

AGENDA ITEM SUMMARY / STAFF REPORT
FLORENCE PLANNING COMMISSION

ITEM NO: 4
Meeting Date: August 26, 2025

ITEM TITLE: Resolution CC 25 05 VAC 01 Alley Between Greenwood and Fir Streets

OVERVIEW:

Application: This request, initiated by the City Council, is to vacate a 20' x 270' unimproved public alley. The subject alley bisects block 57 of the Central Park subdivision and occupies approximately 5,400 square feet. The petitioner proposes vacation of the right-of-way as part of Elm Park's Planned Unit Development replat application (PC 24 28 SUB 01).

Process and Review: Per FCC 8-3, a right-of-way vacation requires three hearings to be approved: a first public hearing before the City Council to initiate vacation procedures, a second public hearing before the Planning Commission, and a final City Council hearing. This vacation was brought before the City Council by the Florence City Manager and Public Works Department on April 7, 2025.

At the April 7, 2025 City Council meeting, the Florence City Council determined that vacation of the right-of-way *appears* to be in the public interest and initiated vacation proceedings as required by FCC 8-3-4-3. The Council also determined a cost amount to recuperate the value of the land lost to the public. This amount was determined to be \$0 due to the maintenance burden to the City; this would eliminate the financial burden of long-term City maintenance. The Planning Commission will be making a recommendation to the City Council regarding whether the public interest will be served or prejudiced by the vacation of this public right-of-way.

Public Testimony: At the time of publishing the findings of fact, no public testimony was received.

ISSUES/DECISION POINTS: None

ALTERNATIVES:

1. Recommend approval of Resolution CC 25 05 VAC 01 to the City Council based on the findings of compliance with City regulations,
2. Modify the findings, reasons, or conditions, and approve the recommendation as modified,
3. Continue the Public Hearing to a date certain if more information is required, or
4. Recommend denial of Resolution CC 25 05 VAC 01 to the City Council based on the Commission's findings

RECOMMENDATION: Planning Staff—Option 1, Recommend approval of Resolution CC 25 05 VAC 01

AVIS PREPARED BY:

Hanna Hutcheson, Associate Planner

ITEMS ATTACHED:**Attachment 1 – Resolution PC 24 04 CUP 04 - Proposed**

- Exhibit A – Findings of Fact
 - Exhibit B – Vicinity Map
 - Exhibit C – Central Park Plat Excerpt
 - Exhibit D – Elm Park Plan Excerpt – Site Plan
 - Exhibit E – Application
 - Exhibit F – Florence Comprehensive Plan – Goals
 - Exhibit G – FCC 10-1-1-3
-
-



PLANNING COMMISSION

Type 4 Staff Report and Recommendation for
File Number: CC 25 05 VAC 01

HEARING DATE PC: August 26, 2025

PREPARED BY: Hanna Hutcheson, Associate Planner

I. GENERAL INFORMATION AND FACTS

Proposal: CC 25 05 VAC 01: A Petition initiated by the Florence City Manager and Florence Public Works Department to vacate a 20' x 270' unimproved public alley located in block 57 of the Central Park subdivision. The subject area occupies approximately 5,400 square feet. The petitioner proposes vacation of the right-of-way as part of Elm Park's Planned Unit Development replat application (PC 24 28 SUB 01).

Applicant: City of Florence

Property Owner: City of Florence

Location: West of Greenwood Street, between 10th and 11th Streets in block 57 of the Central Park subdivision.

