mural design, the Public Art Committee shall appoint a mural selection committee for the project, of which at least one representative from District will be encouraged to participate. The mural selection committee will then make a design recommendation to the Public Art Committee for final approval.
- C. Term of Intergovernmental Agreement: This easement shall be for a period of ten (10) years from the date of execution. Unless terminated as provided in section D or extended by mutual agreement.



D. Termination:

1. At any point during the term of the agreement, or during any extension of this agreement, the easement may be terminated by either of the parties. Notification of request to terminate the agreement must be submitted in writing to the other party. Such notice shall list one or more of the following reasons
 - a. Qualified reasons for early termination: Prior to the termination of the ten-year easement period, the easement may be terminated by either party for the following reasons:
 - (1) The property is sold and the buyer requires removal of the easement as a condition of the purchase and sale; or
 - (2) The property is to be substantially remodeled or altered in a way that precludes continued maintenance of the mural; or
 - (3) The mural has not been adequately maintained, or cannot continue to be adequately maintained, per Section F below.
 - (4) Circumstances have materially changed and the continued existence of the easement or maintenance of the mural substantially impedes reasonable use and enjoyment of the property.
 - (5) The mural places the District in a negative light, the determination of which is solely in the District's discretion. If the district determines the mural places the district in a negative light, the City has 30 days to perform the necessary maintenance to remedy the District's concerns to the District's satisfaction.
2. Immediate Termination Due to Damage and/or Safety Concerns: The City may remove the mural immediately from the property if in the judgement of the City, the mural is, or is being, excessively damaged, or is found to represent a danger to the health/safety of the public. Such determination may be made by the City Manager in consultation with the Public Art Committee Chairperson. In event the mural is to be removed due to damage, the City shall notify the District as soon as possible of the intended removal date / times. Upon removal and restoration of the property, this Agreement will be terminated.

- E. **Mural Removal:** District and City expressly agree and warrant that upon termination, the mural shall be removed at the City's expense and property restored to its prior condition, as shown in Exhibit A, or as agreed upon between the City and District at time of removal. Such removal shall occur within 75 days of the termination of the easement, unless this period is extended in writing by the District. Upon termination of the agreement, all property maintenance, including landscaping, shall revert to the District.
- F. **Mural Maintenance:** The City is responsible for the maintenance and if necessary repair of the Mural and surrounding landscaping and lighting as indicated in Exhibit A, during the term of the easement. Such maintenance shall adhere to the requirements of the Public Art Guidelines as adopted by the Florence City Council.
- G. **Right of Effect:** The City shall have the right to access the property described in Exhibit A for any and all of the purposes described in this agreement.
- H. **Binding Effect:** The easement granted in this agreement shall run with the land and be binding upon inure to the benefit of the District and the City, and their respective successors or assigns, and any person or entity acquiring any right, title, or interest in the property. At City's discretion and at City's expense, City may record this agreement, or a memorandum of this agreement, in the real property records for Lane County.
- I. **Contractual Relationship Assignment:** This agreement does not constitute either party as the agent or legal representative of the other for any purpose whatsoever. The parties are not granted any express or implied right or authority to assume or create any obligation or responsibility on behalf of the other or to bind the other in any manner whatsoever. The parties shall not assign this agreement without the prior consent of the other.
- J. **Notice:** Notice shall be made in writing to the following addresses, unless otherwise provided for:

City:
Florence City Hall
Attn: City Manager
250 Highway 101
Florence, OR 97439

District:
Central Lincoln People's Utility District
Attn: General Manager
2129 N. Coast Highway
Newport, OR 97365

- K. Amendments: The parties expressly reserve the right to modify this agreement, from time to time, by mutual agreement. No modification or amendment of the provisions of this agreement shall be effective unless in writing and signed by authorized representatives of the parties.
- L. Remedies: The rights under this agreement are cumulative. The failure to exercise on any occasion any right shall not operate to forfeit the right on another occasion. The use of one remedy shall not be taken to exclude or waive the right to use another. Nothing herein prohibits the district to act in any manner it deems necessary to protect its property, the safety of its employees, customers and the public, and its good will and reputation.
- M. Invalidity of Particular Provisions: Should any term, provision, condition or other portion of this agreement or the application thereof be held to be inoperative, invalid or unenforceable, the remainder of this agreement or the application of the term or provision to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby and shall continue in full force and effect.
- N. No Waiver: No waiver of full performance by any party shall be construed, or operate, as a waiver of any subsequent default or breach of any of the terms, covenants or conditions of this agreement.
- O. This Agreement shall become effective upon the date the Agreement is executed by both parties.

Central Lincoln People's Utility District

City of Florence

By: _____
 Title: Director _____
 Date: 4/10/18 _____

By: _____
 Erin Reynolds
 City Manager
 Title _____
 Date: April 17, 2018 _____

**Intergovernmental Agreement for Public Art Installation in the City of Florence Oregon
Exhibit A**

Property Description

Map & Tax Lot #: 18-12-26-32-05700

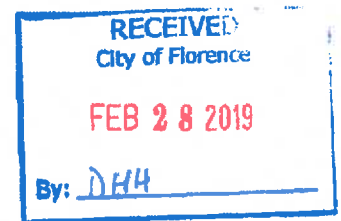
Property Owner:

Central Lincoln PUD
P.O. Box 1126
Newport, OR 97365

Location Map:



Property Description: Eastern and southern walls of Central Lincoln PUD utility and storage structure located at the northwest corner of the intersection of Hwy 126 and Quince Street (see property map and property view images).

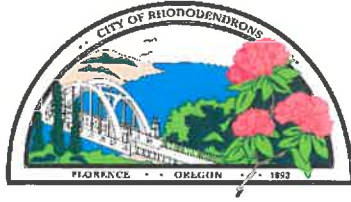


Property View: Quince Street facing West



Property View: Hwy 126 facing North





City of Florence Central Lincoln PUD Mural Maintenance Plan

Primer:

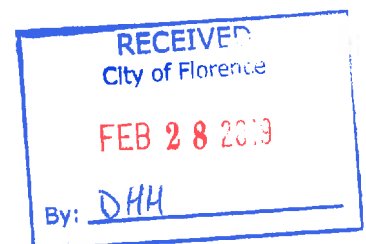
The artist intends to use **Krill Primer Sealer from Miller Paints** to prime the wall before painting it. The primer will be applied 2-3 times before the artist starts painting the design.

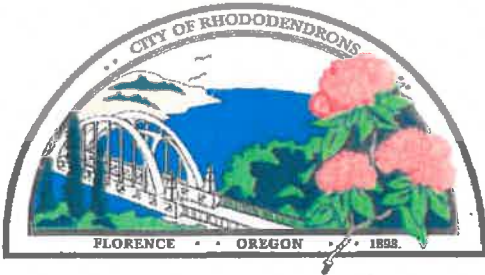
Anti-Graffiti and Weather-Resistant Coating:

The mural will be coated with an anti-graffiti coating. It will be applied three separate times which warrants the project for 10 years. In 10 years, the project will be reassessed and recoated if agreed upon. The artist has recommended **TSW Acryli-Master Graffiti Resistant Coating** for anti-graffiti coating. This coating, if applied two or three times, will also act as a UV and Weather-proofing coating.

Art Inventory and Maintenance Planning Subcommittee:

The Public Art Committee also has a functioning Art Inventory and Maintenance Planning Subcommittee that will be in charge of the long-term maintenance of the mural. The good working relationship with the PUD that the committee has formed will also help foster the long-term viability of the mural.





City of Florence
Community Development Department
250 Highway 101
Florence, OR 97439
Phone: (541) 997 - 8237
Fax: (541) 997 - 4109
www.ci.florence.or.us

Type of Request

THIS SECTION FOR OFFICE USE ONLY

Type I Type II Type III Type IV

Proposal: CC 19 03 MUR 01 - CLPUD Mural

Applicant Information

Name: Public Art Committee Phone 1: [Redacted]

E-mail Address: [Redacted] Phone 2: _____

Address: 250 Hwy 101, Florence, OR 97439

Signature: [Redacted] Date: 2/28/19

Applicant's Representative (if any): Erin Reynolds, City Manager, City of Florence

Property Owner Information

Name: Central Lincoln PUD Phone 1: [Redacted]

E-mail Address: [Redacted] Phone 2: _____

Address: 966 HWY 101, Florence, OR 97439

Signature: [Redacted] Date: 2/27/19

Applicant's Representative (if any): Mark Freeman, Director of Employee, Customer, and Community Services, Central Lincoln PUD

NOTE: If applicant and property owner are not the same individual, a signed letter of authorization from the property owner which allows the applicant to act as the agent for the property owner must be submitted to the City along with this application. The property owner agrees to allow the Planning Staff and the Planning Commission onto the property. Please inform Planning Staff if prior notification or special arrangements are necessary.

For Office Use Only:

Received
RECEIVED
City of Florence
March 5, 2019
By: DHH

Approved

Exhibit

Exhibit I

Property Description

Site Address: 966 Hwy 101, Florence, OR 97439

General Description: Storage Building in back SE corner of the property, at the corner of Highway 126 and Quince St.

Assessor's Map No.: 18 - 12 - 26 - 32 Tax lot(s): 005700

Zoning District: Main Street A

Conditions & land uses within 300 feet of the proposed site that is one-acre or larger and within 100 feet of the site that is less than an acre OR add this information to the off-site conditions map

(FCC 10-1-1-4-B-3): _____

Project Description

Square feet of new: 0 Square feet of existing: 0

Hours of operation: 9-5 Existing parking spaces: 0

Is any project phasing anticipated? (Check One): Yes No

Timetable of proposed improvements: 4/28/2019 - 6/16/2019

Will there be impacts such as noise, dust, or outdoor storage? Yes No

If yes, please describe: The artists will most likely have some outdoor storage, we are hoping that we will coordinate to keep it within the gates of the PUD.

Proposal: (Describe the project in detail, what is being proposed, size, objectives, and what is desired by the project. Attach additional sheets as necessary)

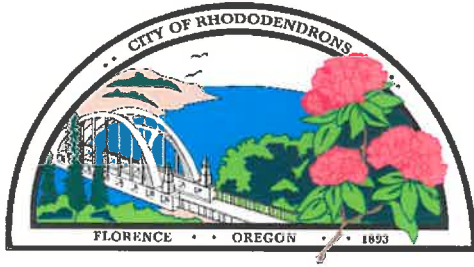
PAC has hired an artist-team out of Portland to come and paint a mural on the South and East side of the PUD shop building. The eastside of the mural will be 108 ft x 15.5 ft and the south side of the mural will be 37 ft by 15.5 ft. The proposed mural design is attached.

For Office Use Only:

Date Submitted: 3/5/2019 Fee: _____

Received by: DHH

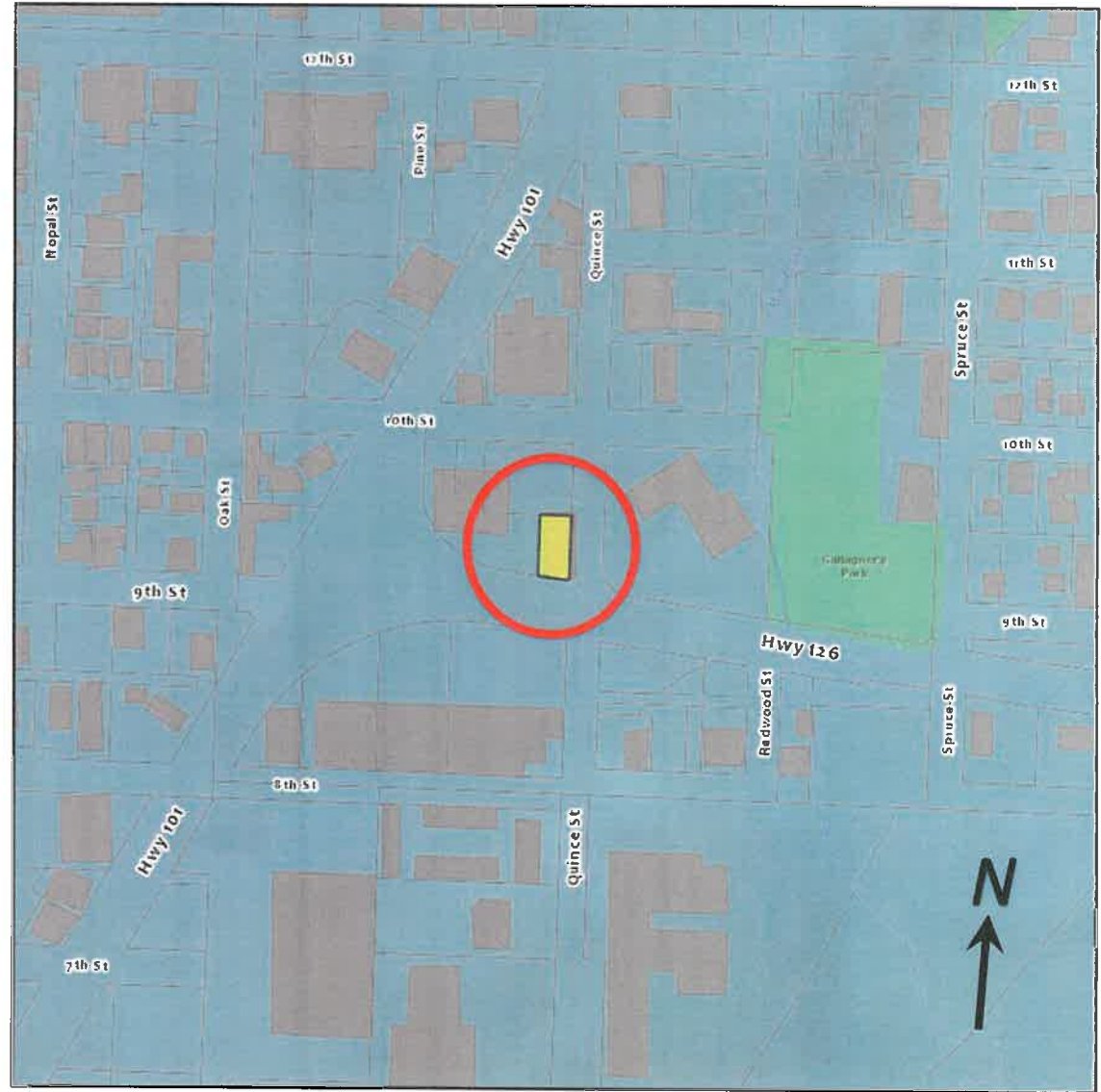
Paid



City of Florence
Public Art Committee

Central Lincoln PUD Mural

"Stitching Time, Weaving Cultures"
By Marino-Heidel Studios
2019



RECEIVED
City of Florence
FEB 28 2019
By: DHH



City of Florence
Oregon

PUD Building Mural Art Installation

PUD Building Mural

City of Florence
Public Art
ATTN: Kelli Weese
120 Highway 101
Florence, Oregon 97439

Contact Email: kelli.weese@ci.florence.or.us

Call Type: Public Art

Eligibility: Unspecified

State: Oregon

Entry Deadline: 9/7/18

Application Closed

REQUIREMENTS:

Media **Images:**20

City of Florence

Oregon

Call To Artists

PUD Building Mural

Art Installation

Introduction

The City of Florence and The City's Public Art Committee (PAC) are pleased to announce plans to create and install several high impact art projects. The PAC believes that these projects will generate community pride and connectivity, provide artist a creative outlet with high visibility, and benefit citizens with quality and meaningful public art while encouraging economic development and tourism.

The next project scheduled by the PAC is a large building mural. This call, however, is a two step process: stage one involves the artist submitting a portfolio of their work (large scale murals or other relevant installations). Upon review, PAC will select up to three artists. Then award those artist a stipend of \$750.00 to then submit 1-3 sketch/rendering of what they propose for the site. Then another review and selection process will convene to make a final selection.

Background

By creating public art, the Florence community can reap esthetic benefits, create conversations, introduce world class artists & join together to create a buzz. A city with a clear aesthetic vision attracts eco tourists, economic development & growth. The Oregon Coast is not only known for its natural beauty, now for the art that it inspires! The PAC's mission is to make everyday a celebration of the arts in Florence....and inspire all that witness.

The building mural will be located at the back of Central Lincoln PUD building located at the corner of Highway 126 and Quince Street and is the western gateway from Eugene in the valley to the Florence community on the coast. Across the street, there will be two vertical, Gateway monuments inviting traffic into the Historic Old Town District., which are part of a larger construction project that will change the entire Highway 126 corridor into Highway 101 and south to the Siuslaw Bridge. These aesthetic changes will be combination of widening sidewalks, burying utility lines and beautification enhancements including landscaping, public art and outdoor gathering plazas. The location of this mural is illustrated in various perspectives in the attached PDF or [higher quality site plan PDF](#). PAC's interest is to find an artist whose work is exciting, unique and creative. The entire eastern wall, 125 feet by 17 feet, is a smooth cement neutral colored surface with one two inch wide channel running the width of the building, two feet from the top. There are also various vertical lines, not as deep, approximately two inches wide ([see page 6 in pdf](#)). PAC will be responsible for preparing the surface accordingly as per the artist's needs. All the landscaping seen in the pictures will be removed and the artist may suggest what landscaping feel may be appropriate, selecting from our code approved indigenous plants. The artist may also recommend lighting. *The site plan uploaded in Cafe has lower quality images. If you need a higher quality image PDF see this <LINK: bit.ly/PUDMuralSiteInfo>.*

PAC's mission is to create art that is exciting, engaging, what we call the "wow factor." The art is not limited to the area or it's history. We are looking for an artist whose work could be at home anywhere in the world, not just the Oregon Coast.

Reasons to Apply & Participate

- Showcase your talent in a high visibility location
- Unique opportunity for creative expression
- Work with an art friendly community
- Media attention throughout the region and beyond
- Artist recognition
- Beautify everyday objects

General Application Process

- Application Submission via CallForEntry.org
- Artists must create a profile to apply for this call
- For more information on CallforEntry.org and creating a profile: callforentry.org/faq.phtml
- Progress of your application can be seen when logged into your profile
- Finalists will be selected by the City of Florence Public Art Committee and community panelists

Eligibility

- Artist must have Mural experience and submit a portfolio for review (1stage)
- All artists, over 18 years old are eligible
- Entries must be the original design and artwork of the entrant and suitable for viewing by all ages (see design guidelines)

Design Guidelines for Submission

- Designs should include the sidewalls, landscaping and lighting
- Art should be visible from a distance, and be engaging from multiple angles and perspectives
- Submitted artwork should exhibit excellent craftsmanship and show experience working with a natural landscape
- Artists should consider the longevity and maintenance of their designs as this is a long-term installation in an outdoor location exposed to the Coastal elements
- Submission must accurately represent the final design
- Designs must not include any breach of intellectual property, trademarks, brands, business names, corporate or organizational branding
- Designs must not include religious references, symbols or numbers, political or copyrighted material
- Selected artist/s must be willing to work with the PAC to adjust design, if necessary

Important Details

This area may or may not be lit at night, incorporating solar lighting or other alternative lighting is encouraged

Things to Consider

- The wall will be cleaned before the artist begins work
- The City will coordinate with the selected artist to schedule appropriate cleaning and start dates

- Artist will need to cover over functional areas (masking)
- PAC will prepare site and surface
- Drop cloths should be used at all times while painting
- City will coordinate the passage for pedestrians and show alternative routes when closed for work
- Blocking traffic or lanes of the street may be permitted when necessary. Depending on scope of project, a few parking spots may be blocked for specific use for this project
- Project completion date/s depend on type and scope of work being done, materials used, and community involvement
- Storage shed, dry locked for storage of materials, may be provided if needed
- The City and PAC will be promoting the project. Artist is expected to help and document their process
- The Artist is expected to participate in an unveiling/opening celebration/ribbon cutting at the completion of the project
- This activity will generate attention in the community and the artist should be comfortable engaging with the public during installation, if it does not unduly distract from the work or cause significant delays
- Work plans that include an element of community participation are preferred
- The selected Artist is required to furnish the city with a comprehensive plan for the long-term maintenance of their artwork

Budget

The artists is guaranteed a minimum fee of \$30,000. Installation, Landscaping, Lighting, Maintenance, Permitting, etc. will be covered separately by the PAC.

Deadline

- This call to artists will run from August 6, 2018 through September 7, 2018 - Applications close at 11:59 PM in Mountain Time Zone (Denver, CO, USA) on deadline date.
- Anticipated announcement of the selected artist(s) will be September 17 at the scheduled PAC meeting
- Anticipated installation to be completed by early Summer 2019

Evaluation Criteria

1. Demonstrates Excellence
 1. Exciting design concepts
 2. Creativity and innovation
 3. Good use of materials
 4. Visually compelling
 5. Innovative use of physical space
2. Meets Project Goals
 1. Compliments PAC vision; WOW factor!
 2. Includes a community "hands-on" activity during installation
 3. Has a realistic timeline and work plan
3. Artist Qualifications
 1. History of creative, successful large mural projects
 2. Experience meeting timelines and budgets
 3. Ability to work with community and PAC
4. Application Process
 1. Follows instructions carefully
 2. Completes all application requirements

Appendix/Artist Resources

- [City of Florence City Website](#)
- [City of Florence Public Art Committee](#)
- [City of Florence Safety Code](#)
- [Higher Quality Images for Site Plan in PDF Format](#)

LANDSCAPE ADDITION
 CENTRAL LINCOLN PUD / FLORENCE
 DESIGN BY LEA WALTER-SEDLACK
 LAUREL BAY GARDENS 10006710 5/21/2012

PLANT KEY

TREES

4	AP	5-6'	AUSTRIAN PINE
5	AP	3-4'	AUSTRIAN PINE
3	VM	10G	VINE MAPLE
1	AR	5G	ARBUTUS STRAWBERRY TREES

SHRUBS

7	DW	2G	RED TWIG DOGWOOD
13	ESC	3G	ESCALLONIA PINK PRINCESS
21	EH	2G	EVERGREEN HUCKLEBERRY
6	RH	2/3G	RHODODENDRON SP
2	CT	3G	COTONEASTER AMICULATUS
1	OS	3G	OSMANTHUS DELAVAYI
2	MP	2G	MUGHO PINE

PERENNIALS/GROUND COVER

3	MIS	1G	MISCANTHUS 'LITTLE LITEN'
4	SE	4"	CAREX
12	SED	4"	SEDUM VAR
38	COT	4"	COTONFASTER DAMMERI
40	KI	4"	KINNIKINACK VAR.
25	FR	4"	FRAGARIA WILD STRAWBERRY

SPECIFICATIONS

- ALL PLANTS INSTALLED WITH TOPSOIL/COMPOST BLEND
- 5-6 BOULDERS ADDED IN MODULE AREA TO RETAIN SLOPE
- NATIVE AREA ON PUD + ODOT AREA OUTSIDE OF FENCE CLEANED UP & WEEDED
- NEW PLANTINGS ADDED TO EXISTING DRIP SYSTEM
- LARGE TREES STAKED
- DISTURBED AREAS COVERED WITH MULCH UPON COMPLETION



RECEIVED
 MAY 29 2012
 By [Signature]

CC 19 03 MUR 01

Central Lincoln PUD Mural

REFERRALS



2129 N. Coast Hwy • P.O. Box 1126 • Newport, Oregon 97365-0090 • 877-265-3211 • clpud.org

March 19, 2019

To Florence City Council,

I write on behalf of Central Lincoln People's Utility District (PUD) in support of the City of Florence's Public Art Committee's (PAC) application for a mural permit, as required by Florence City Code 10.26. We strongly support the application and hope to see the project move forward swiftly.