Comprehensive Plan Map Designation: W 9th Street Planning Area

Zone Map Classification: Professional Office/Institutional

Adjacent Land Use(s):

Site:	Professional Office/Institutional; Currently undeveloped
North:	Open Space; Professional Office/Institutional
South:	Open Space; Professional Office/Institutional
West:	Open Space; Professional Office/Institutional
East:	Greenwood Street; Open Space; Professional Office/Institutional

II. NATURE OF REQUEST/NOTICING/APPLICABLE REVIEW CRITERIA:

On April 7, 2025, the Florence City Manager and Florence Public Works Department petitioned the Florence City Council to vacate a 20' X 270' alley located in block 57 of the Central Park subdivision. This alley bisects block 57 of the Central Park subdivision and runs east to west between map and tax lots 18-12-27-31-01101, and lots 18-12-27-31-01201 and 18-12-27-31-01202. The alley occupies approximately 5,400 square feet.

The request was made as part of the Elm Park Planned Unit Development (PUD) proposal. Once the PUD has been built, the location of the alley will be used exclusively for the benefit of the development, as private parking. Florence Public Works director Mike Miller further explained that the City does not have the resources to provide for the ongoing maintenance responsibilities for the alley and that there would be limited public benefit for the City to provide long-term maintenance of the alley.

At the April 7, 2025 City Council meeting, the Florence City Council determined that vacation of the right-of-way *appears* to be in the public interest and initiated vacation proceedings as required by FCC 8-3-4-3. The Council also determined a cost amount to recuperate the value of the land lost to the public. This amount was determined to be \$0 due to the maintenance burden to the City; this would eliminate the financial burden of long-term City maintenance. This eliminates the financial burden of long-term City maintenance.

As part of the vacation procedures, the Planning Commission is tasked with providing a recommendation to the City Council regarding whether the vacation serves the public interest and if the vacation affects the goals for the Florence Comprehensive Plan or Section 10-1-1-3 of Florence City Code.

NOTICES:

On August 19, 2025, per FCC 8-3-5-1, notice was mailed to owners of property within 400 feet east and west of the area to be vacated and 200 feet north and south of the area to be vacated for this second hearing of three hearings.

Vacations require that notice be mailed to property owners at least seven days prior to the Planning Commission's public hearing. This stage of the vacation procedures does not require a newspaper notice or a posted notice on the area to be vacated. However, pursuant to FCC 8-3-5 and ORS 271.110, the final City Council hearing will also require published and posted notice in addition to mailed notice.

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

APPLICABLE REVIEW CRITERIA:

Florence City Code, Title 8:

Chapter 3: Property Vacations, Sections 3-3 through 3-5-2

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

Florence Realization 2020 Comprehensive Plan, Chapter 8: Parks, Recreation and Open Space Recommendations

Florence Parks and Recreation Master Plan; Editions 1987 and 2011

III. ANALYSIS AND FINDINGS OF FACT

The criteria that must be addressed for this request are shown in underlined text, and the responses are shown in standard text. All of the following criteria must be satisfied before this request can be approved.

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.

Finding: FCC 8-3-3 allows a street or alley vacation to be initiated either by petition of affected property owners or by majority vote of the City Council. In this case, initiation occurred by Council motion consistent with FCC 8-3-3 and ORS 271.130. Responsibility for administering the vacation process through FCC 8-3-4 lies with the City Manager and Public Works Director.

Conclusion: This petition was initiated by the majority vote of the City Council at the request of the City Manager and Public Works Director. Criterion satisfied.

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.

Finding: FCC 8-3-4-1 requires the City Manager to set a hearing before Council upon receipt of a petition for vacation, with mailed notice to affected property owners at least five days prior. In this case, initiation was accomplished directly by City Council motion under ORS 271.130 and at the recommendation of the City Manager.

Conclusion: This criterion is satisfied.

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.

Finding: At the April 7, 2025, City Council Initial hearing, the City Council determined that the alley had no compensable value to be assessed to abutting property owners. The City Manager and Public Works Director are responsible for documenting this finding and ensuring no further valuation steps are necessary.

Conclusion: This criterion is satisfied.

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.

Finding: The City Council initiated vacation of the ROW on April 7, 2025, and determined the amount of the assessment to be zero dollars; this was determined because the alley will be used exclusively for the Elm Park development, and the cost of maintenance for the City would be eliminated should the Elm Park development take ownership of the alley. The City Council forwarded the petition to the Planning Commission for recommendations at that same meeting.