Since 2017, the Florence Public Art Committee and Central Lincoln PUD have been working together to install a mural at the corner of Quince Street and Highway 126. After signing the Intergovernmental Agreement in April of 2018, the Public Art Committee has been communicative and has included the PUD in as many steps as possible, including presenting to the Board of Directors on the project, inviting PUD staff to PAC meetings and including staff in the decision-making process.

Central Lincoln's Board unanimously approved the mural and is excited to see it happen. We are very pleased we are able to participate in creating a creative and impactful welcome for visitors to Florence.

Thank you,

A handwritten signature in black ink, appearing to read "Mark Freeman".

Mark Freeman
Director of Employee, Customer & Community Services
Central Lincoln PUD

From: [Freeman, Mark](#)
To: [planningdepartment](#)
Cc: [Sarah Moehrke](#)
Subject: Central Lincoln PUD Mural Support Memo
Date: Tuesday, March 19, 2019 3:54:06 PM
Attachments: [Central Lincoln PUD Mural Support Memo.pdf](#)

Hello,

Please find attached a memo from Central Lincoln in support of the permit for the mural on our building. Thanks.

Mark



From: [LUND Deborah R](#)
To: [Vevie McPherrren](#)
Cc: [HENDRICKSON Jill M](#); [JOYCE Amy B](#)
Subject: FW: Referral - Central Lincoln PUD Mural - CC 19 03 MUR 01
Date: Monday, March 18, 2019 9:00:36 AM
Attachments: [PC 19 03 MUR 01 - NOH.pdf](#)
[377.710 Definitions.doc](#)
[377.715 - Basics & Not in ROW.doc](#)
[377.720 - Prohibited.doc](#)
[734-059-0030 Compensation.doc](#)

Good morning Vevie,

I am responding to the email you sent to Amy Joyce regarding the proposed mural at 966 Highway 101.

First let me thank you for providing ODOT with the opportunity to respond prior to the scheduled public hearing.

Based on the attached information this type of mural would be “exempt” from permitting requirements through the state provided there is “no compensation exchanged” for the right to place the mural at this location. It appears the mural will be visible to Hwy OR 126 primarily with partial visibility to Hwy 101. Since both sides will be visible to state highways, both sides will need to comply with the requirements mentioned below.

377.710 Definitions for ORS 377.700 to 377.840; rules.

(30)(a) “Sign” means any sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public.

Secondly, all signs including murals, regardless of whether permitted or not must still comply with safety regulations. For example, the mural could not contain anything that would resemble an official traffic control device such as directional arrows that would attempt to direct the flow of traffic. Additionally, if there will be lighting associated with the mural, it will need to be placed in such a way as it does not impact the motoring public.



I am including a brief overview of the outdoor advertising sign program for you records, along with statute and rule. It is a lot of information, and should you have any additional questions, please feel free to reach out with questions at any time.

THE OUTDOOR ADVERTISING CONTROL PROGRAM

President Lyndon B. Johnson signed the **Highway Beautification Act, Public Law 89-285, on October 22, 1965.**

The first section of the law sets forth the **basic program objectives:**

"The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty."

The law **mandated State compliance** and the development of standards for certain signs as well as the removal of nonconforming signs. Expedient removal of illegal signs was required by Federal regulations.

While the States are not forced directly to control signs, failure to impose the required controls could result in a substantial penalty.

The penalty for noncompliance with the Act is a **10 percent reduction of the State's annual Federal-aid highway apportionment**

ODOT through the Outdoor Advertising Sign program and district offices is required to maintain effective control of all Outdoor Advertising Signs mandated by the Federal and State agreement through legislative control. I have included by attachment the official Oregon Revised Statute and Oregon Administrative Rule information which speaks to the legality of the state to operate and maintain the safety requirements of signage visible to a state highway which will provide additional clarification.

For the above reasons, all signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons. These include no moving or rotating parts or lights, they cannot resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed **to be on** or to overhang the **state right of way**.

All signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons.

These include no moving or rotating parts or lights, they cannot resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed to be on or to overhang the state right of way.

To determine if a sign is considered an outdoor advertising sign, which would be heavily regulated and require a state sign permit, we look at **two things**:

- 1. Location**-signs not at the site of some type of business or activity that is open to the general public
- 2. Compensation**- If compensation is exchanged for either ad copy or for the right to place the sign at its location. If either of these criteria is met the sign is an outdoor advertising sign and requires a state sign permit.

If the sign will be at a business and no compensation is being exchanged for the message(s) or the right to place the sign, it is not an outdoor advertising sign and does not require a permit through our office, but the sign must still comply with all safety regulations and the prohibitions for the State.

Digital and LED signs may not flash, rotate, fade, scroll, simulate movement, or having moving parts. Sign messages must come all on and go all off at one time and must hold for at least 2 second. The lighting from signs may not be at levels that impedes the sight of motorists and may not project any light directly onto any portion of the state highway.

They may not direct, or appear to direct the movement of traffic. Signs may not obstruct the view of traffic control signs or devices or approaching or merging traffic.

The statutes and rules that regulate safety and prohibited signs are attached to this message, for your reference. They are ORS 377.715 and 377.720. Additionally, Oregon Administrative Rule (OAR) 734-060-0190 give requirements for new digital or LED signs, other than Outdoor Advertising Signs, that are visible to state highways.

http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors377.html

The Oregon Administrative Rules for the program are on the Oregon Secretary State's webpage, and can be found at the following site:

http://arcweb.sos.state.or.us/pages/rules/oars_700/oar_734/734_tofc.html

And, the Outdoor Advertising Sign Program website is at:

<http://www.oregon.gov/ODOT/HWY/SIGNPROGRAM/pages/index.aspx>

Kindly,

Debbie Lund

Oregon Department of Transportation

Outdoor Advertising Sign Program

Technical Leadership Center

4040 Fairview Industrial Drive SE MS-2 | Salem, OR 97302

Voice: **503.986.3656** | Fax: **503.986.3625**

Web: <http://www.oregon.gov/ODOT/ROW/Pages/Sign-Resources.aspx>

This message is intended only for the individual(s) named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.

377.710 Definitions for ORS 377.700 to 377.840; rules. As used in ORS 377.700 to 377.840 unless the context otherwise requires:

(1) “Back-to-back sign” means a sign with multiple display surfaces mounted on a single structure with display surfaces visible to traffic from opposite directions of travel.

(2) “Commercial or industrial zone” means an area, adjacent to a state highway, that is zoned for commercial or industrial use by or under state statute or local ordinance.

(3) “Council” means the Travel Information Council created by ORS 377.835.

(4) “Cutout” means every type of display in the form of letters, figures, characters or other representations in cutout or irregular form attached to and superimposed upon a sign.

(5) “Department” means the Department of Transportation.

(6) “Digital billboard” means an outdoor advertising sign that is static and changes messages by any electronic process or remote control, provided that the change from one message to another message is no more frequent than once every eight seconds and the actual change process is accomplished in two seconds or less.

(7) “Director” means the Director of Transportation.

(8) “Display surface” means the area of a sign available for the purpose of displaying a message.

(9) “Double-faced sign” means a sign with multiple display surfaces with two or more separate and different messages visible to traffic from one direction of travel.

(10) “Erect” means to construct, build, assemble, place, affix, attach, create, paint, draw or in any way bring into being or establish.

(11) “Federal-aid primary system” or “primary highway” means the federal-aid primary system in existence on June 1, 1991, and any highway that is on the National Highway System.

(12) “Freeway” means a divided arterial highway with four or more lanes available for through traffic with full control of access and grade separation at intersections.

(13) “Governmental unit” means the federal government, the state, or a city, county or other political subdivision or an agency thereof.

(14) “Interstate highway” or “interstate system” means every state highway that is a part of the National System of Interstate and Defense Highways established pursuant to section 103(c), title 23, United States Code.

(15) “Logo” means a symbol or design used by a business as a means of identification of its products or services.

(16) “Logo sign” means a sign located on highway right of way on which logos for gas, food, lodging and camping are mounted.

(17) “Maintain” includes painting, changing messages on display surfaces, adding or removing a cutout or display surface of the same dimensions, replacing lights or the catwalk, making routine repairs necessary to keep the sign in a neat, clean, attractive and safe condition, and allowing the sign to exist.

(18) “Main traveled way” means the through traffic lanes, exclusive of frontage roads, auxiliary lanes and ramps.

(19) “Motorist informational sign” means a sign erected in a safety rest area, scenic overlook or sign plaza and maintained under the authority of ORS 377.700 to 377.840 to inform the traveling public about public accommodations, services for the traveling public and points of scenic, historic, cultural, scientific, outdoor recreational and educational interest.

(20) “Nonconforming sign” means a sign that complied with ORS 377.700 to 377.840 when erected, but no longer complies with ORS 377.700 to 377.840 because of a later change in the law or in the conditions outside of the owner’s control. An unlawfully located or maintained sign is not a nonconforming sign.

(21) “Outdoor advertising sign” means:

(a) A sign that is not at the location of a business or an activity open to the public, as defined by the department by rule; or

(b) A sign for which compensation or anything of value as defined by the department by rule is given or received for the display of the sign or for the right to place the sign on another’s property.

(22) "Protected area" means an area located within 660 feet of the edge of the right of way of any portion of an interstate highway constructed upon any part of right of way, the entire width of which was acquired by the State of Oregon subsequent to July 1, 1956, and which portion or segment does not traverse:

(a) A commercial or industrial zone within the boundaries of a city, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate highway is subject to municipal regulation or control; or

(b) Other areas where land use, as of September 21, 1959, is established as industrial or commercial pursuant to state law.

(23) "Reconstruct" means replacing a sign totally or partially destroyed, changing its overall height or performing any work, except maintenance work, that alters or changes a sign that lawfully exists under ORS 377.700 to 377.840.

(24) "Relocate" includes, but is not limited to removing a sign from one site and erecting a new sign upon another site as a substitute therefor.

(25) "Relocation credit" means a credit for future relocation of a permitted outdoor advertising sign issued in lieu of a relocation permit under ORS 377.767.

(26) "Relocation permit" means a permit to relocate a sign under ORS 377.767, whether issued in a lieu of a current sign permit or a relocation credit.

(27) "Rest area" means an area established and maintained within or adjacent to a state highway right of way by or under public supervision or control for the convenience of the traveling public, and includes safety rest areas, scenic overlooks or similar roadside areas.

(28) "Scenic byway" means a state highway or portion of a state highway designated as part of the scenic byway system by the Oregon Transportation Commission or Federal Highway Administration of the United States Department of Transportation.

(29) "Secondary highway" means any state highway other than an interstate highway or primary highway.

(30)(a) "Sign" means any sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public.

(b) "Sign" includes the sign structure, display surface and all other component parts of a sign.

(c) When dimensions of a sign are specified, "sign" includes panels and frames and both sides of a sign of specified dimensions or area.

(31) "Sign area" means the overall dimensions of all panels capable of displaying messages on a sign structure.

(32) "Sign plaza" means a structure erected and maintained by or for the department or the Travel Information Council, adjacent to or in close proximity to a state highway, for the display of motorist information.

(33) "Sign rules for protected areas" means rules adopted by the department applicable to signs displayed within protected areas.

(34) "Sign structure" or "structure" means the supports, uprights, braces, poles, pylons, foundation elements, framework and display surfaces of a sign.

(35) "State highway," "highway" or "state highway system" means the entire width between the boundary lines of the right of way of every state highway, as defined by ORS 366.005, and the interstate system and the federal-aid primary system.

(36) "Tourist oriented directional sign" means a sign erected on state highway right of way to provide business identification and directional information for services and activities of interest to tourists.

(37) "Traffic control sign or device" means an official route marker, guide sign, warning sign, or sign directing or regulating traffic, which has been erected by or under the order of the department.

(38) "Travel plaza" means any staffed facility erected under the authority of the Travel Information Council to serve motorists by providing brochures, displays, signs and other visitor information and located in close proximity to a highway.

(39) "Tri-vision sign" means a sign that contains display surfaces composed of a series of three-sided rotating slats arranged side by side, either horizontally or vertically, that are rotated by an electromechanical process and capable of displaying a total of three separate and distinct messages, one message at a time, provided that the rotation from one message to another message is no more frequent than every eight seconds and the actual rotation process is accomplished in four seconds or less.

(40) "V-type sign" means two signs erected independently of each other with multiple display surfaces having single or multiple messages visible to traffic from opposite directions, with an interior angle between the two signs of not more than 120 degrees and the signs separated by not more than 10 feet at the nearest point.

(41) "Visible" means capable of being seen without visual aid by a person of normal visual acuity, whether or not legible from the main traveled way of any state highway. [1971 c.770 §3; 1973 c.790 §1; 1974 c.33 §1; 1975 c.336 §1; 1977 c.265 §1; 1983 c.111 §1; 1987 c.336 §2; 1993 c.741 §54; 1999 c.877 §2; 2007 c.199 §5; 2009 c.463 §5; 2011 c.562 §1]

377.715 Application of ORS 377.700 to 377.840; prohibition against erection or maintenance of certain signs not in compliance with law. ORS 377.700 to 377.840, and the rules adopted pursuant thereto, apply to signs erected or maintained outside the right of way along state highways and visible to the traveling public from a state highway. A person may not erect or maintain a sign visible to the traveling public from a state highway, except where permitted outside the right of way of a state highway, unless the sign complies with the provisions of ORS 377.505 to 377.540 and 377.700 to 377.840, and the rules adopted pursuant thereto. A person may not erect or maintain a sign on the right of way of a state highway, other than a traffic control sign or device. [1971 c.770 §8; 1973 c.790 §2; 1974 c.33 §2; 1975 c.336 §2; 1983 c.111 §2; 1987 c.336 §3; 1999 c.877 §3; 2007 c.199 §7]

377.720 Prohibited signs; exceptions. A sign may not be erected or maintained if it:

(1) Interferes with, imitates or resembles any traffic control sign or device, or attempts or appears to attempt to direct the movement of traffic.

(2) Prevents the driver of a motor vehicle from having a clear and unobstructed view of traffic control signs or devices or approaching or merging traffic.

(3) Contains, includes or is illuminated by any flashing, intermittent, revolving, rotating or moving light or moves or has any animated or moving parts. This subsection does not apply to:

(a) A traffic control sign or device.

(b) Signs or portions thereof with lights that may be changed at intermittent intervals by electronic process or remote control that are not outdoor advertising signs.

(c) A tri-vision sign, except that a tri-vision sign may not be illuminated by any flashing, intermittent, revolving, rotating or moving lights.

(d) A digital billboard, only if the digital billboard:

(A) Is not illuminated by a flashing light or a light that varies in intensity;

(B) Has a display surface that does not create the appearance of movement;

(C) Does not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of:

(i) 150 feet, if the display surface is 12 feet by 25 feet;

(ii) 200 feet, if the display surface is 10.5 feet by 36 feet; or

(iii) 250 feet, if the display surface is 14 feet by 48 feet;

(D) Is equipped with a light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light;

(E) Is designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction;

(F) If available where the digital billboard is located, uses renewable energy resources to power the digital billboard, including but not limited to the following:

(i) Wind energy;

(ii) Solar photovoltaic and solar thermal energy;

(iii) Wave, tidal and ocean thermal energy;

(iv) Geothermal energy; and

(v) The purchase of carbon credits; and

(G) If wind energy is used, as specified in subparagraph (F) (i) of this paragraph, uses moving parts for the purpose of generating the wind energy to power the billboard.

(4) Has any lighting, unless such lighting is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of a state highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operation thereof.

(5) Is located upon a tree, or painted or drawn upon a rock or other natural feature.

(6) Advertises activities that are illegal under any state or federal law applicable at the location of the sign or of the activities.

(7) Is not maintained in a neat, clean and attractive condition and in good repair.

(8) Is not able to withstand a wind pressure of 20 pounds per square foot of exposed surface.

(9) Is on a vehicle or trailer that is located on public or private property. This subsection does not apply to a vehicle or trailer used for transportation by the owner or

person in control of the property. [1971 c.770 §15; 1973 c.790 §3; 1977 c.256 §2; 1981 c.392 §1; 1999 c.877 §4; 2007 c.199 §8; 2011 c.562 §2]

734-059-0030

Compensation Defined

(1) As used in OAR chapter 734, division 059, unless the context of the rule requires otherwise, compensation means the exchange of something of value. It includes, without limitation, money, securities, real property interest, personal property interest, barter of goods or services, promise of future payment, or forbearance of debt.

(2) Compensation does not include:

(a) Goodwill;

(b) The exchange of a de minimis value in relation to the benefit acquired. When an exchange of substantial value is for a purpose other than posting of a sign on the land, and a negligible amount of value is added for the sake of a sign as an accessory to that purpose, the Department may consider that a de minimis amount that does not constitute compensation for purposes of ORS 377.710(20).

(c) An exchange of value that a land owner (or other person with a right to possession of the land) provides to a sign company when:

(A) The compensation to the sign company is only for sign structure construction or maintenance on behalf of the land owner; and

(B) The land owner fully controls the content of the sign.

(3) In all cases the Department shall consider the totality of the circumstances, including without limitation, whether the compensation arrangement is reasonable and credible.

Stat. Auth: ORS 184.616, 184.619, 377.710, 377.720

Stats. Implemented: ORS 377.710, 377.720

Hist.: HWD 5-2007(Temp), f. & cert. ef. 7-19-07 thru 1-14-08; HWD 8-2007, f. & cert. ef. 12-24-07

From: Kim Greenwood <kim.greenwood@ci.florence.or.us>

Sent: Monday, March 25, 2019 9:33 AM

To: John Pitcher <john.pitcher@ci.florence.or.us>

Subject: RE: Mural Referral

Data from 2012, 2013 and 2014 is not complete due to deep history being full in some categories, so the data only goes back so far, in some categories maybe only halfway into 2014, therefore any numbers I give you for those years won't be accurate.

Here is what I have:

Hwy 126 and Quince:

2012: 1
2013: 2
2014: none
2015: 3
2016: 3
2017: 5
2018: 3

Hwy 126 and Spruce:

2012 and 2013: could not access the data
2014: 2
2015: none
2016: 1
2017: 1
2018: none

Hwy 101 and Hwy 126:

2012: none
2013: 1
2014: 1
2015: 5
2016: 2
2017: 1
2018: 4

CC 19 03 MUR 01

Central Lincoln PUD Mural

TESTIMONY

From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: Hwy 101 & Hwy 126 proposed Mural at Quince & Hwy 126
Date: Friday, March 15, 2019 8:37:32 AM

From: Jeanne Barrett <barrett_jeanne@yahoo.com>
Sent: Tuesday, March 12, 2019 3:57 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Hwy 101 & Hwy 126 proposed Mural at Quince & Hwy 126

I have traffic safety concerns about locating this mural at the corner of Hwy 126 & Quince which has had numerous auto-pedestrian accidents this past year.

While the idea of painting a mural on this lovely blank wall is great, I am really concerned about adding another driving distraction to this dangerous traffic corner. Has this been discussed & what is being done to improve the pedestrian & auto safety at this corner?

Also, I really don't like the blocky modern artistic style of the proposed "mural". I actually thought it was oriental people and cherry blossoms until I read the documentation by the artist on the City of Florence website. I also didn't understand that the busy-ness of the mural is actually representing a stitched quilt. Is it possible to un-busy the mural by removing the quilt blocks and re-drawing this scene in a flowing more traditional artistic mural style like is being used in the Newport OR murals?

Florence is such a beautiful town filled with joyful artists and this blocky modernistic mural doesn't remind me of us

in Florence at all.

Thank you,

Jeanne L Barrett

From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: PROPOSED MURAL
Date: Friday, March 15, 2019 8:28:04 AM

I love the proposed mural design! It's fresh. It's new. It's interesting. It's colorful. We don't need another mural like other coastal towns because we aren't like other coastal towns.

I can't imagine the design could be the cause of any sort of traffic mishap, as has been posited by folks who don't like it.

Thanks,
Dolly Brock
Florence, OR
541-590-3717

From: [Patricia Burke & Martin Huber](#)
To: [planningdepartment](#)
Subject: Mural
Date: Tuesday, March 12, 2019 9:00:56 AM

We live in Westlake, but spend a lot of time in Florence grocery shopping, dining out, recreating, volunteering and enjoying the city.

We have seen pictures of the proposed mural on Facebook. We don't believe it represents what Florence has to offer. Rather, it looks like something that would be appropriate in downtown Los Angeles - garish and distracting instead of gently reflecting the river, the dunes, the ocean, our rhodies and our wonderful Old Town.

We hope that local artists will be approached and that residents will be given another opportunity to voice their opinions. The mural, as proposed, has certainly gotten people's attention.

Thank you.

Patricia Burke
Martin Huber
82758 Cherry Street, Westlake 97493
541.590.3598

From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: Mural
Date: Friday, March 15, 2019 8:32:51 AM

From: DK Childs <dnkchilds@gmail.com>
Sent: Thursday, March 14, 2019 1:51 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Mural

Dear Ms. Weese,
We disapprove of the design for the mural. Also the cost and plus the out of our area artist! So many locals are voicing their objections to this project that it can NOT be ignored. It's should be a local artist or a group of local artists, with a love for Florence history. A bridge, dunes, river, town, some scenes of our beautiful town. Please put this project on hold and listen to the people.
Sincerely,
Dick & Karen Childs



March 19, 2019

To Florence City Council,

I write on behalf of Central Lincoln People's Utility District (PUD) in support of the City of Florence's Public Art Committee's (PAC) application for a mural permit, as required by Florence City Code 10.26. We strongly support the application and hope to see the project move forward swiftly.

Since 2017, the Florence Public Art Committee and Central Lincoln PUD have been working together to install a mural at the corner of Quince Street and Highway 126. After signing the Intergovernmental Agreement in April of 2018, the Public Art Committee has been communicative and has included the PUD in as many steps as possible, including presenting to the Board of Directors on the project, inviting PUD staff to PAC meetings and including staff in the decision-making process.

Central Lincoln's Board unanimously approved the mural and is excited to see it happen. We are very pleased we are able to participate in creating a creative and impactful welcome for visitors to Florence.

Thank you,

A handwritten signature in black ink, appearing to read "Mark Freeman".

Mark Freeman
Director of Employee, Customer & Community Services
Central Lincoln PUD

From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: Please vote against the proposed graffiti mural for the CLPUD building
Date: Friday, March 15, 2019 1:54:06 PM

From: Don Drozdenko <ddroz2@gmail.com>
Sent: Friday, March 15, 2019 1:14 PM
To: Erin Reynolds <erin.reynolds@ci.florence.or.us>; Joe Henry <joe.henry@ci.florence.or.us>; Joshua Greene <joshua.greene@ci.florence.or.us>; Ron Preisler <ron.preisler@ci.florence.or.us>; Woody Woodbury <Woody.Woodbury@ci.florence.or.us>; Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Please vote against the proposed graffiti mural for the CLPUD building

Dear Mayor, City Council Members and City Manager for Florence,

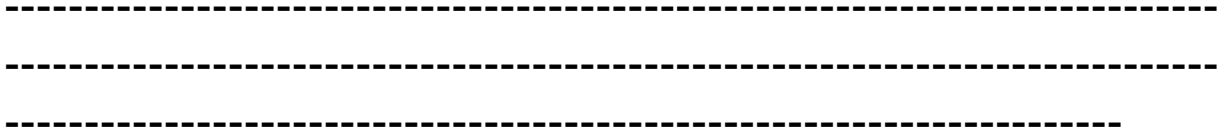
I thought you should know about my opinion and displeasure at the proposed graffiti mural for the CLPUD building. I urge you to vote against it.

I want you to be aware of the attached letter to the editor of the Suislaw News that will be published soon, perhaps in the March 16, 2019 issue. I hope it encourages others to step forward with their thoughts, especially to notify you in writing so that you can take action and vote against it. I am not alone in my view that the graffiti mural does not represent Florence.

Again, Councilor Lucio still does not have a contact email posted - you still have Susy Lacer listed and of course she is no longer on the City Council. Please forward this email to Councilor Lucio.

Regards,

Don Drozdenko
1601 Rhododendron Drive
Space 598
Florence, OR 97439
541-999-9228



Graffiti Mural Still Doesn't Represent Florence

I have become aware that there are and have been opportunities to be more informed about upcoming decisions per Florence City committees. I must confess I didn't pay much attention to the Siuslaw News issue of Dec. 22, 2018 which had an image of the proposed graffiti-style mural for the CLPUD building. Nor did I take an active interest in the PAC (Public Art Committee) efforts. I was busy with my job and other activities as many of you are. As I dug a bit more into the City of Florence PAC committee, I found published information that citizens of Florence need to review on the PAC's activities (and other committees & commissions).

There are other proposed "art" items that you should be aware of:

- <https://www.ci.florence.or.us/boardsandcommissions>
- <https://www.ci.florence.or.us/bc-pac>

<https://www.ci.florence.or.us/bc-pac/public-art-program>

You can also sign up for an email distribution list for the Public Arts Committee as well as apply to participate in any of Florence's commissions and committees. I don't know if there are more openings on the PAC committee or not. Now is the time to get involved - ask if you can participate.

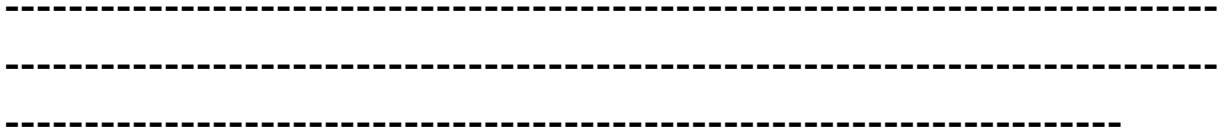
I am sure the PAC committee members did their work diligently, but we only get to see the final choice of a small number of citizens. We just need to get more involved.

I am not on Facebook but according to what I have heard, there is a Florence Oregon page which has many negative comments about the proposed CLPUD mural. Social media is fine, but If you have contributed to those comments, please let **all** our city council members, our mayor and city manager know directly how you feel so they can make an informed decision whether to proceed with the project or not. Put your comments (positive or negative) in writing, either via email or handwritten letter.

According to Erin Reynolds, the land use hearing and Council vote on whether to proceed or not with the CLPUD graffiti mural will be held on April 1, 2019, at the Florence Events Center at 5:30 pm. Send in your comments to the City Council members as quickly as possible before that April council meeting.

Perhaps the citizens of Florence need to have their input as well, possibly to a vote on a ballot. Portland style graffiti does not belong in Florence.

Don Drozdenko
Florence



From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: Mural
Date: Friday, March 15, 2019 8:30:00 AM

-----Original Message-----

From: Sherri Ford-Mackey <sfmismee@gmail.com>
Sent: Thursday, March 14, 2019 6:23 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Mural

Dear Ms. Weese,

I am among the many Florence residents who are opposed to the proposed mural at HWY 126. It just doesn't represent the spirit and vibe of our peaceful, friendly city. Please consider other options.

Thank you for your time and attention to this matter.

Sent from my iPhone

From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: Mural
Date: Monday, March 25, 2019 7:52:05 AM

-----Original Message-----

From: Michael Jacobson <the3jakes@earthlink.net>
Sent: Sunday, March 24, 2019 10:36 AM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Mural

Ms. Weese,

After posting a comment about the proposed mural design, several people suggested that I contact you about my objections to the design. More than 20 people indicated that they agreed with my comments, so I am passing them on to you for inclusion in the discussion at the meeting on Monday. My husband has a previously scheduled Dr. appointment in Portland on Monday, or I would have attended in person. Here is the text of what I said:

(I) think one of the things about the artwork that people are responding negatively to is the hard edged quality of the images. Florence doesn't consist of hard edges so much. With our sweeping river, shifting dunes, gorgeous sunsets, clouds and fog, curving bridge, and forests themselves, I would prefer an artwork that exhibited those qualities. Not to mention, the tribal dancer is truly awful to look at. Much too static, faceless, and numb. There are other artistic styles that better depict the grand sweep of our natural and man made beauty. The mural doesn't have to be a photographic style to capture that.

I did not alter this comment in any way from what the members saw on the Florence, Oregon Facebook page. As of Sunday morning, 21 people had posted a "Like" to my comments, and several others indicated agreement with me by their own replies and comments.

Thank you for your attention, and I hope that you will be able to read my comments to the meeting on Monday.

Sincerely,
Rose Ellen Jacobson

From: [Richard JARVIS](#)
To: [planningdepartment](#)
Subject: PUD MURAL
Date: Tuesday, March 19, 2019 1:41:23 PM

I am opposed to the placement of any large visual distraction at the intersection approach to highway 101 and 126 for the following reasons.

Motorist approaching from the East already have many directional signs to observe and select the directions they wish to go. There are seven possible turning points at the site of the proposed mural. The PUD Mural with its bright colors and graffiti type figures would pose an extreme visual distraction. In my opinion the style and graphic representations are not reflective of the spirit of Florence as seen in the other murals in town. In addition this section of highway 126 already has a problem area with the pedestrian crosswalk recently installed between Spruce and Quince Streets. I note the city has found it necessary to cover over the flasher buttons as they were too disruptive to traffic. While funds have been expended already on the mural the potential for the City being sued could well out weigh that cost. At the very least a well advertised public hearing should be held. I note there were hearings in December at the height of the Holiday season and during a time when much of the population of Florence was sick with a virus and was avoiding public contact. Lets really see what the population of Florence wants on this matter.

Bruce Jarvis
PO Box 2639
Florence, Or

From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: Mural
Date: Monday, March 18, 2019 8:19:06 AM

-----Original Message-----

From: Betty <bettymalone@charter.net>
Sent: Saturday, March 16, 2019 3:38 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Mural

Hello Kelli - we relocated to Florence in June 2018 from CA. In the midst of moving and settling in we were unaware of the proposed mural. Florence is such a beautiful place and a mural in that location would be welcoming - however the proposed design does not appear to represent the community. It appears to be very modern / obscure in design which may be just right for other communities but doesn't seem to fit with what Florence is all about. While undoubtedly lots of time and energy had already gone into the selection I hope that the design will be reconsidered and something more appropriate will be selected.

Thank you for your time - Betty Malone

MAR 18 2019

By:

VMM

TO: Mayor Joe Henry and City Council

From: Gene Olson and Sylvia Stanton
FLORENCE

Subject: MURAL

We wish to register our displeasure with the content and location of the proposed mural of geometric style.

The history and beauty of Florence lends the artist and city an untapped variety of subject matter that can be drawn upon. The river and activities on the river date back to 1876 and include the original decorated boats of the Rhododendron Festival starting in 1908, life on the river and the hundreds of personal rowing and power boats, to lumber and log rafts and towing boats. Two of these boats are still abandoned along hwy 126 just past the North Fork. There were once rowing contests and swim contests as well as ice-skating near Mapleton.

2

We also have the beauty of the ocean and the sand dunes with hundreds of activities connected here. We have our beautiful sunsets and snow storms. We once had a fishing fleet here with its multitude of activity. We have Old Town along with its history - which is long.

Frankly there is unlimited material for reference. Another whale mural is not necessary!

Murals would be better located in Old Town or along 101. Such an expense on a little known or seen side street does not benefit the vast public. For instance the East side of B's in Old Town would be an excellent location.

Please do not approve the Heidel design and the mural location.
Thank you.

Gene Olson

Lynna L. Stanton

From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: mural
Date: Friday, March 15, 2019 9:03:51 AM

From: jeannieframes@oregonfast.net <jeannieframes@oregonfast.net>
Sent: Tuesday, March 12, 2019 10:01 AM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: mural

Thank you Kelli for all you do for Florence. I would like to say that I also am not happy with the proposed mural. I have lived here for over 25 years and so appreciate the natural beauty of the area. Any town can have the proposed mural style. But I think we have something different here and we should never tire of "showing off" our sand dunes, surf, lighthouse, river, birds, woods, sunsets, Old Town and yes art. The proposed mural is an assault to my senses and I do not want to look at it every day. Also, if we want to support our many local artists, why not have one of them do the mural. Thank you for hearing the residents. Jeannie Owen

3-22-19

City of Florence Planning Dept.

RE: Mural Permit for CLPUD Storage Bldg.

We wish to submit testimony in opposition to the Mural permit for the proposed mural referenced above.

We own an office building at 1010 Hwy 101 currently occupied by Edward Jones Investments. We feel that the mural is not in keeping with our community aesthetic, that it would distract drivers unnecessarily just prior to a major highway junction, and generally be an eyesore for the surrounding area. Perhaps if the design would reflect the coastal beauty rather than a "graffiti circus" we would not be in opposition to the mural. It seems to be quite an unnecessary expense as well – perhaps the money would be better spent on filling potholes around town instead.

We like the original aesthetic of this town and see no reason to "Revision" it.

Sincerely,



Bob and Gini Read

P O Box 366

Florence, OR 97439

541-997-8020



From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: Mural Design
Date: Monday, March 25, 2019 8:10:36 AM

-----Original Message-----

From: Sue Saubert <suesaubert@gmail.com>
Sent: Friday, March 22, 2019 10:51 AM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Mural Design

Dear Kelli,

I think murals are interesting and add personality to their locations. I just saw a picture of the proposed design of the mural for the PUD building. It would be a travesty to see such an inappropriate piece of art in our beautiful town.

The beauty and ambiance of our Florence area is the perfect coastal destination that travelers are looking for. In no way does the design of this mural depict the soul of our community. Our daily lives are rooted in the natural beauty of our area, great pride in our personal love for our heritage and appreciation that we are blessed to live here.

We are generous in sharing our hospitality to visitors. I love the idea of a mural but the designed proposed is not appropriate.

Thank you for your consideration,

Sue Saubert

From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: The Mural
Date: Friday, March 15, 2019 9:48:22 AM

From: Kelli Weese
Sent: Friday, March 15, 2019 8:39 AM
To: planningdepartment <planningdepartment@ci.florence.or.us>
Subject: FW: The Mural

From: Kim Shields <ks.shiels@gmail.com>
Sent: Sunday, March 10, 2019 11:58 AM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Cc: Joshua Greene <joshua.greene@ci.florence.or.us>
Subject: The Mural

I am not sure if Council members or the Mayor are aware of all the dissatisfaction expressed on the Facebook page Florence, Oregon about the proposed mural on a building just off of Highway 126 here in Florence, but I encourage you all to take a look at all the negative comments.

It seems to me that the committee that chose the design overlooked a great opportunity to join other cities in Oregon that are a part of the Oregon Mural Trail. (See link below)

I am not opposed to a mural, but the proposed design seems inappropriate for Florence. I understand that it is difficult to please everyone, but I have not seen another issue that has generated so many negative comments. If it is possible, I am requesting that the Council reconsider this mural and ask the committee to come up with a better solution that isn't so controversial.

Thank you,
Kim Shields
10 Park Village Drive
Florence, Oregon
(541)997-5227

<https://traveloregon.com/things-to-do/events/visual-performing-arts-events/oregon-mural-trail/>

From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: Proposed Mural
Date: Friday, March 15, 2019 8:31:10 AM

From: Belinda Shores <bekay67@gmail.com>
Sent: Thursday, March 14, 2019 3:08 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Proposed Mural

Good Afternoon,

First off thank you for taking the time to read my email. This email is regarding the proposed mural on Hwy. 126 and Spruce. I understand that there was a committee that took personal time and effort to decide which artist to commission and what look would be best for our wonderful community, but I do not believe they truly had the heart of our community in mind when they chose the design they did. I get we are a town full of artist and creative individuals, but we are SO MUCH more than that. Our history, our land and sea scape's, our recreational activities, the list goes on and I know you get my meaning. I will not waste any more of your time.

I am 100% opposed to the proposed mural and hope that what Susan McBrine posted on Facebook is true, that you are reading every one of these emails and tallying them up to share with the City Counsel. From what I saw online, most of us are not happy with what the committee decided on.

Sincerely

Belinda Shores



THE AMERICAN RHODODENDRON SOCIETY

Members Worldwide

March 22, 2019

The Siuslaw Chapter of the American Rhododendron Society is one of the largest chapters in the nation and the only chapter that puts on two (2) Rhododendron shows a year. We are able to do this because we live in one of the few locations in the world that has an abundance of native rhododendrons along with thousands of hybrids. The residents of Florence have known this since the town was incorporated and it is also the reason that this is the 112th year of the Rhododendron Festival.

We are writing this letter to the council in regard to the mural to be located on the corner of Quince St. and Hwy126. Our membership has many opinions on the mural itself and it is not our intent to be for or against the mural itself. What we as an organization do object to, is the disregard for the history of Rhododendrons in this town. Whatever the flowers are on the mural, all we know is they are not even approximating anything close to our iconic Rhododendron and we ask the council to consider making a request for our City flower to be placed on the mural instead of the "poppies". Thank you on behalf of the Officers and Board Members of the Siuslaw Chapter of the American Rhododendron Society.

RECEIVED
City of Florence
MAR 25 2019
By: VMMA

RECEIVED
City of Florence
MAR 26 2019
By: VMMA

From: [Kelli Weese](#)
To: [Wendy Farley-Campbell](#)
Subject: FW: Proposed Florence artwork
Date: Wednesday, March 27, 2019 12:18:33 PM

From: Ed_G <ed97439@gmail.com>
Sent: Wednesday, March 27, 2019 7:54 AM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Proposed Florence artwork

I want to express my dissatisfaction with the proposed mural for the CLPUD building. I shudder to think I will have to see that every time I return to town. It is too chaotic, too jumbled, too difficult to see the detail of meaning. It looks like a Picasso painting. If a mural is necessary it should express beauty and clarity and not leave visitors wondering what that was all about or if it was just a massive graffiti.

Edward Gallup
Florence

Sent from Ed's iPad

From: [Kelli Weese](#)
To: [Wendy Farley-Campbell](#)
Subject: FW: mural on spruce st
Date: Wednesday, March 27, 2019 12:19:02 PM
Attachments: [image001.png](#)

From: Teresa Lofy <tlofy@bmi.net>
Sent: Tuesday, March 26, 2019 3:18 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: mural on spruce st

Good afternoon Kelli

I would like to talk about the possible new mural on the corner of hwy 126 & spruce st I feel that this is not the right design for Florence we should be looking for something that has the bridge and rhododendron's on it, something like this



City of Florence
A City in Motion

Teresa Lofy

From: [Kelli Weese](#)
To: [Wendy Farley-Campbell](#)
Subject: FW: Proposed Mural
Date: Wednesday, March 27, 2019 12:19:49 PM

From: Pamela Stimmell <pstimmell@yahoo.com>
Sent: Tuesday, March 26, 2019 10:14 AM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Proposed Mural

I am opposed to the proposed mural. I do not believe it represents our quaint little town and the reason My husband and I retired here. When I think of Florence It's like the best of both worlds. I feel like one minute I'm in the forest and then boom, I'm at the ocean. Bay Street by the port, with the fishing boats, eating out on the patio with the view of our beautiful bridge and an otter's head popping up out of the river. I also love all the beautiful Rhododendrons. I also think it is sad that we are not using any of our local artists. There is a lot of talent here without going to Portland.

I just think the proposed mural is too bold. It reminds me of a city mural not a mural for the coast. Nothing about that mural makes me think of Florence!

Thank you for hearing our concerns!
Alan & Pam Stimmell

[Sent from Yahoo Mail for iPad](#)

From: [Kelli Weese](#)
To: [Wendy Farley-Campbell](#)
Subject: FW: Mural
Date: Wednesday, March 27, 2019 12:19:56 PM

From: Maynard Hanson <maynard5252@live.com>
Sent: Tuesday, March 26, 2019 10:07 AM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Mural

Just my opinion. I am not opposed to a Mural. Just not that one. Maybe with a few changes, it would be good. The lines should be softened, the Indian looks oriental, it needs bear, fishing, or fish. The flowers are too hard looking. Of course I love the Bridge idea. Just not in favor of that Mural. We should be able to vote on a Mural, instead of just one mural put to a vote. As far as where you want to put it, I have no opinion. Thank You for initiating this project. I love the idea.

Sent from [Mail](#) for Windows 10

From: [Kelli Weese](#)
To: [Wendy Farley-Campbell](#)
Subject: FW: Mural input
Date: Wednesday, March 27, 2019 12:20:16 PM

From: Tai Bruce <indigomoon12@yahoo.com>
Sent: Tuesday, March 26, 2019 8:37 AM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Mural input

A member of the community has informed many of us who were not able to attend the meeting the following...

I went to the Mural Art Committee meeting today at 3:30 at City Hall. It was interesting to learn how the committee came into being. They checked out Santa Fe & Lake Oswego as examples of City Art that could be done in Florence. Most of the committee is made up of artist & gallery owners they said. They have been working on art for the City for 4 years and have selected locations for 16 more sights to place art. Either permanent or for a two-year stint before changing the art. The committee discussed the lack of public input they truly wanted to hear from. They said they covered the newspaper with news and updates to the public. They plan to begin about Rhoddy Week. The mural artist from Portland was discussed and her interpretation of what the art committee suggested as to the criteria for the mural. The public has different views of what is a fit for Florence but little public addressed the issue. kelli.weese@ci.florence.or.us is asking for the public to send her your written concerns to her email address. City Hall does no Facebook polling so comments there does nothing positive. Do include why you like or dislike this mural. Do include what you think is missing from the mural. Does the artist & the committee's interpretation FIT Florence? April 1 at the FEC no time yet. -DK Child.

This is the link to the Facebook Page Post of over 700 members comments on their input and opposition of the mural proposal.

<https://www.facebook.com/groups/florenceoregon/permalink/10156609529658113/>

I personally would be opposed to the current proposal. It's too loud for the city of Florence. We're vibrant, but we thrive in more mellow tones than these intense inner city primary colors. It seems to feel more graffiti like than a tasteful painting that sends off a calm natural vibe. Our city and it's members seek to have a much more toned down vision. Highlighting the lighthouse, sea life, the beautiful ocean, Sunsets, lakes, fishing, the iconic Florence Bridge, Rhody flowers, the many native Red Cedar trees, wild life such as the hundreds of black tailed deers, coastal bobcats, coyotes, birds and black bear. Even incorporate the Coast Gaurd. Since we are considered a Coast Gaurd City now.

Let's represent these men and woman who keep us safe all year round. These are the reasons we are who we are as a city. A coastal city with a rich native forest land and rolling sand dunes.

T. B.

indigomoon12@yahoo.com

From: [Kelli Weese](#)
To: [Wendy Farley-Campbell](#)
Subject: FW: Proposed Mural
Date: Wednesday, March 27, 2019 12:20:38 PM

From: bcurtis@oregonfast.net <bcurtis@oregonfast.net>
Sent: Monday, March 25, 2019 11:24 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Proposed Mural

Hi Kelli,

I'd like to voice my opposition to the proposed mural. I see it as being harsh, garish, loud colors. It looks more like 'big city', not 'small town'. I really wish you had asked local artists to each submit their depiction of something representing Florence which would then be used in a collage. If the mural that has been selected is used, I will make it a point to drive out of my way to avoid driving past it.

Mary Curtis
815 North Marsh Court
Florence, OR 97439



Virus-free. www.avg.com

From: [Kelli Weese](#)
To: [Wendy Farley-Campbell](#)
Subject: FW: Quince st mural.
Date: Wednesday, March 27, 2019 12:20:48 PM

From: MICHAEL W SPINNER <JESTRR@msn.com>
Sent: Monday, March 25, 2019 10:35 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Quince st mural.

First, thanks for taking the time to listen to others in town who can't get to the meeting that are at a really bad time.

Secondly, if you can, the city needs to start using social media to really get a feel for things like this.

Thirdly, As a Fire Captain with concerns about this intersection as one of the worst for accidents, I think a bright, rather confusing art piece would just make this intersection even more dangerous. I'm all for art in the town but I think it would be a big mistake to put it here. Maybe a more subtle piece would be more suitable for this corner.

Thanks,
Mike Spinner

**TITLE 10
CHAPTER 26**

MURAL REGULATIONS

SECTION:

10-26-1:	Purpose, General Provisions
10-26-2:	Definitions
10-26-3:	Prohibited Murals
10-26-4:	Exemption from Permit Requirement
10-26-5:	Mural Permit Application
10-26-6:	Mural Permit Criteria
10-26-7:	Structural Review
10-26-8:	Suspension or Revocation
10-26-9:	Inspections and Expiration of Permit
10-26-10:	Maintenance of a Permitted Mural
10-26-11:	Alterations to a Permitted Mural
10-26-12:	Removal of a Permitted Mural
10-26-13:	Enforcement
10-26-14:	Appeals

10-26-1: PURPOSE, GENERAL PROVISIONS: The purpose of this chapter is to allow for murals on a content-neutral basis while maintaining specific standards with regard to the location, size, quantity and installation. Murals provide benefits distinct from signs, such as improved aesthetics and community identity if they are located at heights and scales visible to pedestrians.

10-26-2: DEFINITIONS:

ALTERATION	Any change to a permitted mural, including but not limited to any change to the image(s), materials, colors or size of the mural. "Alteration" does not include maintenance or repair of a permitted mural.
COMMUNITY DEVELOPMENT DIRECTOR	The Florence Community Development Director or his or her designee. For the ease of reference in this section, the Community Development Director shall be referred to by the term "Director."
MURAL	A work of visual art which is tiled or painted directly upon, or affixed directly to a fence, wall or an exterior wall of a building and exceeds the maximum size of wall sign allowed in a sign district. Visual art that is intended to communicate an informational message is not considered a mural and is regulated under the sign code.
PERMITTED MURAL	A mural for which a permit has been issued by the City of Florence pursuant to this chapter.

10-26-3: PROHIBITED MURALS:

- A. Murals that include any of the following are prohibited and are nuisances. A mural shall not include:
1. Electrical or mechanical components; or
 2. Changing images.

10-26-4: PROHIBITED MURALS:

A mural that is not visible from the public right-of-way and not visible from public property is allowed without a mural permit.