Conclusion: This criterion is satisfied with the August 26, 2025, Planning Commission hearing.

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.

Finding: FCC 8-3-4-3 provides that vacation requests are to be referred to the Planning Commission for public hearing and recommendation. Consistent with ORS 271.130, this referral is an administrative responsibility of the City Manager and Public Works Director. Upon referral, the Planning Department assumed responsibility beginning at FCC 8-3-5 under the direction of the City Manager. Notice was mailed to the applicant and affected property owners on August 19, 2025, seven days prior to the Planning Commission public hearing on the subject.

Conclusion: Notice was mailed seven days prior to the Planning Commission public hearing on this petition. This criterion is satisfied.

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.

Finding: Staff finds that the public interest will be served by the vacation because (1) the alley is not identified in the Parks Master Plan for recreational use, (2) the alley is undeveloped, (3) the alley will be used exclusively by the Elm Park development, and (4) the City will not be responsible for future maintenance costs of the alley.

The Planning Commission shall determine if the public interest will be served or prejudiced by the proposed vacation and shall make a recommendation to the City Council.

Conclusion: This criterion will be satisfied through the Planning Commission hearing process.

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.

Finding: The subject ROW abuts Greenwood Street as well as Fir Street, which is currently under construction. Should this alley be vacated, all abutting tax lots will be accessible from Greenwood, Fir, and 10th Streets.

Conclusion: The alley proposed to be vacated has existing frontage on Greenwood Street and Fir Street, and abutting tax lots have access from Greenwood, Fir, and 10th Streets. Criterion satisfied.

City of Florence Comprehensive Plan & Parks and Recreation Plan

FLORENCE PARKS AND RECREATION MASTER PLAN, 2011

Ch. 6 P. 4: Sale of Unusable Land. The City has parcels of undeveloped land and rights-of-way. Where the committee found parcels located in an area that could specifically address a level of service or connectivity issue they were included in the Future Recreation Resources Map, Figure 7.1. While the City's inventory of parkland does not include much that is not usable, if they did receive land parcels that could not be converted to active or passive public recreation uses, they could sell or trade them. Funds would then be used for park and recreation purposes.

FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN

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

Finding: The 1987 Florence Master Parks Plan, adopted into the 2011 Florence Recreation Master Plan (Parks Plan), does not identify this right-of-way as suitable for recreation use.

Conclusion: The listing of rights-of-way suitable for recreation use was reviewed by the City and it did not identify the proposed vacation area for this use. Criterion satisfied.

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]

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]

Finding: Noticing requirements for this hearing before the Planning Commission have been met. Noticing requirements for the final hearing before the Florence City Council will be carried out as per the Oregon Revised Statutes referenced above and FCC 8-3-6-1.

Conclusion: Criterion satisfied.

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]

Finding: The applicant is the City of Florence, so this section of Oregon State Code applies.

Conclusion: The City Council initiated this vacation after an application by the City Manager and Public Works Director. Criterion satisfied.

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]

Finding: Pursuant to ORS 271.140, title to the vacated alley will vest automatically in the abutting owners in equal portions. Two of the abutting parcels are owned by the Elm Park applicant and one is owned by the City of Florence. While the parties have indicated an intent for Elm Park to assume ownership of the full alley area, that redistribution must occur through a separate legal transaction and is not determined by this vacation proceeding.

Conclusion: This criterion will be satisfied should the vacation be approved.

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.

Finding: The above criteria have been incorporated into Florence City Code. Recording requirements will be carried out according to applicable statutes listed above if approved.

Conclusion: These criteria will be followed and therefore satisfied should the vacation be approved.

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.

Finding: Because the applicant is the City of Florence and was initiated by City Council motion pursuant to ORS 271.130, these criteria do not apply to this application.