10-26-5: MURAL PERMIT APPLICATION:

- A. A mural permit application shall be considered by the City Council and shall proceed under the procedures of FCC 10-1-1-5, "Land Use Hearings."
- B. The general application requirements of FCC 10-4-1-4 shall apply, except for the submittal information required under FCC 10-1-1-4-B-2 and B-3. An application for a mural permit must contain the following information:
 - 1. Authorization from the property owner of the location where the mural is to be installed and agreement to maintain the mural for the life of the mural, unless the mural is removed under the circumstances specified in Section 10-26-11 of this Title.
 - 2. A site plan drawn to scale that shows the location of existing structures and where the mural is to be installed, location of property lines, abutting right-of-way, names of streets, information of other murals on abutting properties and north arrow.
 - 3. A map (e.g. tax map or aerial map) that shows the existing land use on-site and the surrounding land uses within three-hundred feet (300') of the site.
 - 4. A color image of the proposed mural with dimensions drawn to scale.
 - 5. A building elevation depicted to scale showing the proposed building area where the mural is to be installed. Information detailing the existing building materials and architectural features, as well as proposed mural materials, construction size, and depth.
 - 6. Information regarding the expected life span of the mural and maintenance plan for the life of the mural. The maintenance plan shall specify the frequency of maintenance and provisions to address fading and vandalism (i.e. durable exterior paints, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and cheaper repair of the mural if needed).

10-26-6: MURAL PERMIT CRITERIA: No person may commence mural installation on a site without first obtaining a mural permit. Murals without a mural permit are signs regulated by Title 4, Chapter 7. Use of murals does not affect the amount or type of signage otherwise allowed by the sign regulations of Title 4 Chapter 7. For approval, a mural permit application must meet the following criteria.

- A. The Mural is compatible with the aesthetic appearance of adjacent buildings and the surrounding community character.

In evaluating this criterion, the following are examples of factors that can be used to measure compatibility and community character.

 - 1. The mural is harmonious with or integrates aspects of special architectural and design features of surrounding buildings or the larger neighborhood.
 - 2. The mural may reflect the diversity of the world.
 - 3. The mural may reflect historic, cultural, or natural heritage.
 - 4. The mural respects the original character of the building and surrounding buildings

- B. The mural will enhance the building appearance and overall visual attractiveness of the City. The overall objective is for viewers of all ages to experience a sensation of engagement, humor, wonder or delight, or all of these emotions.

In evaluating this criterion, the following are examples of factors that can be used to measure appearance and attractiveness.
 - 1. The mural will not adversely dominate the building or surrounding area.
 - 2. The mural will not create traffic or safety hazards.
 - 3. The mural is harmonious with the scale, color, details, materials, and proportion of the building.
- C. Internal illumination of a mural is not permitted. External illumination is allowed and shall be consistent with the illumination standards of Section 4-7-25 of this Code.
- D. Murals are permitted only on the flat planes of walls and may extend no more than six inches (6") from the plane of the wall, unless approved by the City Council.
- E. Murals shall be installed for durability and maintained for the life of the mural or until the mural is removed. Murals shall consist of materials that have proven performance for withstanding the coastal climate.
- F. The Mural shall use materials, coatings, or other protective techniques that will be resistive to vandalism and graffiti.
- G. The creator/artist is under contract or other obligation to complete the Mural.
- H. The Mural is an original work of art
- I. If a mural installation includes any changes to a building that would otherwise require Design Review as described in Title 10 Chapter 6, those changes must be approved through the Design Review process simultaneous with approval of the Mural Permit. Murals may not otherwise result in the site property or structure becoming out of compliance with other land use code provisions, prior land use approvals, or prior conditions of approval governing the building or property on which the mural is to be located.

In applying the above criteria, the City shall make its decision in accordance with applicable constitutional requirements.

10-26-7: STRUCTURAL REVIEW: Murals with any element that weighs more than 7 pounds per square foot or in total weigh more than 400 pounds require structural review.

10-26-8: SUSPENSION OR REVOCATION:

- A. The Director may suspend or revoke a permit issued under the provisions of Title 10. The Director will inform the permit holder of the suspension or revocation in writing. Permits may be suspended or revoked upon a finding that:
 - 1. The permit issued on the basis of incorrect information supplied by the applicant; or
 - 2. The permit is issued in violation of any provisions of Title 10.

10-26-9: INSPECTIONS AND EXPIRATION OF PERMIT:

- A. Inspections: The Director will conduct inspection of murals for which a permit has been issued. The permit holder must notify the Director when the work is ready for inspection.

The inspection shall verify that the mural is in conformance with the application and in conformance with the provisions of this Chapter. Structural inspections shall be completed in conjunction with any required building or structural permits and shall verify the applicable requirements from the applicable codes. The inspector shall take at least one photo to be kept on file to document the site, mural size, mural location and mural image consistency.

The Director may conduct inspections whenever it is necessary to enforce any provision of the City Code, to determine compliance with the City Code, or whenever the Director has reasonable cause to believe there exists any violation of the City Code.

- B. Expiration of Permit: If inspection approval has not been obtained by the applicant within twelve months of issuance of a mural permit, the permit is void, and no further work on the mural may be done at the premises until a new permit has been secured and a new fee paid.
- C. Extensions of Permit: The Director may extend a permit for one period of twelve months upon finding the following criteria have been met.

1. The request for an extension is made in writing prior to expiration of the original approval.
2. There are special or unusual circumstances that exist which warrant an extension.
3. No material changes of surrounding land uses or zoning has occurred.

The Director may deny the request for an extension of the mural permit if new land use regulations have been adopted that affect the applicant's proposal.

10-26-10: MAINTENANCE OF A PERMITTED MURAL: For any mural approved after March 21, 2011, the building owner is responsible for ensuring that a permitted mural is maintained in good condition, fading is addressed and the mural is repaired in the case of vandalism or accidental destruction in accordance with the approved maintenance plan.

10-26-11: ALTERATIONS TO A PERMITTED MURAL: Alterations of the mural must be approved by obtaining a new permit through the process described in Section 10-26-3 of this Chapter.

10-26-12: REMOVAL OF A PERMITTED MURAL:

Prior to removal of a mural the property owner must notify the Community Development Department at least 30 days prior to its removal with a letter stating the intent to remove the mural. Any associated materials that were used to affix or secure the mural to the wall must be removed at the time of the removal of the mural or incorporated into a new mural application. This includes, but is not limited to mounting hardware or brackets, caulk or grout, and adhesives or glues.

10-26-13: ENFORCEMENT:

- A. Violations: It is unlawful to violate any provisions of this Chapter. This applies to any person undertaking an application for a Mural Permit, to the building tenant or owner of the Mural site. For the ease of reference in this section, all of these persons are referred by the term "operator".

- B. Notice of violations: The Community Development Director must give written notice of any violation of the City Code to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.
- C. Responsibility for enforcement: The regulations of this Chapter may be enforced by the Director pursuant to Florence City Code 10-1-1-8.

10-26-14: APPEALS: Under this Chapter, any quasi-judicial decision of the City Council may be appealed to the Land Use Board of Appeals in accordance with state law.

Amended by Ordinance 6, Series 1999 effective 4-19-99

Amended by Ordinance 17, Series 1999 effective 1-7-2000

Amended by Ordinance, Series 2000 effective 7-21-2000

Amended by Ordinance 16 Series 2009 effective 10-12-2009

Section 10-26-6 Amended by Ord. No. 9, Series 2009

Sections 10-26-3-1, 10-26-32, 10-26-4, 10-26-5, 10-26-6, 10-26-7, 10-7-8 and 10-26-9 Deleted, and Sections 10-26-1, 10-26-2, 10-26-3, and Title Amended by Ord. No. 4, Series 2011 effective April 22, 2011

Sections 10-26-1, 10-26-2, and 10-26-3 Amended, and Sections 10-26-4 through 10-26-14 Added by Ord. No. 5, Series 2011 effective April 22, 2011

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 6
Meeting Date: 04/01/2019
Department: Planning, Public Works

ITEM TITLE: Pine Street at 32nd Street Right-of-Way Vacation

DISCUSSION/ISSUE:

Application:

David Bielenberg submitted an application for vacation of a portion of the Pine Street right-of-way. The right-of-way proposed for vacation lies between Block 27 and Block 28 of the Plat of Frasier and Berry's Part of the City of Florence, in the area between the 32nd Street right-of-way and the northern corners of the alleys which bisect Blocks 27 and 28 (see Attachment 2). The area requested for vacation is approximately 7,200 square feet.

Two lots are adjacent to the area proposed for vacation, both of which are owned by the applicant. The David J Bielenberg Revocable Living Trust owns Taxlot 2200 of Map 18-12-23-23 (to the west), which makes up the northern half of Block 28. The David J Bielenberg Revocable Living Trust and the Margaret Bielenberg Revocable Living Trust own Taxlot 2800 of Map 18-12-23-23 (to the east), which makes up the northwestern corner lot of Block 27.

Mr. Bielenberg proposes the vacation of the right-of-way for inclusion in a residential development which would consist of townhouse units throughout the aforementioned taxlots.

The vacation was initiated by the City Council on February 4, 2019, and referred to the Planning Commission for recommendation. The Planning Commission held a public hearing on February 26, 2019, and approved PC 19 01 VAC 01, recommending approval of the vacation to the City Council.

David Bielenberg has secured approval and signatures from the owners of more than two-thirds of affected property as required by ORS 271.080. As defined by ORS, this vacation includes 32 properties as affected property; the applicant has received signatures from the owners of 70.58% of that land.

At this public hearing, the City Council "shall determine whether the consent of the abutting owners has been obtained, whether notice has been duly given, and whether the public interest will be served or prejudiced by the vacation of the public way or part thereof."

Condition of Right-of-Way:

The right-of-way is currently vegetated and undeveloped. The aforementioned adjacent lots are also vegetated and undeveloped. The southern portion of the Pine Street right-of-way between Blocks 27 and 28, which is not proposed for vacation, is largely vegetated, with informal development as an access for adjacent residential properties.

Connectivity - The Pine Street right-of-way has been vacated as it passes between the blocks to both the north and south of the subject property, between Blocks 21 and 22 and between Blocks 29 and 30. The portion of Pine Street proposed for vacation is therefore diminished in its importance to local automotive traffic circulation. Maintaining a public access easement through the area would provide route options for pedestrians and bicyclists and preserve some of the spirit of the 1986 designation of the ROW as potential park space (discussed below).

Utilities - Water and sewer utility lines run beneath the subject property. Adequate easements to protect this infrastructure would include an area roughly 33 feet wide and 120 feet long. Additional easement areas for the existing fire hydrant (10 feet by 15 feet) and two areas to provide sewer and water service access (10 feet by 10 feet each) leads to a total of 4,310 square feet of easement area.

Park Planning

*FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN
CHAPTER 8: PARKS, RECREATION AND OPEN SPACE
RECOMMENDATIONS*

- 9. The City should review the listing of rights-of-way suitable
for recreation use prior to vacating public rights-of-way.*

Pine Street between 29th Street and 33rd Street, except cross streets, is listed in Table 13: Inventory of Lands Important to Park System – Road Rights-of-way, in Appendix C of the Florence Parks and Recreation Master Plan, 2011 (Parks System Master Plan – Part 2, 1986). The corridor is designated for its potential as a neighborhood or linear park (see Attachment 4). Of the four blocks included in that portion of Pine Street, two have already been vacated. There may still be potential on the remaining sites for pocket parks, but connections along this corridor which led to its inclusion in the list have been eroded. The proposed residential development would include outdoor recreational space for use by residents. Staff recommends a public access easement be retained through Pine St. to implement the 1986 finding to retain linear pedestrian connectivity. The Planning Commission included a recommendation for a public access easement in Resolution PC 19 01 VAC 01. This can be accomplished within the easement area discussed above.

FISCAL IMPACT:

Assessment Value – Those requesting street vacations are required to pay an assessment for the value lost. At the initiation hearing before the City Council on February 4, 2019, the Council established the value of the public way to be \$30,795.42. In determining the valuation, Code requires that the value of abutting real property be determined. FCC 8-3-4-2 states that, "... the Council shall consider any relevant appraisals the City possesses and the public information in the files of the Lane County Assessment and Taxation Department or its successor agency," when determining the value of a public way.

Staff determined an estimate based on the value of adjacent taxlots. Based on this calculation, the right-of-way would be valued at \$5.03 per square foot or \$36,215 in total.

To calculate the value of the easement areas which would be included in the vacated property, staff estimates the value of those areas to be roughly 25% of their real value, or \$1.2575 per square foot. With 4,310 square feet of easement area, the value of the easements would be \$5,419.825. The total assessment value for the right-of-way to include easement retention area is \$30,795.42. The petitioner has agreed to pay the requested \$30,795.42 in full, should the vacation be approved.

If vacated, the City would receive the amount paid by the applicant for the vacated right-of-way to contribute towards the Streets fund.

Application Fee: The applicant has paid an application fee of \$3,155.00. If the proposed vacation is denied, the actual costs of preparing and giving notice occasioned by the proceedings shall be retained by the City.

RELEVANCE TO ADOPTED CITY WORK PLAN:

Goal 1: City Service Delivery – Community Development

- Objective 4: Continue to encourage infill development

The residential units proposed for the site would be centrally located among Florence's most economically-diverse and well-connected neighborhoods.

ALTERNATIVES:

1. Approve the vacation based on the findings of compliance with City regulations and the Florence Realization 2020 Comprehensive Plan.
2. Modify the findings and approve the request as modified.
3. Deny approval of the vacation based on the Council's findings and provide reason for the denial through a Resolution.
4. Continue the Public Hearing to a date certain if more information is needed.

RECOMMENDATION:

Alternative 1: Approve the vacation based on the findings of compliance with City regulations and the Florence Realization 2020 Comprehensive Plan.

AIS PREPARED BY: Dylan Huber-Heidorn, Planning Technician

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other
Comments:

ER Reynolds

ITEMS ATTACHED:

- Attachment 1** – Ordinance No. 4, Series 2019
 - Exhibit A – Findings of Fact
 - Exhibit B – Map of Area Proposed for Vacation
 - Attachment 2** – Petition for Vacation
 - Attachment 3** – Affected Property Owner Consent Signatures
 - Attachment 4** – Property Value Estimate Worksheet
 - Attachment 5** – 1986 Park Master Plan, Table 13 Excerpt
 - Attachment 6** – Resolution PC 19 01 VAC 01
 - Attachment 7** – Affected Property Drawings
 - Attachment 8** – PWD Mike Miller Comments
-
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**CITY OF FLORENCE
ORDINANCE NO. 4, SERIES 2019**

AN ORDINANCE APPROVING THE REQUEST FOR VACATION OF A PORTION OF THE PINE STREET RIGHT-OF-WAY WHERE THAT RIGHT-OF-WAY LIES BETWEEN LOTS 10 OF BLOCK 27 AND 1 OF BLOCK 28 OF THE PLAT OF FRASIER AND BERRY'S PART OF THE CITY OF FLORENCE, AND WHICH DOES NOT EXTEND SOUTH ACROSS ALLEY RIGHT-OF-WAY, AS APPLIED FOR BY MR. DAVID BIELENBERG IN LANE COUNTY, OREGON

RECITALS:

1. The City of Florence was petitioned by the abutting property owner, David Bielenberg, on January 24, 2019, for vacation of the 60-foot wide Pine Street right-of-way extending south from the southern edge of the 32nd Street right-of-way the full lengths of Lot 10 of Block 27 and Lot 1 of Block 28 of the Plat of Frasier and Berry's Part of the City of Florence, as platted and recorded in Book 2, Page 1, Lane County, Oregon Plat Records.
2. David Bielenberg owns personally all properties abutting the right-of-way.
3. The Florence City Council initiated the vacation of the right-of-way at a public hearing held on February 4, 2019.
4. Proper notice per FCC 8-3-5-1 was sent to all abutting and affected property owners prior to the Florence Planning Commission meeting on February 19, 2019.
5. The Florence Planning Commission held a duly noticed public hearing on February 26, 2019.
6. The Florence Planning Commission approved Resolution PC 19 01 VAC 01, recommending approval of the vacation to the Florence City Council with conditions of approval for the applicant to meet prior to a City Council meeting approving the vacation.
7. The applicant provided the Planning Department with proof of the met conditions of approval as requested by the Planning Commission prior to the City Council meeting approving the vacation.
8. The applicant has received the consent of the owners of more than two-thirds of affected property and has provided those signatures as part of their application.
9. Notice was sent to all abutting and affected property owners prior to the Florence City Council meeting on March 14, 2019.
10. The City Council met on April 1, 2019, to consider the proposal, evidence in the record, and testimony received.

FINDINGS OF FACT
Ordinance No. 4, Series 2019
Exhibit "A"

Public Hearing Date: April 1, 2019
Date of Report: March 25, 2019
Application: CC 19 01 VAC 01

Planner:
Dylan Huber-Heidorn

I. PROPOSAL DESCRIPTION

Proposal: An application by David Bielenberg for vacation of a portion of the Pine Street right-of-way (ROW) between Block 27 and Block 28 of the Plat of Frasier and Berry's Part of the City of Florence, between 31st Street and 32nd Street.

Applicant: David Bielenberg

Property Owner: City of Florence

Location: Roughly the northern half of the portion of Pine Street between Block 27 and Block 28 of the Plat of Frasier and Berry's Part of the City of Florence

South of the 32nd Street right-of-way and north of the points of intersection where Pine Street meets the alley rights-of-way which bisect Block 27 and Block 28 (see Figure 1)

West of Highway 101, east of Oak Street
Map 18-12-23-23

Comprehensive Plan Map Designation: High Density Residential, Highway (split)

Zone Map Classification: Multi-Family Residential, Highway (split)

Surrounding Land Use / Zoning:

Site: Undeveloped ROW / Multi-Family Residential, Highway
North: Concrete Batch Plant, Lumber Yard / Highway
South: Undeveloped ROW, Residences / Multi-Family Residential, Highway
West: Undeveloped Lot; Lane Community College / Multi-Family Residential
East: Undeveloped Lot, Residences, Highway 101 / Highway

Streets / Classification:

West – Oak Street / Collector; North – 32nd Street / Local; East – Highway 101 / Major Arterial; South – 31st Street / Local

II. NARRATIVE:

Dave Bielenberg, owner of the two properties which abut the ROW proposed for vacation, has petitioned the City of Florence to vacate 7,200 square feet of Pine Street. Those two tax lots are identified as Map 18-12-23-23 Tax Lots 02200 & 02800. The subject ROW extends from the southern edge of the 32nd Street ROW to the northern corners of the alley rights-of-way which bisect the blocks between 31st and 32nd Streets. The length of the subject ROW matches the depth of the abutting tax lots, and therefore does not extend beyond the southern bounds of those tax lots and does not impede those alleys from connecting Oak Street to Pine Street to Highway 101.

The Pine Street ROW between 31st and 32nd Streets, including the portion proposed for vacation, is undeveloped and vegetated. Part of the southern portion of this area, which is not proposed for vacation, is being used as informal gravel driveway access and parking.

The applicant has expressed a desire to develop townhome residential units on the aforementioned tax lots. Vacation of this portion of the Pine Street ROW would add flexibility to development plans.

The Pine Street ROW was previously vacated where it passed through the blocks to both the north and south of the subject ROW. Pine Street no longer connects 30th Street to 31st Street, and that segment is predominantly included in residential lots. Pine Street also no longer connects 32nd Street to 33rd Street or 33rd Street to 34th Street; those segments are part of lots being used as the Knife River concrete plant, undeveloped land, an apartment building, and a commercial building. Currently, the subject portion of Pine Street would not likely be of importance to vehicular traffic patterns even if it were developed.

The petition was received on January 24, 2019. On February 4, 2019, the Florence City Council initiated vacation procedures following a preliminary determination that vacation of the right-of-way appears to be in the public interest.

On February 26, 2019, the Planning Commission held a public hearing and voted unanimously to recommend approval of the vacation to the City Council, stating that the vacation would serve the public interest.

Figure 1.



III. NOTICES & REFERRALS:

Notice: On March 14, 2019, notice was mailed to owners of property within 200 feet east and west of the area to be vacated and 400 feet north and south of the area to be vacated. The ROW of posted with notice of the proposed vacation at its northern and southern ends on March 14, 2019.

Notice was published in the Siuslaw News for three consecutive weeks, on March 16th, 20th, and 30th, as per FCC 10-8-3.

At the time of this report, the City had received no written comments on the application.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code, Title 8:

Chapter 3: Property Vacations, Sections 4-1 through 6-3

Florence City Code, Title 10:

Chapter 36: Public Facilities, Section 2-1-A

Oregon Revised Statutes:

ORS 271: Use and Disposition of Public Lands Generally, Easements; ORS 271.005 - ORS 271.230

V. PROPOSED FINDINGS

FLORENCE CITY CODE

TITLE 8: CHAPTER 3: PROPERTY VACATIONS

8-3-3: INITIATION: Proceedings for the vacation of a public way or part thereof, may be initiated upon petition of the abutting owner(s) or upon the majority vote of the Council. The petition of the abutting owner(s) shall be accompanied by an application fee set by resolution. The fee is to cover administrative costs and the costs of publication and notice, and is not refundable.

The applicant applied for vacation of the ROW on January 24, 2019. At their February 4, 2019 meeting, the Florence City Council initiated the vacation of the ROW based on a petition by the abutting property owner. The applicant has paid the application fee.

8-3-4: DETERMINATION OF VALUE:

8-3-4-1: COUNCIL HEARING ON INITIATION: Upon receiving the petition for vacation the City Manager shall set a public hearing before the Council to make a preliminary determination of the public interest in the vacation, if any, and to determine the value of the public way to be vacated if the vacation appears to be in the public interest. Not less than five days prior written notice of the hearing shall be given to the petitioners and the owner(s) of affected property. Such notice shall be by first class U.S. Mail to such property owners as shown in the latest Lane County tax assessment roll or upon the City's utility records.

Notice was not mailed to affected property owners prior to the initiation hearing by City Council. Affected property owners have received mailed notice on two other occasions, only one of which as required by ORS.

8-3-4-2: CRITERIA: In determining the value of the public way to be vacated, the Council shall consider any relevant appraisals the City possesses and the public information in the files of the Lane County Assessment and Taxation Department or its successor agency. Except for direct uses by a public body supported by local property taxes, in the absence of more relevant information the Council shall calculate the value based on the square foot value of abutting real property as shown on the current Lane County assessment roll, less a percentage for easements retained for public use. The abutting owner(s) may request the Council to obtain other evidence of value from a licensed real estate appraiser hired by the City. All such appraisal costs shall be borne by the requesting abutting property owner(s). The Council may consider this evidence and adjust its determination of value as the Council may find to be just and equitable. The basis for any such adjustment shall be stated on the record at the time the Council takes action.

A determination of value shall be made and assessed to abutting property owners for all public ways being vacated.

The values calculated by staff for the loss of the public right-of-way was determined in accordance with the criteria available in FCC 8-3-4-2. An average price per square foot based on Real Market Land value was determined for abutting tax lots 02200 and 02800. This value was multiplied by the number of square feet requested for vacation. The value determined through this method is \$5.03 per square foot, or a total of \$36,215.24 for the 7,200 square feet of right-of-way.

To estimate the value of the aforementioned easements, which were subtracted from the total estimated land value to determine the final estimated value, staff calculated the value of the easements at 25% of the underlying land value, or \$1.26 per square foot. The total value of the 4,310 square feet of easements is \$5,419.83.