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]

Finding: The Florence City Council is scheduled to hear the petition for vacation at their meeting to be held on October 6, 2025. Requirements for objections, recording, and fees will be observed as required by these statutes and Florence City Code.

Conclusion: This criterion will be satisfied upon the approval of the vacation request.

IV. CONCLUSIONS AND RECOMMENDATIONS

Staff finds that the proposed vacation is in the public interest as future access alternatives are available, meets the Comprehensive Plan goals, State statutes, and the requirements of City Code with conditions, and recommends that the Planning Commission provide a recommendation of approval of the vacation to the City Council.

V. CONDITIONS OF APPROVAL

The application, as presented, meets or can meet applicable City codes and requirements. Staff have not identified any conditions of approval.

Hanna Hutcheson, Associate Planner, 8/26/2025



PLANNING COMMISSION EXHIBIT B
File Number: CC 25 05 VAC 01

Aerial image of proposal location:

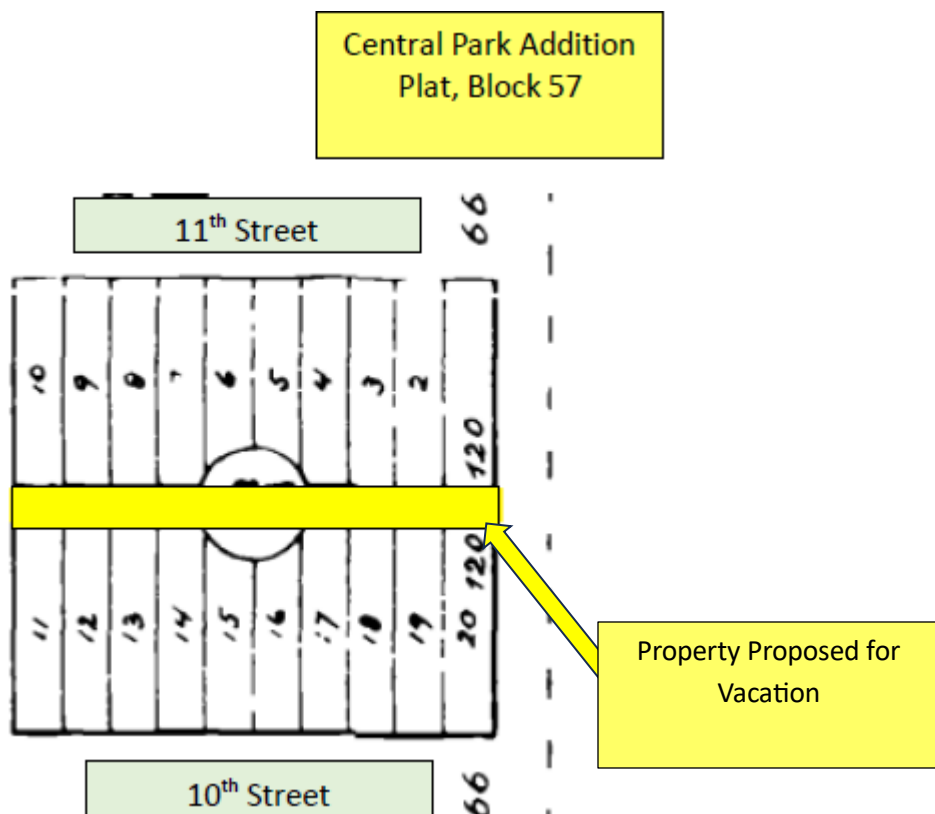




PLANNING COMMISSION EXHIBIT C

File Number: CC 25 05 VAC 01

Proposal plat:



PLAYGROUND

PORCH

COMMUNITY
BUILDING
825 SF

MAINT.