The total value of the public loss of the subject right-of-way was estimated at \$30,795.42 (see Attachment 3 to Agenda Item 3 for the February 4, 2019, meeting of the Florence City Council).

8-3-4-3: ACTION: After the hearing is closed, the Council may deny the petition or may forward the petition to the Planning Commission for its recommendation and shall set the amount of the assessment.

The City Council initiated vacation of the ROW on February 4, 2019, and forwarded the petition to the Planning Commission for recommendations.

8-3-5-1: PLANNING COMMISSION HEARING: Upon referral of vacation proceedings from the Council, the City Manager shall set a public hearing before the Planning Commission. Notice shall be given at least seven days before the public hearing by mailing the notice to the petitioner(s), affected property owners and others appearing on the matter before the Council in its hearing under subsection 8-3-4-1.

Notice was mailed to the applicant and affected property owners on February 19, 2019, seven days prior to the Planning Commission public hearing.

8-3-5-2: ACTION: After the hearing is closed, the Planning Commission shall determine whether the public interest will be served or prejudiced by the vacation of the public way or part thereof. In determining whether the public interest will be served or prejudiced, the Planning Commission shall consider the goals of the Florence Comprehensive Plan and Section 10-1-1-3 of this Code. The Planning Commission's decision shall be in the form of a recommendation to the Council.

On February 26, 2019, the Planning Commission voted unanimously in favor of Resolution PC 19 01 VAC 01. The resolution recommends approval to the City Council, finding that the vacation would serve the public interest, is compatible with the goals of the Florence Realization 2020 Comprehensive Plan, and meets the requirements of FCC 10-1-1-3.

8-3-6-1: COUNCIL HEARING: Following the Planning Commission's recommendation, the City Manager shall set a public hearing before the Council.

A. Commencing at least 20 days before the hearing the notice required by this subsection shall be:

- 1. Published for three consecutive weeks in a newspaper of general circulation in the City;**
- 2. Posted at each end of the public way proposed for vacation and if the length of the public way exceeds 150 feet, within the area to be vacated in a conspicuous place at least once every 150 feet of length;**
- 3. Mailed to the petitioner(s), the owners of affected property and any other person appearing before the Council and Planning Commission in the earlier hearings.**

Notice was published in the Siuslaw News on March 16th, 20th, and 30th, meeting the requirement for newspaper publication. Notice was posted at two locations—once at each end of the subject ROW. The ROW is 120' long, so no additional posting was required.

Notice of the Council hearing was mailed to the petitioners, the owners of affected properties, and all other persons appearing in earlier hearings on March 14, 2019. This was only 18 days prior to the hearing. However, due to the additional Planning Commission hearing and public comment period called for by Florence City Code, affected property owners were first notified of the vacation proceedings 41 days prior to the City Council hearing.

B. The notice required by this subsection shall:

- 1. Describe the public way proposed to be vacated;**
- 2. Identify the name of at least one petitioner;**
- 3. Identify the date the Council initiated the proceedings and, if appropriate, the cost to be assessed abutting property;**
- 4. The date, time and place by which any written remonstrance must be filed;**
- 5. The date, time and place of the public hearing before the Council; and**
- 6. Where people may telephone or write for additional information.**

The notice distributed to property owners and on-site contained a description of the public way to be vacated; named the petitioner; identified the date Council initiated the proceedings and the cost to be assessed to the abutting property owners; the date, time, and place by which any written remonstrance could be filed; the date, time, and

place of the public hearing before the City Council; and where people could telephone or write for additional information.

8-3-6-2:COUNCIL ACTION:

- A. After the hearing is closed, the Council shall determine whether the consent of the abutting owners has been obtained, whether notice has been duly given, and whether the public interest will be served or prejudiced by the vacation of the public way or part thereof. In determining whether the public interest will be served or prejudiced, the Council shall consider the goals of the Florence Comprehensive Plan, Section 10-1-1-3 of this Code, and whether the public way to be vacated may be needed for future public use. The Council may grant the petition in whole or in part, with such reservations as would appear to be for the public interest, including reservations pertaining to the public use of any easements retained by the City in the portion vacated.**

The City Council is tasked by FCC 8-3-6-2 with determining whether property consent and notice has been duly given and whether the public interest will be served or prejudiced by the vacation of the public way.

The current Parks Master Plan adopts the 1986 Parks Master Plan as reference. The 1986 plan designates the Pine Street ROW from 29th Street to 33rd Street as an area of potential importance for the development of Florence's park system. Specifically, these four blocks were identified for potential use as neighborhood or linear park types. Of these four blocks of Pine Street, two have previously been vacated as discussed. In the spirit of the earlier designation of recreation potential, staff discussed the possibility of including pedestrian access in the easement area protecting public utility infrastructure, which runs the full length of the subject ROW.

Water and sewer utility lines run beneath this segment of Pine Street. Florence Public Works Director Mike Miller determined that easements would be needed for protection and maintenance of the utility lines and that easements for the two lines would overlap. The dimensions of the necessary easements would be 33 feet wide by 120 feet long (the full length of the subject ROW). This easement would also accommodate public access for non-automotive traffic.

Additional easements would be required for an existing fire hydrant in the ROW, which would measure at 10 feet by 15 feet, and two sewer and water access points, which would each measure 10 feet by 10 feet

These easement areas would contain a total of 4,310 square feet.

The subject portion of the Pine Street ROW is not included in the Transportation System Plan.

- B. If such matters are determined in favor of the petition, the Council shall direct that an ordinance be prepared that would make such determination a matter of record and vacate the public way or part thereof. After the**

abutting owner(s) has paid or agreed to pay the value of the public way to be vacated, as provided in Section 8-3-6-3 of this chapter, the Council may take final action on the ordinance. If the abutting owner(s) has not done so or taken reasonable steps to do so within 30 days after the Council has directed that an ordinance be prepared, the petition shall be deemed withdrawn and the Council shall take no further action.

In the interest of the applicant, Ordinance No. 4, Series 2019 has been drafted for the review of the City Council at their April 1, 2019 hearing. The petitioner has agreed to pay the \$30,795.42 requested by the City in full. Payment has been arranged in advance of the hearing and awaits only the final action of the City Council. If the applicant has not paid or taken reasonable steps to do so with 30 days after preparation of an Ordinance, the petition shall be deemed withdrawn.

C. Denial of the petition shall be by resolution setting forth the reasons for the denial.

Should the City Council choose to deny the petition for vacation of the alley, that denial should be by resolution with reasons for the denial listed in the resolution.

8-3-6-3:PAYMENT OF COSTS OF VACATION:

A. The abutting owner(s) shall, within 30 days after the Council has directed that a vacation ordinance be prepared, either pay the amount of the assessment in full, or, where the assessment is to be one hundred dollars (\$100.00) or more, apply, upon forms provided by the City Manager, for the voluntary imposition upon the parcel for a lien for the full amount of the assessment and the payment of that lien in twenty (20) semi-annual installments plus interest at the rate of ten percent (10%) per annum. Upon receipt of such an application, and following adoption of the vacation ordinance in the manner described in Section 8-3-6-2-B. Of this chapter, the City Manager shall compute the amount of the assessment and shall report to the City Recorder the amount of the assessment, the date upon which that assessment is due, the name of the owner of record or the purchaser of record, and the description of the property, and upon receiving that report the City Recorder shall docket the lien in her docket of liens, and from the time that docketing is completed, the City shall have a lien upon that described land for the amount of the charge and interest upon that charge at the rate of ten percent (10%) per annum, which interest shall be the full and only compensation to the City for its administrative costs. That lien shall be enforced in the manner provided in ORS chapter 223.

The applicant has agreed to pay the assessed value of the lost right-of-way as required by Florence City Code and state statute.

B. If the proposed vacation is wholly denied, only the actual costs of preparing and giving the notice occasioned by the proceedings shall be retained by the City.

- C. Any money retained, and any sum assessed and collected as benefits, shall be paid into the City treasury.**

The applicant has paid a \$3,155.00 application fee for the vacation petition. Should the proposal be denied, the applicant will be assessed the actual costs of preparing and giving the notice occasioned by the proceedings from this application fee.

TITLE 10: CHAPTER 36: PUBLIC FACILITIES

10-36-2-1: Development Standards. The following standards shall be met for all new uses and developments:

- A. All new lots created, consolidated, or modified through a land division, lot line adjustment, lot consolidation, or street vacation must have street frontage and approved access to a street.**

The subject ROW abuts 32nd Street. Pedestrian and vehicular access details would be reviewed along with development. The easement areas previously discussed would provide opportunities for pedestrian access.

OREGON REVISED STATUTES

CHAPTER 271 – USE AND DISPOSITION OF PUBLIC LANDS GENERALLY; EASEMENTS

271.005 Definitions for ORS 271.005 to 271.540. As used in ORS 271.005 to 271.540:

- (1) “Governing body” means the board or body in which the general legislative power of a political subdivision is vested.**
- (2) “Governmental body” means the State of Oregon, a political subdivision, the United States of America or an agency thereof.**
- (3) “Political subdivision” means any local government unit, including, but not limited to, a county, city, town, port, dock commission or district, that exists under the laws of Oregon and has power to levy and collect taxes. [1981 c.787 §2]**

271.010 [Amended by 1965 c.25 §1; 1971 c.287 §1; repealed by 1981 c.153 §79]

271.020 [Amended by 1953 c.283 §3; 1977 c.275 §1; repealed by 1981 c.153 §79]

271.030 [Amended by 1953 c.283 §3; repealed by 1981 c.153 §79]

271.040 [Repealed by 1981 c.153 §79]

271.050 [Repealed by 1981 c.153 §79]

271.060 [Repealed by 1981 c.153 §79]

271.070 [Repealed by 1981 c.153 §79]

VACATION

271.080 Vacation in incorporated cities; petition; consent of property owners.

- (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a**

petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

- (2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing. [Amended by 1999 c.866 §2]

271.090 Filing of petition; notice. The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

271.100 Action by city governing body. The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

The applicant has obtained consent of 100% of abutting property owners. As of the time of this report, consent had been obtained from the owners of 70.58% of affected property, which is sufficient to meet the two-thirds requirement.

The remaining requirements have been incorporated into Florence City Code with matching criteria or, in some cases, more stringent criteria. These criteria have been discussed and have been met.

271.110 Notice of hearing.

- (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the

petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

- (2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.
- (3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1; 2005 c.22 §196]

Florence City Code calls for public notice and public input procedures that go beyond the minimum requirements of state law. Notice was published in the Siuslaw News for three consecutive weeks rather than two. The site was posted with notice prior to newspaper publication. State noticing requirements for this hearing before the City Council have been met. The applicant's application fee covers expenses related to processing and public notice. These criteria are met.

271.130 Vacation on city governing body's own motion; appeal.

- (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.
- (2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.
- (3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.
- (4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

The applicant, a private citizen, has requested vacation through petition.

271.140 Title to vacated areas. 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. If a public square is vacated the title thereto shall vest in the city. [Amended by 1981 c.153 §58]

The area proposed for vacation would be joined to the abutting lots, which are each owned by the applicant, in equal portions.

271.150 Vacation records to be filed; costs. A certified copy of the ordinance vacating any street or plat area and any map, plat or other record in regard thereto which may be required or provided for by law, shall be filed for record with the county clerk. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of any such ordinance shall be filed with the county assessor and county surveyor.

271.160 Vacations for purposes of rededication. No street shall be vacated upon the petition of any person when it is proposed to replat or rededicate all or part of any street in lieu of the original unless such petition is accompanied by a plat showing the proposed manner of replatting or rededicating. If the proposed manner of replatting or rededicating or any modification thereof which may subsequently be made meets with the approval of the city governing body, it shall require a suitable guarantee to be given for the carrying out of such replatting or rededication or may make any vacation conditional or to take effect only upon the consummation of such replatting or rededication.

271.170 Nature and operation of statutes. The provisions of ORS 271.080 to 271.160 are alternative to the provisions of the charter of any incorporated city and nothing contained in those statutes shall in anywise affect or impair the charter or other provisions of such cities for the preservation of public access to and from transportation terminals and navigable waters.

Applicable criteria have been incorporated into Florence City Code. Recording requirements will be carried out according to applicable statutes. The applicant has not proposed replatting or rededication.

271.180 Vacations in municipalities included in port districts; petition; power of common council; vacating street along railroad easement. To the end that adequate facilities for terminal trackage, structures and the instrumentalities of commerce and transportation may be provided in cities and towns located within or forming a part of any port district organized as a municipal corporation in this state, the governing body of such cities and towns, upon

the petition of any such port, or corporation empowered to own or operate a railroad, steamship or other transportation terminal, or railroad company entering or operating within such city or town, or owner of property abutting any such terminal, may:

- (1) Authorize any port commission, dock commission, common carrier, railroad company or terminal company to occupy, by any structure, trackage or machinery facilitating or necessary to travel, transportation or distribution, any street or public property, or parts thereof, within such city or town, upon such reasonable terms and conditions as the city or town may impose.
- (2) Vacate the whole or any part of any street, alley, common or public place, with such restrictions and upon such conditions as the city governing body may deem reasonable and for the public good.
- (3) If any railroad company owns or has an exclusive easement upon a definite strip within or along any public street, alley, common or public place, and if the city governing body determines such action to be to the advantage of the public, vacate the street area between the strip so occupied by the railroad company and one property line opposite thereto, condition that the railroad company dedicates for street purposes such portion of such exclusive strip occupied by it as the city governing body may determine upon, and moves its tracks and facilities therefrom onto the street area so vacated. The right and title of the railroad company in the vacated area shall be of the same character as previously owned by it in the exclusive strip which it is required by the city governing body to surrender and dedicate to street purposes.

271.190 Consent of owners of adjoining property; other required approval. No vacation of all or part of a street, alley, common or public place shall take place under ORS 271.180 unless the consent of the persons owning the property immediately adjoining that part of the street or alley to be vacated is obtained thereto in writing and filed with the auditor or clerk of the city or town. No vacation shall be made of any street, alley, public place or part thereof, if within 5,000 feet of the harbor or pierhead line of the port, unless the port commission, or other bodies having jurisdiction over docks and wharves in the port district involved, approves the proposed vacation in writing.

These criteria do not apply to this petition for vacation.

271.200 Petition; notice.

- (1) Before any street, alley, common or public place or any part thereof is vacated, or other right granted by any city governing body under ORS 271.180 to 271.210 the applicant must petition the governing body of the city or town involved, setting forth the particular circumstances of the case, giving a definite description of the property sought to be vacated, or of the right, use or occupancy sought to be obtained, and the names of the persons to be particularly affected thereby. The petition shall be filed with the auditor or clerk of the city or town involved 30 days previous to the taking of any action thereon by the city governing body.
- (2) Notice of the pendency of the petition, containing a description of the area sought to be vacated or right, use or occupancy sought to be obtained, shall be published at least once each week for three successive weeks prior to

expiration of such 30-day period in a newspaper of general circulation in the county wherein the city or town is located.

The petition and other application materials for the proposed vacation are complete. Newspaper publication will be completed as required by this statute by the time of the Council hearing. These criteria have been met.

271.210 Hearing; grant of petition. Hearing upon the petition shall be had by the city governing body at its next regular meeting following the expiration of 30 days from the filing of the petition. At that time objections to the granting of the whole or any part of the petition shall be duly heard and considered by the governing body, which shall thereupon, or at any later time to which the hearing is postponed or adjourned, pass by a majority vote an ordinance setting forth the property to be vacated, or other rights, occupancy or use to be thereby granted. Upon the expiration of 30 days from the passage of the ordinance and the approval thereof by the mayor of the city or town, the ordinance shall be in full force and effect.

271.220 Filing of objections; waiver. All objections to the petition shall be filed with the clerk or auditor of the city or town within 30 days from the filing of the petition, and if not so filed shall be conclusively presumed to have been waived. The regularity, validity and correctness of the proceedings of the city governing body pursuant to ORS 271.180 to 271.210, shall be conclusive in all things on all parties, and cannot in any manner be contested in any proceeding whatsoever by any person not filing written objections within the time provided in this section.

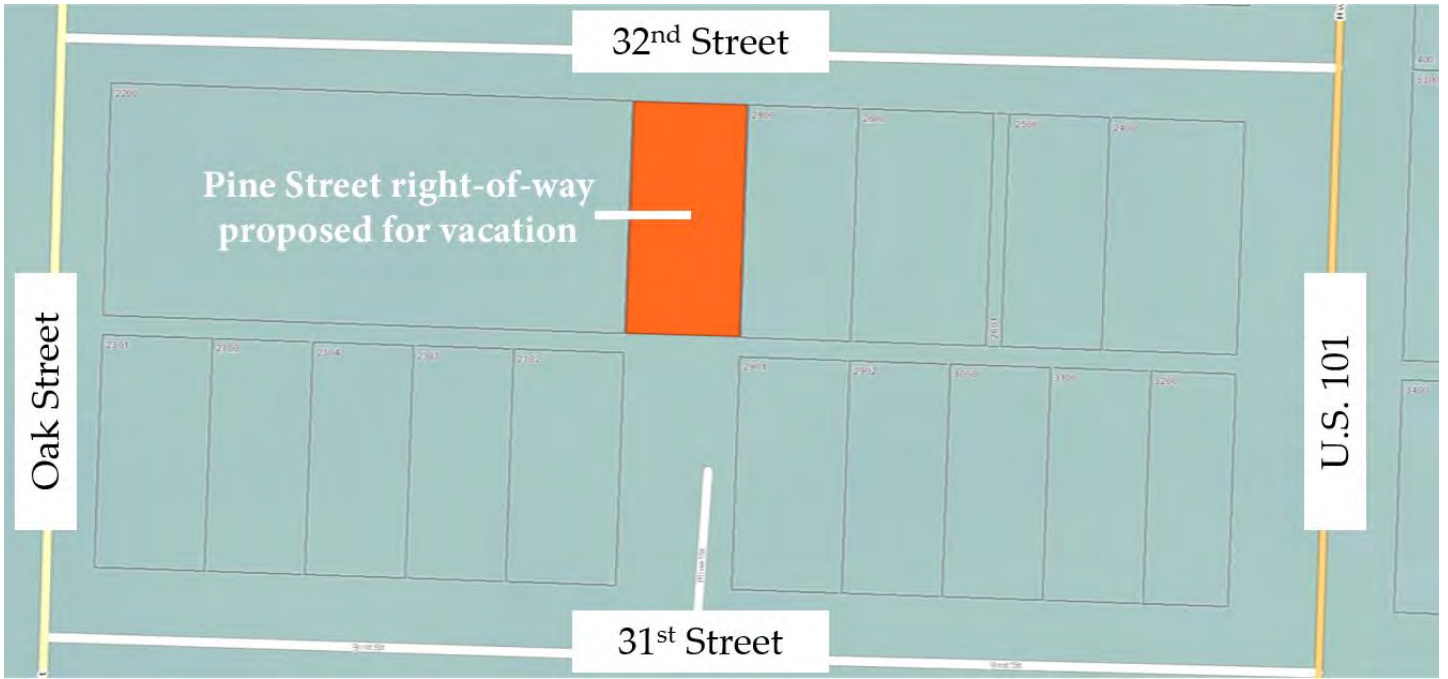
271.230 Records of vacations; fees.

- (1) If any town or plat of any city or town is vacated by a county court or municipal authority of any city or town, the vacation order or ordinance shall be recorded in the deed records of the county. Whenever a vacation order or ordinance is so recorded, the county surveyor of such county shall, upon a copy of the plat that is certified by the county clerk, trace or shade with permanent ink in such manner as to denote that portion so vacated, and shall make the notation "Vacated" upon such copy of the plat, giving the book and page of the deed record in which the order or ordinance is recorded. Corrections or changes shall not be allowed on the original plat once it is recorded with the county clerk.**
- (2) For recording in the county deed records, the county clerk shall collect the same fee as for recording a deed. For the services of the county surveyor for marking the record upon the copy of the plat, the county clerk shall collect a fee as set by ordinance of the county governing body to be paid by the county clerk to the county surveyor. [Amended by 1971 c.621 §31; 1975 c.607 §31; 1977 c.488 §2; 1979 c.833 §30; 1999 c.710 §12; 2001 c.173 §5]**

Requirements for hearings, objections, recording, and fees will be observed as required by these statutes and Florence City Code.

VI. CONCLUSION

The proposed vacation is in the public interest and meets the Comprehensive Plan goals and the requirements of City Code.





CITY OF FLORENCE
PETITION FOR STREET AND/OR ALLEY VACATION

I/we David Bickelberg, who reside at
1642 Heriastad Dr. NE, mailing address
Silverton, OR. 97381 phone 503-932-2861

THE UNDERSIGNED, owners of legal and/or equitable title to the real property abutting the proposed vacation herein, do hereby petition the City Council of Florence, Oregon to vacate the following described area:

North 1/4 of 1/2 of Pine Street between
Tex Lots 18-12-23-23-02200 & 022500

The purpose for which the ground is to be used is: MULTI FAMILY DEVELOPMENT

The reason for the vacation is: Develop sub-division

I/we understand that I/we may be expected to pay an assessment for benefits accruing to me/us from the acquisition of the property that becomes my/our possession after final vacation proceedings.

[Signature]
Signature of Petitioner

JAN. 8, 2019
Date

Signature of Petitioner

Date

Attached to this petition are:

1. A map showing area to be vacated.
2. Consenting signatures of owners of 2/3 of the property within the affected area.
3. An application fee of \$3000.00.



Explain the reason for clearing:

To add additional space
for development of multi-family
examples, converting of 14
single family homes.

VII. Additional Information Required

The below is check list of the required information to determine an application complete. Florence City Code (FCC) references are provided for your convenience. FCC is available at City Hall or on-line at www.ci.florence.or.us under "City Government", click on "City Code".

FCC Title 10, Chapter 1 states that staff has 30 days to review the application for completion. A written notice explaining application deficiencies or acknowledging a complete application will be provided to the applicant and/or representative. Please be aware that the applicant has the burden of proof to show how the project meets the applicable criteria as (refer to FCC 2-10-6). If you have questions, contact the Planning Department at 541-997-8237.

- Plot Plan (per FCC 10-6-6-A)- drawn to scale showing dimensions, trees and native vegetation to be removed, property boundaries, existing and/or proposed buildings, existing and/or proposed roads and sidewalks, easements, parking lot, locations of entrances and exits, significant grade changes, and natural features (such as streams, wetlands, sand dunes)
- Off-Site Conditions- (per FCC 10-1-1-4-B-3) 600 feet from the proposed site that is one acre or larger and within 100 feet the site that is less than an acre (300 feet for a conditional use permit as per FCC 10-4-3-B). Drawing needs to include property lines, utility locations and sizes, existing and future streets, significant grade changes and natural features such as streams, wetlands and sand dunes. If possible, please include adjacent property's ingress and egress locations.
- Stormwater: (only one applies) meeting design requirements outlined in FCC 9-5-3:
 - Preliminary Development Plan (per FCC 9-5-2-A-4): (projects which are clearing 10,000 square feet or greater and under 1 acre per FCC 9-5-2-2-C) Shall include a general description of the proposed project property and description of existing structures, buildings, and other fixed improvements located on the property and surrounding properties. The plan shall also include natural water flow of the existing property, soils, storm water drainage, flooding from high groundwater table. The Plan also shall identify the features outlined in FCC 9-5-2-A-4.
 - A Stormwater Management Plan (per FCC 9-5-2-3): Stormwater Management Plan is required for projects over 1 acre is required, please refer to FCC 9-5-2-3 for submittal requirements.