OFFICE

ART

DUMPSTER
ENCLOSURE

ALLEY

ONE
WAY

DUMPSTER
ENCLOSURE

VAN

PLAY
AREA

GREEN
HOUSE

ONE
WAY

LEGEND:



OPEN SPACE



RECREATION SPACE

BUILDING COVERAGE RATIO:

LOT 1 = 31,995 SF
BUILDING AREA = 12,950 SF
40.5% COVERAGE

LOT 2 = 15,997.5 SF
BUILDING AREA = 4,555 SF
28.5% COVERAGE

LOT 3 = 15,997.5 SF
BUILDING AREA = 5,500 SF
34.4% COVERAGE

OPEN SPACE:

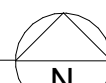
NET DEVELOPMENT AREA = 63,990 SF
OPEN SPACE = 10,123 SF
OPEN SPACE / NET DEVELOPMENT AREA = 15.8%
RECREATION SPACE = 7,010 SF
RECREATION SPACE / OPEN SPACE = 69.2%

FIR STREET

GREENWOOD
STREET

SITE PLAN - OPEN SPACE &
RECREATION SPACE
1" = 10'-0"

0 5 10 20 40



BDA
Architecture & Planning, PC.

1369 Olive Street
Eugene, Oregon 97401
bdarch.net
541.683.8661

ELM PARK P.U.D.
10TH STREET & GREENWOOD AVENUE
FLORENCE, OREGON 97439

OUR COASTAL VILLAGE

SITE PLAN - OPEN
SPACE &
RECREATION SPACE

date 01-08-2025
file 2420
d.b. LWL

A001.1

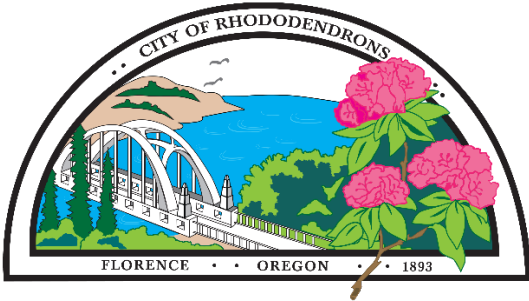


Exhibit E

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: _____

Applicant Information

Name: _____ Phone 1: _____

E-mail Address: _____ Phone 2: _____

Address: _____

Signature: _____ Date: _____

Applicant's Representative (if any): _____

Property Owner Information

Name: _____ Phone 1: _____

E-mail Address: _____ Phone 2: _____

Address: _____

Signature: _____ Date: _____

Applicant's Representative (if any): _____

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

Approved

Exhibit

Property Description

Site Address: _____

General Description: _____

Assessor's Map No.: _ - ____ - ____ - ____ Tax lot(s): _____

Zoning District: _____

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: _____ Square feet of existing: _____

Hours of operation: _____ Existing parking spaces: _____

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

Timetable of proposed improvements: _____

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

If yes, please describe: _____

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

_____**For Office Use Only:**

Date Submitted: _____ Fee: _____

Received by: _____

Paid

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 4

Meeting Date: April 7, 2025

Department: Public Works

ITEM TITLE: Initiate vacation of an alley between Greenwood and Fir streets located between 10th and 11th streets.

DISCUSSION/ISSUE:

During the land use proceedings for the Elm Park Planned Unit Development (PUD) Public Works recommended that the alley between Fir and Greenwood streets located between 10th and 11th streets be vacated. This recommendation was discussed during the Planning Commission meeting. Ultimately, the recommendation was not formally incorporated into the final decision on the developer's replat application, because it is not a land use requirement. However, the applicant and the City agreed it is the best course of action to vacate the alley.

Due to the type of development that is being proposed for Elm Park PUD, the alley between Fir and Greenwood streets will be functioning exclusively to the benefit of the development, including the Early Learning Facility. The City does not have the resources to provide for the on-going maintenance responsibilities for the alley, therefore since there is no public benefit as proposed by the developer (proposal is for the alley to function as private parking for the development) Public Works recommends that the City Council initiate the alley vacation process.

There is limited public benefit for the City to provide long-term maintenance of the alley. This is because the alley will only serve the development rather than the general public since it will be used primarily for private access and parking. With the alley functioning as an accessway for parking for the development, the obligation for maintaining the alleyway should not fall to the City.

Florence City Code (FCC) Title 8, Chapter 3 governs property vacations. Under FCC 8-3-3 vacation of a public way may be initiated upon the majority vote of the City Council.

Additionally, Oregon Revised Statutes (ORS) 271.130, states that the City may initiate vacation proceedings authorized by ORS 271.080 and make a vacation without a petition or consent of property owners.

If the Council wishes to proceed with the recommended alley vacation, the first step is for the Council to initiate the vacation via motion. This is the step recommended for April 7th. If that motion is made, then staff will proceed through the vacation process by first seeking input from the Planning Commission and then coming back to the Council for a public hearing on the

vacation. Prior to the public hearing, staff will send out notice to the impacted property owners and a hearing will be held on the issue. At the hearing, the vacation can proceed unless there are objections from a majority of the impacted property owners. If the Council approves of the alley vacation, the vacation process will culminate with a vacation ordinance.

Part of the vacation process involves estimating the value of the alley to the City. FCC Chapter 8-3 would allow the City to charge neighboring property owners for the value of the vacated alley. Here the value of the land to the City is the elimination of the long-term maintenance obligation. The City has no need for the alley and its development as access for the Elm Park PUD would only create financial burdens for the City. Therefore, staff recommends that City Council sets the value of the underlying property at zero dollars.

FISCAL IMPACT:

This is the first step in a multi-step process to vacate an existing alley right-of-way. There is no cost to the City other than staff time and publishing public hearing notices.

RELEVANCE TO ADOPTED CITY WORK PLAN:

The alley vacation is being requested as part to the 9th Street Neighborhood Project where City-owned properties have been identified to support affordable housing development.

ALTERNATIVES:

1. Move to initiate the alley vacation.
2. Move to initiate an amended alley vacation.
3. No not approve the alley vacation and make no motion to initiate the vacation process.

RECOMMENDATION:

Staff recommends that City Council initiate the vacation of the alley. The proposed motion is the following: I move to initiate vacation of the alley between Greenwood and Fir streets located between 10th and 11th streets pursuant to FCC 8-3-3, find that the value of the alley is zero dollars pursuant to FCC 8-3-4; and direct City staff to proceed with the vacation process under FCC Chapter 8-3.

AIS PREPARED BY: Mike Miller, Public Works Director

**CITY MANAGER'S
RECOMMENDATION:**

Approve

☐ Disapprove

☐ Other

Comments:

ER Reynolds

ITEMS ATTACHED: Attachment 1- Map

Alley Vacation Exhibit

Alley located between 10th and 11th streets
and Fir and Greenwood streets



PLANNING COMMISSION EXHIBIT F

File Number: CC 25 05 VAC 01

Florence Realization 2020 Comprehensive Plan: Goals

Chapter	Goal	Page
Chapter 2: Land Use	To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for those decisions and actions.	Page II-1
Chapter 5: Open Spaces and Scenic, Historic, and Natural Resources	To conserve natural resources such as wetlands, riparian areas, groundwater supplies, air and water, and fish and wildlife habitat in recognition of their important environmental, social, cultural, historic and economic value to the Florence area and the central Oregon Coast.	Page V-1
Chapter 6: Air, Water and Land Quality	To maintain the quality of the air, water, and land resources through control of waste and process discharges from future development.	Page VI-1
Chapter 7: Development Hazards and Constraints	To protect life and property from natural disasters and hazards.	Page VII-1
Chapter 8: Parks, Recreation and Open Space	To provide a well-functioning and well-maintained park and recreation system that enhances quality of life by offering a diversity of recreational opportunities for people of all ages and needs.	Page VIII-1
Chapter 9: Economic Development	To promote economic development through proactive engagement and support of business compatible with the community goals detailed in this plan, and supporting jobs yielding family income, while working with private partners to build a place that attracts and keeps talent.	Page IX-1
Chapter 10: Housing Opportunities	To provide opportunities and conditions to accommodate provision of varying housing types that are affordable, decent, safe and sanitary for people at all economic segments of the community.	Page X-1
Chapter 11: Utilities, Facilities, and Services	To help assure that urban development in the urban growth boundary is guided and supported by types and levels of public facilities appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly, and efficient arrangement, as required by Statewide Planning Goal 11, Public Facilities and Services.	Page XI-1
Chapter 12: Transportation	1. To create a safe transportation system.	Page XII-1