A vegetation clearing permit shall expire six months following approval.

BEFORE THE CITY COUNCIL OF THE CITY OF FLORENCE
 IN THE STATE OF OREGON, COUNTY OF LANE

In the Matter of the Petition for the)
 Vacation of a Portion of Pine Street)
 in the City of Florence, Lane) **AFFECTED PROPERTY**
 County, Oregon.) **OWNERS CONSENT TO**
) **VACATION**
 David Bielenberg,)
)
 _____)
 Petitioner.)

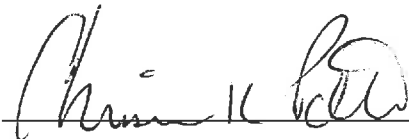
WHEREAS, there is a petition directed to the City Council of the City of Florence, Lane County, Oregon, seeking a vacation of a portion of the Pine Street Right of Way between Block 27 and Block 28 of the Plat of Frazier and Berry's part of the City of Florence, as platted and recorded in Book 30, Page 12, Lane County, Oregon Plat Records, where that Right of Way lies between Tax Lots 02200 and 02800 of Map 18-12-23-23, which does not extend across alley rights of way, in Lane County Oregon.

WHEREAS, I/We are affected property owners of said property to be vacated and are the owners of the property located at:

<u>Property Tax Account Number</u>	<u>Owner(s)</u>	<u>Owner's Mailing Address</u>
785731 & 785699	CD POP LLC & CDPOP1706 LLC	28 Meadow Way Scotts Valley, CA 95066

NOW THEREFORE, the undersigned owner(s) of real property affected by the proposed vacated portion of the Pine Street Right of Way, hereby respectfully consents to the allowance of such petition.

DATED this 17th day of March, 2019.


 _____, Owner


 _____, Owner

BEFORE THE CITY COUNCIL OF THE CITY OF FLORENCE
IN THE STATE OF OREGON, COUNTY OF LANE

In the Matter of the Petition for the)	
Vacation of a Portion of Pine Street)	
in the City of Florence, Lane)	AFFECTED PROPERTY
County, Oregon.)	OWNERS CONSENT TO
)	VACATION
David Bielenberg,)	
)	
_____ Petitioner.)	

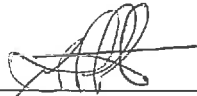
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WHEREAS, I/We are affected property owners of said property to be vacated and are the owners of the property located at:

<u>Property Tax Account Number</u>	<u>Owner(s)</u>	<u>Owner's Mailing Address</u>
785244	Central Coast Builders Supply	345 Olive Newport, OR 97306

NOW THEREFORE, the undersigned owner(s) of real property affected by the proposed vacated portion of the Pine Street Right of Way, hereby respectfully consents to the allowance of such petition.

DATED this 7th day of March, 2019.


 _____ *MANAGING MEMBER*
 GRANT FORREST, Owner

, Owner

BEFORE THE CITY COUNCIL OF THE CITY OF FLORENCE
IN THE STATE OF OREGON, COUNTY OF LANE

In the Matter of the Petition for the)
Vacation of a Portion of Pine Street)
in the City of Florence, Lane)
County, Oregon.)
David Bielenberg,)
Petitioner.)

**AFFECTED PROPERTY
OWNERS CONSENT TO
VACATION**

WHEREAS, there is a petition directed to the City Council of the City of Florence, Lane County, Oregon, seeking a vacation of a portion of the Pine Street Right of Way between Block 27 and Block 28 of the Plat of Frazier and Berry's part of the City of Florence, as platted and recorded in Book 30, Page 12, Lane County, Oregon Plat Records, where that Right of Way lies between Tax Lots 02200 and 02800 of Map 18-12-23-23, which does not extend across alley rights of way, in Lane County Oregon.

WHEREAS, I/We are affected property owners of said property to be vacated and are the owners of the property located at:

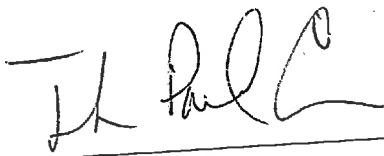
Property Tax Account Number
785392

Owner(s)
Crispi, John Paul

Owner's Mailing Address
1622 Foothill Blvd.
LaCanada, CA 91011

NOW THEREFORE, the undersigned owner(s) of real property affected by the proposed vacated portion of the Pine Street Right of Way, hereby respectfully consents to the allowance of such petition.

DATED this 8 day of March, 2019.



John Paul Crispi, Owner

, Owner

BEFORE THE CITY COUNCIL OF THE CITY OF FLORENCE
IN THE STATE OF OREGON, COUNTY OF LANE

In the Matter of the Petition for the)	
Vacation of a Portion of Pine Street)	
in the City of Florence, Lane)	AFFECTED PROPERTY
County, Oregon.)	OWNERS CONSENT TO
)	VACATION
David Bielenberg,)	
)	
_____)	
Petitioner.)	

WHEREAS, there is a petition directed to the City Council of the City of Florence, Lane County, Oregon, seeking a vacation of a portion of the Pine Street Right of Way between Block 27 and Block 28 of the Plat of Frazier and Berry's part of the City of Florence, as platted and recorded in Book 30, Page 12, Lane County, Oregon Plat Records, where that Right of Way lies between Tax Lots 02200 and 02800 of Map 18-12-23-23, which does not extend across alley rights of way, in Lane County Oregon.

WHEREAS, I/We are affected property owners of said property to be vacated and are the owners of the property located at:

<u>Property Tax Account Number</u>	<u>Owner(s)</u>	<u>Owner's Mailing Address</u>
785327	DECLARATION OF TRUST 3-24-1995 DONNA ENGLISH TRST.	531 Via Estrada, Unit A Laguna Woods, CA. 92657

NOW THEREFORE, the undersigned owner(s) of real property affected by the proposed vacated portion of the Pine Street Right of Way, hereby respectfully consents to the allowance of such petition.

DATED this 13th day of March, 2019.

Donna M English, Trustee
VOT dtd March 24, 1995
Owner

_____, Owner

BEFORE THE CITY COUNCIL OF THE CITY OF FLORENCE
IN THE STATE OF OREGON, COUNTY OF LANE

In the Matter of the Petition for the)
Vacation of a Portion of Pine Street)
in the City of Florence, Lane) **AFFECTED PROPERTY**
County, Oregon.) **OWNERS CONSENT TO**
) **VACATION**
David Bielenberg,)
)
_____) Petitioner.)


WHEREAS, there is a petition directed to the City Council of the City of Florence, Lane County, Oregon, seeking a vacation of a portion of the Pine Street Right of Way between Block 27 and Block 28 of the Plat of Frazier and Berry's part of the City of Florence, as platted and recorded in Book 30, Page 12, Lane County, Oregon Plat Records, where that Right of Way lies between Tax Lots 02200 and 02800 of Map 18-12-23-23, which does not extend across alley rights of way, in Lane County Oregon.


WHEREAS, I/We are affected property owners of said property to be vacated and are the owners of the property located at:

<u>Property Tax Account Number</u>	<u>Owner(s)</u>	<u>Owner's Mailing Address</u>
785798	Eckhardt Revocable Trust	5569 Chittum Loop Florence, OR 97439

NOW THEREFORE, the undersigned owner(s) of real property affected by the proposed vacated portion of the Pine Street Right of Way, hereby respectfully consents to the allowance of such petition.

DATED this 6 day of March, 2019.


_____, Owner


_____, Owner

BEFORE THE CITY COUNCIL OF THE CITY OF FLORENCE
IN THE STATE OF OREGON, COUNTY OF LANE

In the Matter of the Petition for the)
Vacation of a Portion of Pine Street)
in the City of Florence, Lane) **AFFECTED PROPERTY**
County, Oregon.) **OWNERS CONSENT TO**
) **VACATION**
David Bielenberg,)
)
_____) Petitioner.)

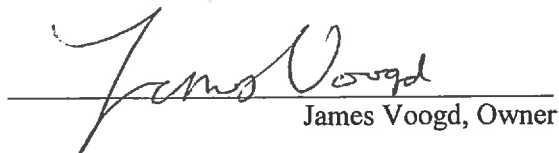
WHEREAS, there is a petition directed to the City Council of the City of Florence, Lane County, Oregon, seeking a vacation of a portion of the Pine Street Right of Way between Block 27 and Block 28 of the Plat of Frazier and Berry's part of the City of Florence, as platted and recorded in Book 30, Page 12, Lane County, Oregon Plat Records, where that Right of Way lies between Tax Lots 02200 and 02800 of Map 18-12-23-23, which does not extend across alley rights of way, in Lane County Oregon.

WHEREAS, I/We are affected property owners of said property to be vacated and are the owners of the property located at:


<u>Property Tax Account Number</u>	<u>Owner(s)</u>	<u>Owner's Mailing Address</u>
1184736	James Voogd & Christina C Voogd Trust	5933 Mercer Lake Rd. Florence, OR 97439

NOW THEREFORE, the undersigned owner(s) of real property affected by the proposed vacated portion of the Pine Street Right of Way, hereby respectfully consents to the allowance of such petition.

DATED this 2 day of March, 2019.



James Voogd, Owner



Christina C Voogd, Owner

BEFORE THE CITY COUNCIL OF THE CITY OF FLORENCE
IN THE STATE OF OREGON, COUNTY OF LANE

In the Matter of the Petition for the)
Vacation of a Portion of Pine Street)
in the City of Florence, Lane) **AFFECTED PROPERTY**
County, Oregon.) **OWNERS CONSENT TO**
) **VACATION**
David Bielenberg,)
)
_____)
Petitioner.)

WHEREAS, there is a petition directed to the City Council of the City of Florence, Lane County, Oregon, seeking a vacation of a portion of the Pine Street Right of Way between Block 27 and Block 28 of the Plat of Frazier and Berry's part of the City of Florence, as platted and recorded in Book 30, Page 12, Lane County, Oregon Plat Records, where that Right of Way lies between Tax Lots 02200 and 02800 of Map 18-12-23-23, which does not extend across alley rights of way, in Lane County Oregon.

WHEREAS, I/We are affected property owners of said property to be vacated and are the owners of the property located at:

<u>Property Tax Account Number</u>	<u>Owner(s)</u>	<u>Owner's Mailing Address</u>
785780	RON'S STUFF LLC	410 Chambers Eugene, OR 97402

NOW THEREFORE, the undersigned owner(s) of real property affected by the proposed vacated portion of the Pine Street Right of Way, hereby respectfully consents to the allowance of such petition.

DATED this 4th day of March, 2019.

Ronald L Anderson
, Owner

, Owner

BEFORE THE CITY COUNCIL OF THE CITY OF FLORENCE
IN THE STATE OF OREGON, COUNTY OF LANE

In the Matter of the Petition for the)	
Vacation of a Portion of Pine Street)	
in the City of Florence, Lane)	
County, Oregon.)	AFFECTED PROPERTY
David Bielenberg,)	OWNERS CONSENT TO
)	VACATION
)	
)	
_____ Petitioner.)	

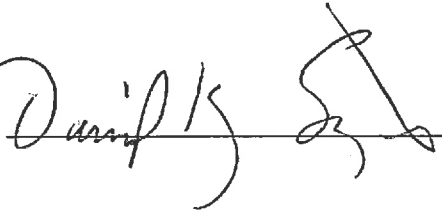
WHEREAS, there is a petition directed to the City Council of the City of Florence, Lane County, Oregon, seeking a vacation of a portion of the Pine Street Right of Way between Block 27 and Block 28 of the Plat of Frazier and Berry's part of the City of Florence, as platted and recorded in Book 30, Page 12, Lane County, Oregon Plat Records, where that Right of Way lies between Tax Lots 02200 and 02800 of Map 18-12-23-23, which does not extend across alley rights of way, in Lane County Oregon.


WHEREAS, I/We are affected property owners of said property to be vacated and are the owners of the property located at:

<u>Property Tax Account Number</u>	<u>Owner(s)</u>	<u>Owner's Mailing Address</u>
785368	Smyth, Daniel K.	1681 31 st St
	Wang, Xiao Wen	Florence, OR 97439

NOW THEREFORE, the undersigned owner(s) of real property affected by the proposed vacated portion of the Pine Street Right of Way, hereby respectfully consents to the allowance of such petition.

DATED this 26 day of March, 2019.


_____, Owner


_____, Owner

BEFORE THE CITY COUNCIL OF THE CITY OF FLORENCE
IN THE STATE OF OREGON, COUNTY OF LANE

In the Matter of the Petition for the)	
Vacation of a Portion of Pine Street)	
in the City of Florence, Lane)	
County, Oregon.)	AFFECTED PROPERTY
)	OWNERS CONSENT TO
)	VACATION
David Bielenberg,)	
)	
_____ Petitioner.)	

WHEREAS, there is a petition directed to the City Council of the City of Florence, Lane County, Oregon, seeking a vacation of a portion of the Pine Street Right of Way between Block 27 and Block 28 of the Plat of Frazier and Berry's part of the City of Florence, as platted and recorded in Book 30, Page 12, Lane County, Oregon Plat Records, where that Right of Way lies between Tax Lots 02200 and 02800 of Map 18-12-23-23, which does not extend across alley rights of way, in Lane County Oregon.

WHEREAS, I/We are affected property owners of said property to be vacated and are the owners of the property located at:

<u>Property Tax Account Number</u>	<u>Owner(s)</u>	<u>Owner's Mailing Address</u>
785756	Snow Janet Marie	1642 31 st Street Florence, OR 97439

NOW THEREFORE, the undersigned owner(s) of real property affected by the proposed vacated portion of the Pine Street Right of Way, hereby respectfully consents to the allowance of such petition.

DATED this 11th day of March, 2019.



Janet Marie Snow, Owner

_____, Owner

BEFORE THE CITY COUNCIL OF THE CITY OF FLORENCE
IN THE STATE OF OREGON, COUNTY OF LANE

In the Matter of the Petition for the) Vacation of a Portion of Pine Street) in the City of Florence, Lane) County, Oregon.) David Bielenberg,)) _____) Petitioner.)	<p>AFFECTED PROPERTY OWNERS CONSENT TO VACATION</p>
---	--

WHEREAS, there is a petition directed to the City Council of the City of Florence, Lane County, Oregon, seeking a vacation of a portion of the Pine Street Right of Way between Block 27 and Block 28 of the Plat of Frazier and Berry's part of the City of Florence, as platted and recorded in Book 30, Page 12, Lane County, Oregon Plat Records, where that Right of Way lies between Tax Lots 02200 and 02800 of Map 18-12-23-23, which does not extend across alley rights of way, in Lane County Oregon.

WHEREAS, I/We are affected property owners of said property to be vacated and are the owners of the property located at:

<u>Property Tax Account Number</u>	<u>Owner(s)</u>	<u>Owner's Mailing Address</u>
785178	Wesley Wells	11629 1 st St. Wegleton, OR 97453

NOW THEREFORE, the undersigned owner(s) of real property affected by the proposed vacated portion of the Pine Street Right of Way, hereby respectfully consents to the allowance of such petition.

X DATED this 26 day of March, 2019.

X _____
 Wesley Wells
 , Owner

 Wesley Wells
 , Owner

BEFORE THE CITY COUNCIL OF THE CITY OF FLORENCE
IN THE STATE OF OREGON, COUNTY OF LANE

In the Matter of the Petition for the)	
Vacation of a Portion of Pine Street)	
in the City of Florence, Lane)	AFFECTED PROPERTY
County, Oregon.)	OWNERS CONSENT TO
)	VACATION
David Bielenberg,)	
)	
_____ Petitioner.)	

WHEREAS, there is a petition directed to the City Council of the City of Florence, Lane County, Oregon, seeking a vacation of a portion of the Pine Street Right of Way between Block 27 and Block 28 of the Plat of Frazier and Berry's part of the City of Florence, as platted and recorded in Book 30, Page 12, Lane County, Oregon Plat Records, where that Right of Way lies between Tax Lots 02200 and 02800 of Map 18-12-23-23, which does not extend across alley rights of way, in Lane County Oregon.

WHEREAS, I/We are affected property owners of said property to be vacated and are the owners of the property located at:

<u>Property Tax Account Number</u>	<u>Owner(s)</u>	<u>Owner's Mailing Address</u>
785426	ZEMLIKA LIVING TRUST	809 Vintage Oak Ave. Galt, CA 95632

NOW THEREFORE, the undersigned owner(s) of real property affected by the proposed vacated portion of the Pine Street Right of Way, hereby respectfully consents to the allowance of such petition.

DATED this ___ day of March, 2019.

Leslie Zemlicka TTE
, Owner

Andrew D. Zemlicka, TTE
, Owner

Pine at 32nd Vacation - CC 19 01 VAC 01							
Abutting Property Value							
Owner	Map	Taxlot	Real Market Land	Total Assessed Value	Square Footage	Acreage	Price/Sq. Ft.
David J Bielenberg Revocable Livin	18-12-23-23	2800	\$49,221	\$49,221	6,970	0.16	\$7.06
David J Bielenberg Revocable Livin	18-12-23-23	2200	\$147,971	\$147,971	32,234	0.74	\$4.59
		Total Value	\$197,192	Total Area	39,204	sq. ft.	

Area of proposed vacation:	7,200	sq. ft.	Average Price/Sq. Ft.	\$5.03	Based on RM Land/Sq. Footage
Area of proposed easements	4310	sq. ft.		\$1.26	

36215.24
5419.825

Approximate Total Value of Proposed Vacation	\$30,795.42
---	--------------------

TABLE 13. INVENTORY OF LANDS IMPORTANT TO PARK SYSTEM: ROAD RIGHTS-OF-WAY

<u>MAP NO.</u>	<u>DESCRIPTION/REMARKS</u>	<u>ACRES</u>	<u>POTENTIAL USE</u>
18-12-04-1-3	Park Way - Part of large area from Rhododendron Drive to ocean Arch Street west terminus - 2500 ft ²	3	N S
18-12-09-00	North 146 feet of Terrace View Drive 146x60'		N
18-12-14-3-4	Dedicated 14'x147' pedestrian/bike path between Munsel Creek Drive and Munsel Creek		L
18-12-22-1-1	30'x333' 1/2 R/W east of access to water tank 15'x197' pedestrian/bike path between Myrtle Loop and Oak 15'x195' pedestrian/bike path between Laurelwood & Myrtle Loop		C,T L existing L existing
18-12-22-1-2	10'x105' pedestrian/bike way between Ollalie Ct. and 35th 10'x120' pedestrian/bike way between Tukwill Ct. and 35th 10'x110' pedestrian/bike way between Saghalle Loop and 35th 10'x100' pedestrian/bike way between Wecoma Loop and Drainage Way		L L L L
18-12-22-2-1	10'x106' pedestrian/bike way between Coosa Ct. and 35th 10'x95' pedestrian/bike way between Kalla Kalla Ct. and 35th 10'x103' pedestrian/bike way between Otiah Ct. and 35th 10'x126' pedestrian/bike way between Quanagh Ct. and Drainage way 10'x143' pedestrian/bike way between Skookum Ct. and Myeena Loop 10'x162' pedestrian/bike way between Leelo Ct. and Rhododendron Drive 10'x127' pedestrian/bike way between Myeena Loop and Drainage Way 10'x103' pedestrian/bike way between Siano Loop and Drainage Way		L L L L L L L L
18-12-23-2-2	Pine Street between 33rd and 35th except 34th Street 2@ (250'x60') Redwood Street between 33rd and 36th except cross streets 3@ (250'x60')		N N,L
18-12-23-2-3	Pine Street between 29th and 33rd except cross streets 4@ (250'x60')		N,L
18-12-23-3-2	Pine Street between 25th and 26th (250'x60') Pine Street between 27th and 29th 2@ (250'x60') Redwood between 28th and 29th (250'x60')		N N N
18-12-23-3-3	Redwood between 22nd and 23rd 250'x60' Pine between 22nd and 23rd 250'x60'		N N

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 19 01 VAC 01

IN THE MATTER OF A RECOMMENDATION FROM THE PLANNING COMMISSION TO THE CITY COUNCIL FOR THE VACATION OF A PORTION OF THE PINE STREET RIGHT-OF-WAY BETWEEN BLOCK 27 AND BLOCK 28 OF THE PLAT OF FRAZIER AND BERRY'S PART OF THE CITY OF FLORENCE, AS PLATTED AND RECORDED IN BOOK 30, PAGE 12, LANE COUNTY, OREGON PLAT RECORDS, WHERE THAT RIGHT-OF-WAY LIES BETWEEN TAX LOTS 02200 AND 02800 OF MAP 18-12-23-23, WHICH DOES NOT EXTEND ACROSS ALLEY RIGHTS-OF-WAY, IN LANE COUNTY, OREGON.

WHEREAS, application was made by David Bielenberg for the vacation of the Pine Street right-of-way abutting his properties; and

WHEREAS, the applicant has received the signatures of 100 percent of all abutting property owners and shall secure the signatures needed of remaining affected property owners; and

WHEREAS, the Planning Commission met in a duly advertised public hearing on February 26, 2019 as outlined in Florence City Code 8-3-5-1, to consider the application, evidence in the record, and testimony received, and

WHEREAS, the Planning Commission determined per FCC 8-3-5, after review of the application, testimony and evidence in the record, that the application meets the criteria; and

WHEREAS, the Planning Commission of the City of Florence finds, based on the Findings of Fact, staff recommendation, and evidence and testimony presented to them, that the application meets the applicable criteria.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Florence finds, based on the Findings of Fact and the evidence in record that the request for vacation of the Pine Street right-of-way between Block 27 and Block 28 the Plat of Frasier and Berry's Part of the City of Florence meets the applicable criteria of the Florence City Code.

The Florence Planning Commission recommends that the request be granted by the Florence City Council. Approval shall be shown on Exhibit "A": The Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision.

The application, as presented, meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met.

1. Approval shall be shown on:

“A” Findings of Fact

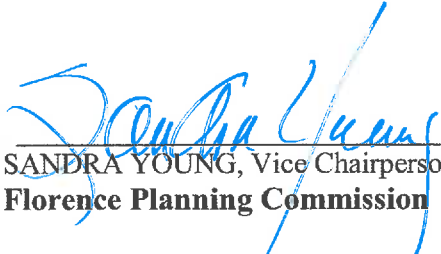
“B” Petition for Vacation

“C” Map of Area to be Vacated

Findings of Fact attached as Exhibit “A” are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed “Agreement of Acceptance” of all conditions of approval prior to filing of the City Council Ordinance approving the vacation.
3. Total easement area for on-site infrastructure shall be 4,310 square feet, unless it is determined by the Public Works Director that on-site utilities and infrastructure could be preserved to the standards of applicable codes with a different total area.
4. The applicant shall obtain the remaining signatures needed prior to the City Council hearing finalizing the right-of-way vacation.

ADOPTED BY THE FLORENCE PLANNING COMMISSION the 26th day of February, 2019.