	<p>2. To operate transportation facilities at a level of service that is cost-effective and appropriate for the area served.</p> <p>3. To develop systematic annual maintenance plans for city streets, bike, pedestrian and air facilities.</p> <p>4. To create a transportation network to support existing and proposed land uses.</p> <p>5. To meet the needs of land development while protecting public safety, transportation operations and mobility of all transportation modes.</p> <p>6. To provide a balanced transportation system that provides options for meeting the travel needs of all modes of transportation.</p> <p>7. To enhance the quality of life for citizens and visitors by providing adequate access to residences, employers, services, social and recreational opportunities.</p> <p>8. To minimize transportation-related energy consumption by using energy efficient modes of transportation for movement of goods, services and people where possible.</p> <p>9. To provide economic health and diversity through the efficient and effective movement of goods, services and people.</p> <p>10. To minimize the impacts on natural and cultural resources when constructing transportation facilities and encouraging use of non-polluting transportation alternatives.</p> <p>11. To choose transportation facilities which balance the requirements of other transportation goals with the need to minimize air, water and noise pollution.</p> <p>12. To provide for adequate parking facilities in conjunction with other transportation facilities, as appropriate.</p> <p>13. To collaborate and coordinate with state, county and other agencies during long range planning efforts, development review, design and construction of transportation projects.</p>	
Chapter 13: Energy Facilities and Conservation	To encourage economical energy systems and conserve energy.	Page XIII-1
Chapter 14: Urbanization	To provide for an orderly and efficient transition from County/rural land uses to City/urban land uses.	Page XIX-1
Chapter 16: Siuslaw River Estuarine Resources	1. To recognize and protect the unique environmental, economic, cultural, and social values of the Siuslaw Estuary and associated wetlands.	Page XVI-1

	<p>2. To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, cultural, and social values, diversity and benefits of the Siuslaw Estuary.</p> <p>3. To provide for appropriate uses with as much diversity as is consistent with the “Shallow Draft Development” Oregon Estuary Classification, and taking into account the biological, economic, recreational, cultural, and aesthetic benefits of the estuary.</p>	
Chapter 17: Coastal Shorelands: Ocean, Estuary, and Lake Shorelands	<p>1. To conserve, protect, where appropriate, develop and, where appropriate, restore the resources and benefits of coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources, cultural resources, and recreation and aesthetics.</p> <p>2. To reduce the hazard to human life and property, the adverse effects on water quality, and the adverse effects on fish and wildlife habitat, resulting from the use and enjoyment of Florence’s coastal shorelands.</p>	Page XVII-1
Chapter 18: Coastal Beaches and Dunes	<p>1. To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas.</p> <p>2. To reduce the hazard to human life and property from natural or human-induced actions associated with coastal beach and dune areas.</p> <p>3. To better understand the functions of dunes and patterns of dune movement in order to incorporate that knowledge into land use decisions.</p>	Page XVIII-1

TITLE 10
CHAPTER 1**ZONING ADMINISTRATION**

SECTION:

- 10-1-1: Administrative Regulations
 - 10-1-1-1: Short Title
 - 10-1-1-2: Scope
 - 10-1-1-3: Purpose
 - 10-1-1-4: Application
 - 10-1-1: Table: Summary of Approvals by Review Procedure
 - 10-1-1-5: General Provisions
 - 10-1-1-6: Types of Review Procedures
 - 10-1-1-6-1: Type I Reviews
 - 10-1-1-6-2: Type II Reviews
 - 10-1-1-6-3: Type III Reviews
 - 10-1-1-6-4: Type IV Reviews
 - 10-1-1-7: Appeals
 - 10-1-1-8: Enforcement
- 10-1-2: Use Districts and Boundaries
 - 10-1-2-1: Districts Established
 - 10-1-2-2: Change of Boundaries on Zoning Map
 - 10-1-2-3: Zoning of Annexed Areas
- 10-1-3: Amendments and Changes

10-1-1: ADMINISTRATIVE REGULATIONS:

10-1-1-1: SHORT TITLE: This Title shall be known as the "Zoning Ordinance of the City of Florence", and the map herein referred to shall be known as the "Zoning Map of the City of Florence". Said Map and all explanatory matter thereon are hereby adopted and made a part of this Title.

10-1-1-2: SCOPE: No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located, except as otherwise provided herein. No permit for the construction or alteration of any building shall be issued unless the plan, specifications and intended uses of such building conform in all respects with the provisions of this Title. The zoning regulations are not intended to abrogate, annul or impair easement, covenant or other agreements between parties, except that where the zoning regulations impose a greater restriction or higher standard than that required by such agreement, the zoning regulations shall control.

10-1-1-3: PURPOSE

A. **PURPOSE OF THIS TITLE:** The purpose of this Title is to establish for the City a Comprehensive Zoning Plan designed to protect and promote the public health, safety and welfare, and to provide the economic and social advantages which result from an orderly, planned use of land resources. Such regulations are designed to achieve the following objectives:

1. To fulfill the goals of Florence's Comprehensive Plan.
2. To advance the position of Florence as a regional center of commerce, industry, recreation and culture.
3. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities, with adequate provision for sunlight, fresh air and usable open space.

4. Protect residential, commercial, industrial and civic areas from the intrusion of incompatible uses, and to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services.
 5. To insure preservation of adequate space for commercial, industrial and other activities necessary for a healthy economy.
 6. To promote safe, fast and efficient movement of people and goods without sacrifice to the quality of Florence's environment, and to provide adequate off-street parking.
 7. To achieve excellence and originality of design in future developments and to preserve the natural beauty of Florence's setting.
 8. To stabilize expectations regarding future development of Florence, thereby providing a basis for wise decisions with respect to such development.
- B. **PURPOSE OF THIS CHAPTER:** The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 10-1-1 provides a tool for determining the review procedure and the decision-making body for particular approvals.

10-1-1-4: APPLICATION:

- A. Applications and Petitions required by Title 10 and 11 of this Code shall be on forms prescribed by the City and include the information requested on the application form.
- B. Applicability of Review Procedures: All land use and development permit applications, petitions, and approvals shall be decided by using the procedures contained in this chapter. The procedure type assigned to each application governs the decision making process for that permit or approval. There are four types of approval procedures as described in subsections 1-4 below. Table 10-1-1 lists some of the City's land use and development approvals and corresponding review procedures. Others are listed within their corresponding procedure sections.
1. **Type I (Ministerial) Procedure (Staff Review – Zoning Checklist).** Type I decisions are made by the City Planning Director, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., clear and objective standards);
 2. **Type II (Administrative) Review Procedure (Administrative/Staff Review with Notice).** Administrative decisions are made by the City Planning Director, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the City Planning Director may refer an Administrative application to the Planning Commission for its review and decision in a public meeting;
 3. **Type III (Quasi-Judicial) Procedure (Public Hearing).** Quasi-Judicial decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Quasi-Judicial decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy.
 4. **Type IV (Legislative) Procedure (Legislative Review).** Type IV procedures apply to legislative matters. The Legislative procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Legislative reviews are considered by the Planning Commission, who makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.