SANDRA YOUNG, Vice Chairperson
Florence Planning Commission

DATE 2/26/2019

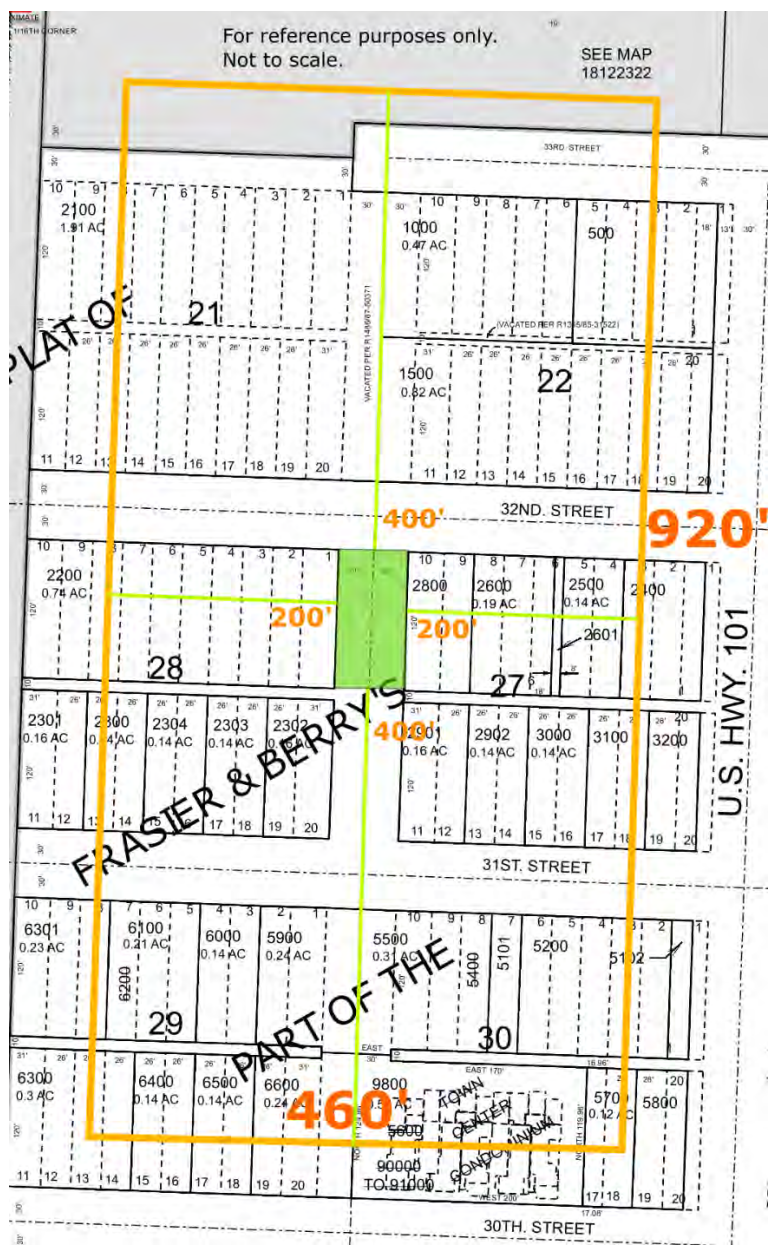


Exhibit 7

CC 19 01 VAC 01

Pine at 32nd Street Vacation

Public Works Director Easement Comments

From email dated January 28, 2019:

Good morning,

With the water and sewer line we have overlap which means that we do not need two separate 20 x 120 easements over the individual lines. What we need is an area that is 10 feet west of the water main and 10' east of the sewer line or an area of approximately 33' x 120' (3,960 square feet) then we need an additional 10' x 15' area for the fire hydrant and two 10'x10' areas for a sewer service and a water service. Total area is 4,310 square feet. Since the owner still has use of the area of the easement, the value of the easement is roughly 25% of the real value (\$1.2575 per sq. ft.). I come up with a total cost of \$30,795.42 due from the developer for the vacation. Another way of looking at it is that 2,890 sq. ft. is valued at \$5.03 sq. ft. and 4,310 is valued at 3.7725 per sq. foot, which totals \$30,796.18 (rounding errors).

Mike

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 7
Meeting Date: April 1, 2019
Department: Administration

ITEM TITLE: City of Florence Work Plan

DISCUSSION/ISSUE:

The City Council met on January 14, 2019, February 13, 2019, March 18, 2019 and April 1, 2019 to review the City Council goals and potential work plan for the 2019-2021 fiscal years. These deliberations included round table discussions for ideas from the City Council and management staff on the identified objectives and tasks necessary to assist the City as it works toward its five Council goals. These objectives have been compiled into a work plan document seeking detail priorities for moving the City toward its mission.

The proposed City of Florence work plan serves as the foundation for preparing the upcoming budget. Although adoption of the work plan assists the City in showing validation for the work plan objectives, the work plan is intended to be a living document. This means the objectives and actions are dynamic and should be modified periodically to ensure the goals, vision and mission of the city are being met.

FISCAL IMPACT:

The work plan incurs staff time in compilation and distribution. In addition, the work plan forms the foundation of the upcoming budget and thus each of the items listed have a potential fiscal impact.

RELEVANCE TO ADOPTED CITY WORK PLAN:

The adoption of the work plan indicates the City's intent to meet the established goals.

ALTERNATIVES:

1. Approve Resolution No. 6, Series 2019 as shown
2. Approve Resolution No. 6, Series 2019 with amendments
3. Postpone decision on Resolution No. 6, Series 2019 to a future Council meeting date
4. Do not approve Resolution No. 6, Series 2019

RECOMMENDATION:

Discuss and approve Resolution No. 6, Series 2019

AIS PREPARED BY: Kelli Weese, City Recorder on behalf of Erin Reynolds, City Manager

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other
Comments: *ER Reynolds*

ITEM'S ATTACHED: **Attachment 1** – Resolution No. 6, Series 2019

- **Exhibit A:** City of Florence July '19 – June '21 Work Plan

Items Available for Reference:

- City of Florence 2017-2018 Work Plan
 - https://www.ci.florence.or.us/sites/default/files/fileattachments/mayor_and_council/page/901/city_work_plan_-_final.pdf
-

**CITY OF FLORENCE
RESOLUTION NO. 6, SERIES 2019**

A Resolution Reaffirming the City of Florence's Council Goals and adopting the July 1, 2019 – June 30, 2021 City of Florence Work Plan.

RECITALS:

1. The City Council periodically establishes goals to guide its actions in carrying out the business of the City.
2. The City Council considered and identified its goals during its annual planning sessions in 2015-2016 and reaffirmed its goals for the 2017-18 City of Florence work plan.
3. The City Council agreed at it's January 14, 2019 work session that the City Goals adopted in 2017 still met the values of the City of Florence for 2019 – 2021 and thus should be continued.
4. The City Council has worked with staff to prioritize the objectives and tasks to be worked on during the July 1, 2019 – June 30, 2021 time period.
5. The City Council has indicated its intent to utilize the July 1, 2019 – June 30, 2021 work plan priorities in the creation of the upcoming budget.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE RESOLVES AS FOLLOWS:

1. The City of Florence approves the City Goals as set forth in Exhibit A.
2. The City of Florence approves the July 1, 2019 – June 30, 2021 Work Plan as set forth in Exhibit B.
3. The City Recorder is authorized to administratively correct any grammatical errors contained herein and to reformat the City Work Plan provided no substantive changes in content shall occur.
4. This Resolution shall become effective immediately upon adoption.

ADOPTION:

This Resolution is passed and adopted on the _____ day of _____, 20____.

Joe Henry, Mayor

Attest:

Kelli Weese, City Recorder

City of Florence

Oregon's Premier Coastal Community

1

City Service Delivery

Sustain and improve the delivery of cost effective and efficient services, including public safety, to the citizens of Florence and our visitors.



2

Livability & Quality of Life

Sustain and improve the City's livability and quality of life for Florence residents and visitors.



3

Economic Development

Create a strategy and actions aimed towards sustaining and expanding the Florence economy.



4

Communication & Trust

Sustain and improve the City's communication program and strengthen citizen trust.



5

Financial & Organizational Sustainability

Sustain and improve the City's financial position, City-wide policies, and the infrastructure networks to support current and future needs.



City of Florence
July 1, 2019 – June 30, 2021
Work Plan

Preliminary Priority		Goal(s) Addressed
1	Housing Efforts & Initiatives <i>(Development, Regulations, Workforce/ Affordable Projects & Support, Homelessness & Incentives)</i>	<ul style="list-style-type: none"> • <i>Goal 2: Livability & Quality of Life</i> • <i>Goal 3: Economic Development</i> • <i>Goal 5: Financial & Org. Sustain</i>

Development Regulations

Objective 1: Continue working with the Oregon Department of Land Conservation & Development (DLCD) to complete residential zoning code audit and amend residential land use codes to streamline regulations and address barriers concerning development of housing.

- **Task 1:** Host code concepts work session with Community & Economic Development Committee (CEDC) and invite Council and Planning Commission.
- **Task 2:** Prepare amendments to Florence City Code based upon priorities of community.
- **Task 3:** Evaluate proposed code amendments for viability.
- **Task 4:** Host public open house.
- **Task 5:** Amend proposed code amendments based on public input and receive recommendation from CEDC.
- **Task 6:** Host joint public hearing process with Planning Commission & City Council.
- **Task 7:** Create marketing materials/ Public Service Announcements/ etc. to notify builders and public of changes.

Objective 2: Update Florence City Code Titles 10 and 11 to address deficiencies outside of the DLCD Technical Assistance program scope or funding availability.

Objective 3: Update Comprehensive Plan and Zoning Maps in support of housing and economic opportunities analysis completed in 2018.

Objective 4: Evaluate and amend short term rental policies to ensure adequate housing supply for workforce.

Housing Development

Objective 1: Support community partners in development of workforce/ affordable housing.

- **Task 1:** Support Neighborhood Economic Development Corporation (NEDCO) with development of Airport Road site.
- **Task 2:** Support other non-profit efforts to provide additional workforce/ affordable housing.

Objective 2: Evaluate the City's role and potential costs/ locations for city participation in workforce housing development projects.

- **Task 1:** Work with Community & Economic Development Committee to perform rental market study and market efforts to developers.
- **Task 2:** Evaluate City, government partners, and non-profit owned property to determine viability for use in workforce housing projects.
- **Task 3:** Explore local and regional funding options to support development of housing for low- and moderate-income households.
- **Task 4:** Work with partners to pursue state and federal grants to design and finance workforce housing projects.
- **Task 5:** Pursue partnerships with local partner agencies to develop student housing, including but not limited to, Lane Community College, Siuslaw School District, Peace Health, Port of Siuslaw, and the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.

Objective 3: Coordinate with major local employers in efforts to develop and support housing affordable to their workforce.

- **Task 1:** Including, but not limited to Peace Health, Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, Siuslaw School District and City of Florence.

Objective 4: Explore options for accommodating transitional housing and make necessary code updates.

Old Town/ Main Street Development

Objective 1: Support the Florence Urban Renewal Agency's (FURA) work to market and recruit for five catalyst sites for housing and commercial uses.

- **Task 1:** Reach out to property owners to determine interest in partnering with the City and FURA for marketing/ development opportunities and for design assistance.
- **Task 2:** Work with property owners to determine barriers to development and potential solutions.
- **Task 3:** Work with property owners to develop marketing materials including video, brochure, web presence etc.

Financial Incentives

Objective 1: Evaluate options and long-term financial sustainability for financial incentives to promote workforce housing development.

- **Task 1:** Evaluate System Development Charge structure for long-term viability of workforce housing incentives.
- **Task 2:** Evaluate opportunities for implementing property tax exemptions for workforce housing projects.
- **Task 3:** Evaluate other public funding/ incentives mechanisms as appropriate.
- **Task 4:** Work with funding partners to identify different types of housing subsidies and funding options.

Preliminary Priority		Goal(s) Addressed
2	Family Wage Jobs & Workforce Development (Retention, Expansion, Marketing, Infrastructure & Incentives)	<ul style="list-style-type: none"> • Goal 2: Livability & Quality of Life • Goal 3: Economic Development

Infrastructure

Objective 1: Complete utility infrastructure expansion projects along transportation corridors to promote development opportunities.

- Task 1: Complete North Hwy 101 Sewer Extension, West Side.
- Task 2: Complete North Hwy 101 Sewer Extension, East Side.
- Task 3: Complete Hwy 126 Water & Sewer Extension.
- Task 4: Complete Hwy 126 Water & Sewer Extension, Phase 2.

Business Retention & Expansion

Objective 1: Develop a business retention & expansion program in coordination with community partners.

- Task 1: Develop and implement annual business survey.
- Task 2: Follow up with business survey submittals on business needs in the community.

Objective 2: Support the Florence Urban Renewal Agency's (FURA) efforts to continue a predevelopment grant program.

- Task 1: Continue management of the predevelopment grant program.
- Task 2: Analyze the financial feasibility of accepting additional applications for the program.

Objective 3: Continue to monitor new business licenses & perform outreach.

- Task 1: Create new business welcome program to local businesses to educate them on permitting and building requirements before they purchase a property or sign a lease.

Objective 4: Work with the Florence Urban Renewal Agency (FURA) to develop and implement a Façade Improvement Program.

- Task 1: Analyze the financial feasibility of the creation of a Façade improvement program, and if feasible develop and deploy program.
- Task 2: Work with community groups to develop and/ or enhance award program for façade and landscaping improvements.

Marketing & Recruitment

Objective 1: Expand marketing for the Pacific View Business Park and research available methods to help promote development.

- **Task 1:** Streamline purchasing process for lots by preparing public hearing process for all lots prior to potential sales.
- **Task 2:** Develop marketing materials including video, brochure, web presence etc.
- **Task 3:** Coordinate with Business Oregon, Lane County and the South Coast Development Council for out of area marketing.

Objective 2: Maintain information on available properties, buildings and businesses in Florence.

- **Task 1:** Update Available properties map quarterly.
- **Task 2:** Develop online portal for available properties through www.florencebusiness.org and ensure its interface with the Florence Area Chamber of Commerce's website.

Objective 3: Update and maintain florencebusiness.org website and information.

Tourism Promotion

Objective 1: Review transient room tax (TRT) allocation methodology, as well as marketing and visitor information center contract.

- **Task 1:** Support efforts of tourism marketing agencies including but not limited to Travel Oregon, Travel Lane County, Oregon Coast Visitor's Association, and the Florence Area Chamber of Commerce.

Objective 2: Discuss investment in Florence tourism promotion with Lane County.

Objective 3: Continue to support community driven efforts toward public space beautification, recreational opportunities and culture.

- **Task 1:** Work with community groups to develop a City-wide Holiday lighting program.

Objective 4: Work with Florence Urban Renewal Agency (FURA) and the Transportation Committee to consider amendments to parking requirements in Old Town.

- **Task 1:** Consider supporting efforts to research and determine whether to conduct a parking analysis and take steps for parking management in Old Town.
- **Task 2:** Work with Old Town businesses on potential strategies for parking management.

Entrepreneurship & Innovation

Objective 1: Continue to support the Regional Accelerator & Innovation Network (RAIN), Small Business Development Center (SBDC), and Florence Area Chamber of Commerce entrepreneurship programs.

- **Task 1:** Evaluate progress and determine whether to fund additional service years.
- **Task 2:** Assist in marketing entrepreneurship events and trainings.
- **Task 3:** Provide support to business and potential business participants as necessary.
- **Task 4:** Support and advance efforts to obtain additional funding and incentives for entrepreneurship programs through grants or statewide funding initiatives.

- Task 5: Work with partners to build a program to educate local middle and high school students in the value of entrepreneurship.

Objective 2: Conduct feasibility study for redevelopment of key sites for public/ private development ‘incubator’ and ‘makers spaces’.

Education & Workforce

Objective 1: Support entities that provide education, workforce training, apprenticeship, and/ or internship opportunities to local students and residents.

- Task 1: Consider holding joint work session with Siuslaw School District to discuss School improvements, workforce training, and art/ music curriculum.
- Task 2: Work with Lane Education Service District, Lane Workforce Partnership, and other partner agencies to develop tools for student/ teacher workforce training, apprenticeships and/or internships.
- Task 3: Develop and market workforce recruitment video and other marketing materials.

Economic Development Community Outreach & Program Structure

Objective 1: Improve communication with Council and Community regarding the City’s economic development efforts.

- Task 1: Create and update lead tracking sheet for internal communication.
- Task 2: Create process to quantify private economic development improvements in the community.
- Task 3: Develop monthly newsletter/ web/ social media outreach on Economic Development efforts
- Task 4: Prepare quarterly reports to Council.

Objective 2: Develop Community & Economic Development Committee to assist in work plan efforts and outreach.

Objective 3: Develop long term staffing plan for economic development efforts.

Objective 4: Leverage resources by maintaining partnerships with regional agencies.

- Task 1: Including (but not limited to) Cascade West Economic Development District (CWEDD), South Coast Development Council (SCDC), Lane Workforce Partnership (LWP), Small Business Development Center (SCDC), Business Oregon, Lane County, Lane Community College, and the Florence Area Chamber of Commerce.

Preliminary Priority		Goal(s) Addressed
3	ReVision Florence Community Outreach & Completion (Hwy 101/ 126 Streetscape & Paving)	<ul style="list-style-type: none"> • Goal 2: Livability & Quality of Life • Goal 3: Economic Development

Objective 1: Public Outreach and Agency Coordination.

- Task 1: Coordination with ODOT through project construction.
- Task 2: Public outreach and communication during construction.

Objective 2: Plan for installation and funding of items removed from contract.

- Task 1: Purchase and installation of pedestrian amenities.
- Task 2: Funding plan, purchase and installation of pedestrian light arms and banner arms.
- Task 3: Funding plan and installation for construction of gateway monument pillars.
- Task 4: Determine funding strategy, timeline and installation to systematically complete Public Art within the streetscape project including both Art Exposed and permanent installations.
- Task 5: Coordination with the Chamber of Commerce on expanding the flower basket and banner program to Highway 101 in the project area.

Preliminary Priority		Goal(s) Addressed
4	Development of Quince Street Property (Hotel/ Mixed-Use/ Housing, Trail, Infrastructure & Incentives)	<ul style="list-style-type: none"> • Goal 3: Economic Development • Goal 5: Financial & Org. Sustain.

Objective 1: Concept plan for property.

- Task 1: Develop concept plan for property and hotel feasibility analysis.
- Task 2: Determine financial strategy and complete necessary preliminary assessments including but not limited to lot line adjustments, geotechnical analysis, floodplain analysis, regrading, tree management, subdivision, etc.

Objective 2: Marketing & Development.

- Task 1: Develop marketing materials including video, brochure, web presence etc.
- Task 2: Hire commercial real estate broker and develop strategy for marketing property development including cost/ benefit analysis of RFP process for developer.

Preliminary Priority		Goal(s) Addressed
5	Parks & Park Improvements (Gallagher, River & Miller Parks and Estuary Trail)	<ul style="list-style-type: none"> • Goal 2: Livability & Quality of Life • Goal 3: Economic Development

Objective 1: Construct and develop new Siuslaw River Beach Access Park.

Objective 2: Plan and complete Siuslaw Estuary Trail – Hwy 126 to Port Property.

Objective 3: Conversion of Old Public Works to Gallagher Park.

- Task 1: Public outreach on what type of park amenities are desired for Gallagher park.
- Task 2: Create a master plan for the development of Gallagher Park over the next 2-5 years.
- Task 3: Design for new amenities and cost estimates.
- Task 4: Seek and obtain grant funding for park development.
- Task 5: Bid process for construction of new park facilities.
- Task 6: Construction of Gallagher Park expansion.

Objective 4: Support Community group grants to improve or create new parks.

- Task 1: Implement vision that was developed for the General Ben King Memorial Airport Gateway.
- Task 2: Work with school district and community volunteers to develop new soccer fields at middle school site.
- Task 3: Work with Siuslaw Baseball Association, Siuslaw Youth Soccer, and other community partners to rehabilitate and expand sport/ fitness opportunities at Miller Park.

Objective 5: Improve parks, trails, and walkability.

- Task 1: Develop trail brochure and update City webpage.
- Task 2: Complete major trail maintenance & repaving.
- Task 3: Expand park amenities in Old Town.
- Task 4: Expand pickleball opportunities at Rolling Dunes Park or Gallagher Park.
- Task 5: Relocate community gardens to Rolling Dunes Park.

Objective 6: Complete Park Master Plan Update.

- Task 1: Complete Park Master Plan update with specific projects and costs.
- Task 2: Seek long term financing plan to improve parks, trails and walkability.

Preliminary Priority		Goal(s) Addressed
6	Infrastructure & Capital Improvements (Water, Sewer, Stormwater & Streets)	<ul style="list-style-type: none"> • Goal 1: City Service Delivery • Goal 2: Livability & Quality of Life

City Facilities

Objective 1: City Hall Remodel and Expansion Completion.

- Task 1: Completion of items outside of the City Hall construction contract, such as signage, records storage system, other items for facility utilization.
- Task 2: Employee training on new facility procedures and systems.
- Task 3: Development and completion of City Hall landscaping.
- Task 4: Construction of new retaining wall and staircase on the east side of the facility.

Objective 2: Deconstruction of Old Public Works.

- Task 1: Clear out items stored at the old facility.
- Task 2: Transition remaining Public Works Inventory and other items to the new public works facility.
- Task 3: Asbestos abatement for all facilities on the site.
- Task 4: Deconstruction and disposal of buildings after asbestos abatement.

Objective 3: Construct City Public Works Facility Phases 2 & 3.

- Task 1: Pursue grants for items not installed/ completed as part of the project, including 175 KW emergency power generator, video conferencing equipment and hybrid yard lighting.
- Task 2: Purchase new storage racks with correct weight limit rating for maintenance building.
- Task 3: Design and construct new 3-sided pole building(s).
- Task 4: Pave out parking lot.
- Task 5: Pursue grants for new fueling depot to be constructed on lot south of new Public Works.

Transportation

Objective 1: Complete Safe Routes to School Project.

Objective 2: Complete annual Chip/ Fog Seal Program.

Objective 3: Reconstruct Rhododendron Drive – Wildwinds to 35th including realignment, separated multi-use path and improved river overlook/ parking area.

Objective 4: Construct separated 12’ multi-use path along Rhododendron from 35th to North Jetty Road.

Objective 5: Construct separated 12’ multi-use path along Rhododendron from North Jetty Road to Heceta Beach Road.

Objective 6: Develop approach and funding to address deferred street maintenance.

Objective 7: Fix Spruce Street Culvert Failure.

- Task 1: Develop Plan.
- Task 2: Seek grant opportunities as available.

Objective 8: Work with Transportation Committee to audit and correct errors in the 2012 Florence Transportation Systems Plan.

- **Task 1:** Prepare updates to the Transportation Systems Plan.
- **Task 2:** Prepare corresponding updates to the Florence City Code, Comprehensive Plan and Capital Improvement Plan.
- **Task 3:** Determine methods for public outreach and input on proposed amendments and implement.
- **Task 4:** Host joint public hearing process with Planning Commission and City Council based on recommended amendments.

Objective 9: Enhance pedestrian and ADA crossing opportunity on Nopal and Bay Streets

Objective 10: Support the Florence Urban Renewal Agency's (FURA) potential projects to complete sidewalk improvements within the FURA district.

- **Task 1:** Complete quick response sidewalk and ADA improvements in the area of Maple Street and Laurel Street.
- **Task 2:** Complete sidewalk replacement project along 2nd Street to address gaps and inadequate sidewalks, including ADA and installation of pedestrian scale lights.

Objective 11: Continue efforts to increase public transit opportunities to Eugene and Coos Bay and support continuation of Yachats pilot program.

Stormwater

Objective 1: Complete Old Town Stormwater Drainage Project – 6th Street Juniper to Hemlock and Hemlock to 1st Street.

Objective 2: Complete 2nd Street Stormwater Project.

Objective 3: Complete Stormwater Master Plan Update.

Objective 4: Complete Pine Court Stormwater Project.

Water

Objective 1: Complete 16-inch water line on 9th Street from Rhododendron to Kingwood, including stormwater repair at 9th and Hemlock.

Objective 2: Update Water Management and Conservation Plan.

Wastewater

Objective 1: Develop Facilities Plan for the Wastewater Treatment Plant.

- **Task 1:** Select consultant and develop scope.
- **Task 2:** Develop facilities plan to guide major equipment replacement and set the stage for expansion.

Objective 2: Develop plan for providing sewer to North Urban Growth Boundary.

- **Task 1:** Select consultant.
- **Task 2:** Develop 'master plan' for providing sewer to North UGB.
- **Task 3:** Explore and obtain grants to construct new gravity sewers in North UGB.

Airport

Objective 1: Complete Airport Runway/ Taxiway seal coat and lighting project.

Objective 2: Implement Airport Improvements according to Airport Master Plan.

Other Objectives and Tasks proposed to be included within the work plan are as follows:

Goal(s) Addressed	
Public Safety (Police, Dispatch, Jail, Court, Emergency Management, Code Enforcement)	<ul style="list-style-type: none">• <i>Goal 1: City Service Delivery</i>• <i>Goal 2: Livability & Quality of Life</i>

Police, Dispatch, Jail

Objective 1: Develop permanent funding for School Resource Officer

Objective 2: Expand community support through National Night Out.

Objective 3: Continue to implement proven best practices for public safety agencies regarding homelessness, drug usage, mental illness, and other social concerns and support non-profit and government partners in community driven approaches.

Objective 4: Complete patrol squad room remodel / upgrade.

Objective 5: Complete 911 System and Dispatch Center Upgrade.

- **Task 1:** Communications Center Remodel.
- **Task 2:** Train Communications Officers on new system.

Objective 6: Maintain Compliance with Criminal Justice Information Services (CJIS) and Federal Crime Reporting.

- **Task 1:** Complete computer aided dispatch update with justice connect.
- **Task 2:** Complete Oregon national incident-based reporting system (ONIBRS).

Objective 7: Implement eCitations program.

Objective 8: Develop policies and procedures for Jail.

- **Task 1:** Continue to attend pertinent trainings.
- **Task 2:** Implement written polices

Court

Objective 1: Implementation of the e-conviction program for processing DMV convictions electronically.

Objective 2: Program implementation for collection of fines and fees through the Department of Revenue.

Objective 3: Continued implementation of process improvement and modernization.

Emergency Management

Objective 1: Continue to participate and lead efforts of the West Lane Emergency Operations Group (WLEOG).

- **Task 1:** Coordinate efforts to update and maintain the Emergency Operations Plan.
- **Task 2:** Develop departmental procedural checklists for City supported functions of the Emergency Operations Plan.
- **Task 3:** Assist in the coordination of and participate in local and regional emergency exercises.

Objective 2: Continue to develop and implement City emergency preparedness policies.

- **Task 1:** Develop a continuity of operations plan for the City.
- **Task 2:** Develop internal departmental procedures, policies, and checklists for emergency response.
- **Task 3:** Continue to ensure that all employees receive ICS 100, 200, 700, and 800 training.
- **Task 4:** Continue to coordinate specific ICS trainings for identified employee roles.

Code Enforcement

Objective 1: Update City's nuisance codes to remove inconsistencies, improve clarity, and address unaddressed issues.

Objective 2: Implement code violation and citation tracking software to improve Code Enforcement workflow and communication among departments and to the public.

Objective 3: Create code enforcement operations manual to create the opportunity for professional volunteer assistance.

Objective 4: Explore funding options for additional code enforcement officer.

Goal(s) Addressed

Community Beautification & Aesthetics

- *Goal 2: Livability & Quality of Life*
- *Goal 3: Economic Development*

Community Gateway Signage

Objective 1: Develop welcoming gateway signage (N,S,E).

- Task 1: Identify locations.
- Task 2: Develop concepts for gateways.
- Task 3: Construct gateways.

Landscaping & Lighting

Objective 1: Improve Curb Appeal and protect natural areas from weed encroachment.

- Task 1: Support the Environmental Management Advisory Committee to update vegetation preservation city code to eliminate inconsistencies and reflect current community quality of life goals.
- Task 2: Create and implement a noxious weed control program to educate the public, eradicate problem areas and recognize business, group and individual positive efforts.

Objective 2: Research industry standard parking lot lighting level standards and revise lighting code to ensure safety and improve quality of life.

Public Art Program

Objective 1: Discuss and consider amendments to the process for acquisition of public art and the role & responsibilities of the Public Arts Committee through review of the Public Art Guidelines (Resolution No. 4, Series 2016) and the Public Arts Committee duties per FCC 2-4.

Objective 2: Central Lincoln PUD Mural Installation.

- Task 1: Work with Florence Urban Renewal Agency (FURA) on artist contract approval.
- Task 2: Complete City Council Hearing per Mural Code.
- Task 3: Prepare for art installation including public outreach, site logistics, etc.

Objective 3: Siuslaw Bridge Steps Art Installation.

- Task 1: Prepare for art installation including public outreach, site logistics etc.
- Task 2: Coordinate with ODOT for Intergovernmental/ Maintenance Agreement.

Objective 4: Art Exposed Program. Task 1: Continue to market preliminary four pieces on Bay Street for sales.

- Task 2: Replace four pieces in old town with new pieces.
- Task 3: Research locations for additional pieces within the Art Exposed Program including ReVision Florence and throughout the City, prepare financing plan, & installation timelines for Art Exposed pieces for ReVision Florence project.

Objective 5: Complete actions to encourage private funding and/ or donations of public art to leverage City funding.

- Task 1: Limit funding sources for the Public Art program to the City of Florence general fund, grants and private donations, and do not include funding from the Florence Urban Renewal Agency.
- Task 2: Research grant opportunities and prepare grant applications through staff and volunteer time.
- Task 2: Develop public art donation program.
- Task 3: Support efforts for nonprofit development of public art funding.

Objective 6: Public Outreach and Marketing of Public Art Program.

- Task 1: Improve communication with public concerning public art program objectives including monthly Siuslaw News Articles, speaking opportunities with community groups, social media and City website.

Objective 7: Prepare for next public art projects and long-term objectives/ strategies.

- Task 1: Perform public outreach on interest in public art program and art types.
- Task 2: Prepare master plan for next projects for Council consideration.

Objective 8: Complete Mural Code revisions with revisions to sign code where necessary.

- Task 1: Review potential options for Mural Code Amendments.
- Task 2: Prepare code amendments.
- Task 3: Joint work session with Council/ Planning Commission.
- Task 4: Complete public hearing process with the Planning Commission & City Council.

Objective 9: Determine viability of the development of a private property mural program/ match program.

- Task 1: Review cost/ benefits and potential structure of private property mural program.
- Task 2: Implement program via public outreach informational materials, application booklet and outreach to potential private partners etc.

Objective 10: Consider opportunities for sustainable funding/ staffing options.

Goal(s) Addressed	
Sustainability & Conservation	<ul style="list-style-type: none"> • Goal 2: Livability & Quality of Life • Goal 3: Economic Development

City Bio-Solids Program

Objective 1: Expand biosolids composting facility.

- **Task 1:** Perform a curbside yard debris collection cost-benefit/ feasibility study.
- **Task 2:** Identify and secure funding sources for expanding Flo-Gro processing.
- **Task 3:** Develop plan to market Flo-Gro product.

Recycling & Litter Reduction

Objective 1: Support Environmental Management Advisory Committee’s work to enhance efforts toward recycling and litter reduction.

- **Task 1:** Implement program to place garbage & recycling containers in identified problem areas of the city.
- **Task 2:** Continue community discussion to eliminate availability of single use plastic shopping bags including considering programs to reduce litter and updating city codes.
- **Task 3:** Consider community discussion on eliminating availability of plastic straws.
- **Task 4:** Modify solid waste collection fees to include yard debris collection.
- **Task 5:** Implement Five “R” Restaurant rating program recognizing, awarding and educating sustainable environmental practices.
- **Task 6:** Support local community business endeavors that seek to recycle plastic, including but not limited to the ‘Precious Plastics’ program.

Goal(s) Addressed	
Misc. Code & Process Amendments	<ul style="list-style-type: none"> • Goal 1: City Service Delivery • Goal 4: Communication & Trust

Flood Insurance Rate Map Amendments

Objective 1: Update Titles 4 and 10 and the Florence Comprehensive Plan in support of 2018-19 Flood Insurance rate map amendments.

Land Use Housekeeping Amendments

Objective 1: Perform general housekeeping updates to Titles 10 and 11.

Objective 2: Work with State of Oregon to identify and pursue a path to update the Florence Realization 2020 Comprehensive Plan consistent with state requirements and community needs.

City Licensing

Objective 1: Reassess and update the City's various licensing where appropriate.

- Task 1: Street Closure.
- Task 2: Business Licenses.
- Task 3: Special Events & Parades.
- Task 4: Liquor Licenses.
- Task 5: Taxi Codes.

Elections

Objective 1: Update elections ordinance to clarify city deadlines.

Goal(s) Addressed	
Committee, Commission & Board Management	<ul style="list-style-type: none">• <i>Goal 1: City Service Delivery</i>• <i>Goal 4: Communication & Trust</i>

Florence Urban Renewal Agency (FURA)

Objective 1: Review FURA Bylaws, City Code and FURA Plan to ensure consistency with current objectives and practices.

City Committees & Commission Coordination

Objective 1: Implement updated City Committee & Commission policy manual.

- Task 1: Ensure committee/ commission volunteers are appointed and trained for posts for city processes, public meetings law and Oregon government ethics laws.
- Task 2: Improve communication between City Council and committees via monthly reports, ex-officio memberships, committee work plan approvals, and committee work sessions for input into the City work plan.
- Task 3: Convert Planning Commission meeting materials to digital delivery system and train members on usage.

Objective 2: Ensure Committee & Commission effectiveness in supporting Council Goals & Work Plan.

- Task 1: Evaluate Committee's work plans in context of overall City work plan objectives.

Goal(s) Addressed	
Internal City Processes & Procedures	<ul style="list-style-type: none"> • <i>Goal 1: City Service Delivery</i> • <i>Goal 5: Financial/ Organizational Sus.</i>

Customer Service

Objective 1: Implement customer service updates at the remodeled City Hall.

Objective 2: Evaluate potential amendments to City Hall office hours.

Human Resources

Objective 1: Complete Administrative Services Department Restructure.

Objective 2: Complete negotiations with the Florence Police Association for contract ending 2020.

Objective 3: Implement City intranet system for all employees to use.

Objective 4: Ensure staff are trained for their positions and in applicable state laws including ethics, public records, harassment etc.

- **Task 1:** Ensure new staff are trained during on-boarding process and all other staff are trained every two years.

Objective 5: Develop system to track employee trainings.

Objective 6: Improve employee safety and risk management.

- **Task 1:** Adopt updated safety manual and continue work towards safety committee, volunteer policies, and learning center trainings.

Objective 7: Improve employee experience and improve employee retention.

- **Task 1:** Update City personnel handbook and other policies.
- **Task 2:** Update City’s performance evaluation/ reviews procedure.
- **Task 3:** Participate in 3rd party trainings as appropriate.
- **Task 4:** Complete salary survey.
- **Task 5:** Develop strategies for succession for key personnel positions.

Objective 8: Analyze building department organizational structure and hire Building Official position and hire and/or contract for provision of building and electrical plan review and inspection services.

Records Management

Objective 1: Improve City’s records management and retention program.

- Task 1: Determine viability of staff assistance for records program.
- Task 2: Research and determine best methods for short- and long-term records.
- Task 3: Research and implement off-site storage options.
- Task 4: Setup protocols to relocate records for long- and short-term storage.
- Task 5: Continue to digitize and index the City’s permanent and long-term records.
- Task 6: Setup protocols and processes for retention of City email records.
- Task 7: Research and potentially implement records retention software.

Objective 2: Update Public Records Request Policies and research software solutions for potential implementation.

Communication Guidelines

Objective 1: Development of a City-wide communications and style guide.

- Task 1: Press release and public service announcement template utilization across City.
- Task 2: Updates to the press release distribution list and procedures.
- Task 3: Define how information is shared with different stakeholder groups to provide consistency across the organization.
- Task 4: Employee training on new procedures.

Goal(s) Addressed	
Financial Processes & Transparency	<ul style="list-style-type: none">• <i>Goal 1: City Service Delivery</i>• <i>Goal 4: Communication & Trust</i>• <i>Goal 5: Financial/ Organizational Sus.</i>

Contracting Rules

Objective 1: Update the City’s Contracting and purchasing rules according to ORS requirements.

Financial Sustainability

Objective 1: Review and update long-range financial forecasts annually for all funds. Identify funding gaps and approaches to ensure financial and organizational sustainability.

- Task 1: Evaluate general fund specific considerations – perform research on property valuations and impacts to property taxes and next steps.
- Task 2: Evaluate strategies to address City public employee retirement system (PERS) obligations.

Objective 2: Prepare biennial budget consistent with adopted work plan.

- Task: Prepare biennial budget incorporating five-year financial forecasts, identify goals and objectives and/ or funded, and those that remain unfunded and/ or require action by Council or others.

Objective 3: Ensure timely financial reporting.

- Task 1: Prepare quarterly reports that include financial, operational or capital performance and status
- Task 2: Adjust budgets timely to reflect changes in budgeted resources and/ or expenditures to achieve work plan objectives.
- Task 3: Secure clean opinion on audited financial statements.

Objective 4: Continue processing and negotiating franchise agreement with current and future telecommunications providers.

Objective 5: Review and update building and planning permitting fees to recuperate costs in accordance with state statutes and city policy.

Goal(s) Addressed	
Florence Events Center	<ul style="list-style-type: none">• <i>Goal 2: Livability & Quality of Life</i>• <i>Goal 3: Economic Development</i>• <i>Goal 5: Financial & Organizational Sus.</i>

Objective 1: Create sustainable funding options.

- Task 1: Increase number of conferences & events.
- Task 2: Develop and implement an endowment program.
- Task 3: Consider booking bigger name acts with consideration to risk vs. benefit.

Objective 2: Development of North property.

- Task 1: Establish plan for increased parking & storage.
- Task 2: Implementation.

Objective 3: Improve Marketing Efforts.

- Task 1: Reevaluate marketing plan and increase marketing efforts.
- Task 2: Increase marketing budget.

Objective 4: Improve Florence Events Center Facility and Operations.

- Task 1: Increase east parking lot lighting.
- Task 2: Increase interior storage/ mezzanine expansion.
- Task 3: Review and update FEC policies and procedures.
- Task 4: Research and implement booking software solution.
- Task 5: Upgrade fire panel and sensors.

Objective 5: Friends of the Florence Events Center & Volunteer procurement.

- Task 1: Improve volunteer procurement and management.
- Task 2: Support fundraising events presented by Friends of the FEC.

Goal(s) Addressed

Community Outreach

- *Goal 1: City Service Delivery*
- *Goal 4: Communication & Trust*

News & Media

Objective 1: Monthly distribution of City Newsletter.

Objective 2: Distribution of news items to local and regional media outlets.

- **Task 1:** Continue weekly City Manager interview with Coast Radio.
- **Task 2:** Continue project specific outreach to media outlets.
- **Task 3:** Continue educational public service announcements.

Objective 3: Continue development of informational videos to add to the City's video library.

Objective 4: Continue outreach on the City's social media platforms to provide City news and updates.

Objective 5: Develop Communications Policy

Website

Objective 1: Continue to improve the City's website and the information available.

- **Task 1:** Implement the City Staff directory.
- **Task 2:** Continue to enhance the City project pages.

Citizen Participation

Objective 1: Development and implementation of Citizen's Academy.

Objective 2: Continued participation in activities such as Public Works, City Day and National Night Out.

Community Designations & Awards

Objective 2: Tree City USA Designation.

- **Task 1:** Work with the Environmental Management Advisory Committee (EMAC) on application for Tree City USA.
- **Task 2:** If Tree City USA designation is obtained, work with EMAC on plan to maintain status.

Objective 3: Coast Guard City.

- **Task 1:** Determine next steps to ensure appropriate memorialization of Coast Guard City designation.

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 8
Meeting Date: April 1, 2019
Department: Administration

ITEM TITLE: Florence Urban Renewal Agency Recruitment Process for
2019 / 20 Vacancies

DISCUSSION/ISSUE:

On March 18, 2019 the Florence City Council passed Ordinance No. 1, Series 2019 which clarified the appointment process for the Florence Urban Renewal Agency Board of Director's positions. As of April 17, 2019 (the effective date of Ordinance No. 1, Series 2019), FURA Board member appointments be will codified to be completed using the City of Florence's appointment process for all Committees as indicated in Florence City Code 2-1-4.

As a reminder, FCC 2-1-4 indicates the following process for appointments...

- *The Mayor is authorized to appoint members to boards, commissions, and committees (FCC 2-1-4-A)*
- *Prior to appointment, the Mayor shall... (FCC 2-1-4-C)*
 - *Provide notice to the public and the Council of the positions to be filled, qualifications, and time and manner of applications to be submitted*
 - *Solicit recommendations from Councilors concerning potential appointees,*
 - *Confer with the Council, at a meeting, or with each Councilor individually, concerning potential appointees.*
- *Upon receipt of the Mayor's notice of positions to be filled (FCC 2-1-4-C-1), but before an appointment is made, the Council may direct a different appointment process to be followed in filling a position of a particular board, commission, or committee. (FCC 2-1-4-D)*

The action before the Council is to receive the Mayor's notice to the public and the Council of the positions to be filled (*per FCC 2-1-4-C.1*), and for the Council to consider the proposed appointment process. This agenda item also allows the opportunity for the Council to direct a different appointment process to be followed (*per FCC 2-1-4-D*).

Below is the information on the open positions on the Florence Urban Renewal Agency for 2019 and the proposed appointment process.

List of Open FURA Positions for 2019

(There are 2 open positions)

Florence Urban Renewal Agency (FURA)	2 open positions
	<u>Appointment Term</u> – 2 terms expire January 2022 (3 years)

Proposed Recruitment Timeline

April 1, 2019	Announcement of Agency Vacancies
Week of April 1, 2019	<u>Recruitment Begins</u>
	Letters and applications sent to: Agency members whose terms are expiring
	Public Service Announcements are sent to the media
	Articles posted online & via social media
April 19, 2019	Application Deadline <i>(Approx. 2 weeks from publication of vacancies)</i>
April 22, 2019	Applications compiled and sent to Mayor & City Councilors for Review.
April 26, 2019	Council provides Mayor with feedback on applicants.
April 30, 2019	Mayor provides appointment list for May 6 th meeting materials.
May 6, 2019 City Council Meeting	Announcement of Committee Appointments (TBD)

FISCAL IMPACT:

FURA recruitment costs consist of the staff time to advertise, compile applications, and answer citizen questions.

RELEVANCE TO ADOPTED COUNCIL GOALS:

- Goal 1: Deliver efficient and cost-effective city services
- Goal 4: Communication & Trust

ALTERNATIVES:

1. Begin recruitment process for vacancies as listed above.
 2. Discuss and propose amendments to the recruitment process.
 3. Do not recruit for FURA vacancies.
-

RECOMMENDATION:

Begin recruitment process for vacancies listed above.

AIS PREPARED BY: Kelli Weese, City Recorder

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other

Comments:

ER Reynolds

ITEMS ATTACHED: **Attachment 1** – FURA Terms and Vacancies

Items Available for Reference:

- Florence City Code Title 2 – Boards & Commissions
 - <https://www.ci.florence.or.us/council/title-2-boards-commissions>
- Ordinance No. 1, Series 2019
 - <https://www.ci.florence.or.us/council/ordinances-2019>

Florence Urban Renewal Agency

Open Positions	2 positions – both three-year terms
Total Membership	9 Members - One shall be Mayor of Florence - Two shall be City Councilors of Florence - One shall be nominated by the Lane County Board of Commissioners - Five shall be citizens at large. Special consideration shall be given to the potential appointment of elected members of the governing bodies of the: <ul style="list-style-type: none"> - Western Lane Ambulance District - Port of Siuslaw - Siuslaw Valley Fire & Rescue - Siuslaw Library District
Residency Requirements	None
Agency Information	In August of 2006 the Florence City Council adopted an ordinance approving the Florence Downtown Preservation and Renewal Plan. The plan creates an urban renewal district encompassing properties along Hwy 101 generally south of Hwy 126, east of Kingwood Avenue and inland of the Siuslaw River. The Florence Urban Renewal Agency is the body authorized to implement the Downtown preservation and renewal plan.

Florence Urban Renewal Agency Membership - 2018

Name	Position	Term Expiration
Joe Henry	Mayor	Per Mayoral term
Ron Preisler	Councilor	January 2020
Joshua Greene	Councilor	January 2021
Dave Braley	Citizen at Large	January 2019
Patricia Riley	Citizen at Large Siuslaw Public Library District	January 2020
Mike Webb	Citizen at Large Western Lane Ambulance District	January 2019
Ron Caputo	Lane County Board Nomination	January 2021
John Scott	Citizen at Large Siuslaw Valley Fire and Rescue	January 2020
Bill Meyer	Citizen at Large Port of Siuslaw	January 2021

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 9
Meeting Date: April 1, 2019
Department: City Manager

ITEM TITLE: CITY MANAGER REPORT & DISCUSSION ITEMS

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 10
Meeting Date: April 1, 2019
Department: City Council

ITEM TITLE: CITY COUNCIL REPORTS & DISCUSSION ITEMS

April

M	Tu	W	Th	F	Sa/Su
1 Council Work Session - <i>Tentative</i> Council Meeting	2	3	4	5	6 & 7
8	9	10	11	12	13 & 14
15 Council Work Session - Rescheduled Council Meeting - Rescheduled	16	17	18	19	20 & 21
22 Council Work Session Council Meeting	23	24	25	26	27 & 28
29	30				

May

M	Tu	W	Th	F	Sa/Su
		1	2	3	4 & 5
Northwest Regional Manager's Conference					
6 Council Work Session - <i>Tentative</i> Council Meeting	7	8	9	10	11 & 12
13	14	15	16	17	18 & 19
20 Council Work Session - <i>Tentative</i> Council Meeting	21	22	23	24	25 & 26
27 Memorial Day	28	29	30	31	

June

M	Tu	W	Th	F	Sa/Su
					1 & 2
3 Council Work Session - <i>Tentative</i> Council Meeting	4	5	6	7	8 & 9
10	11	12	13	14	15 & 16
17 Council Work Session - <i>Tentative</i> Council Meeting	18	19	20	21	22 & 23
24	25	26	27	28	29 & 30