

MEMORANDUM**CITY OF SPRINGFIELD**

DATE OF HEARING: June 20, 2006**TO:** Springfield Planning Commission **PLANNING COMMISSION****FROM:** Andy Limbird**TRANSMITTAL
MEMORANDUM****SUBJECT:** Request for Vacation of Public Alley

ISSUE

The Planning Commission is requested to conduct a public hearing for a request to vacate a 14-foot wide mid-block alley located west of 4th Street between A Street and B Street. The Planning Commission will decide whether to advise the City Council to approve, approve with conditions or deny the request.

DISCUSSION

The applicant, the City of Springfield, is requesting the right-of-way vacation to facilitate development of a Municipal Justice Center and Jail on the downtown city block containing the subject alley. The proposed site plan incorporates the alley right-of-way within the future building envelope of the Justice Center and jail. The public right-of-way proposed for vacation consists of a 14-foot wide by 264-foot long paved alley extending from 4th Street through to Pioneer Parkway East. The mid-block alley is located immediately to the north of the existing police and municipal courts building, and a commercial lease space owned by the City. At present, vehicular traffic within the alley is restricted to police and service vehicles. There are existing public utilities within the alley that must be relocated prior to construction of the Justice Center. In the interim, an easement will be required to accommodate the public utilities until relocation has been completed.

RECOMMENDATION

Staff recommends approval of the vacation request based on the attached findings.

ACTION REQUESTED

Advise the City Council to approve the vacation request at a public hearing by motion and signature of the attached recommendation by the Planning Commission Chairperson.

ATTACHMENT 1. Staff Report and Findings**ATTACHMENT 2.** Map showing the proposed vacation area**ATTACHMENT 3.** Recommendation to City Council

**ATTACHMENT 1
VACATION REQUEST
STAFF REPORT AND FINDINGS**

Case No. LRP2006-00019

APPLICANT

The City of Springfield

REQUEST

The vacation of a 14-foot wide by 264-foot long alley right-of-way.

LOCATION OF PROPERTY

The mid-block alley right-of-way (ROW) proposed to be vacated is located west of 4th Street between A Street and B Street in downtown Springfield. The alley lies within Tax Map 17-03-35-31.

BACKGROUND

The alley was created as public right-of-way with platting of the original Map of Springfield in 1872. There are nine City-owned properties (Tax Map 17-03-35-31, Tax Lots 1500-1700 and 1900-2400) that are directly adjacent to the subject right-of-way. From a functional perspective, the subject right-of-way is used almost exclusively by police and service vehicles as it connects with secure parking areas and the rear entrance of the police station. The alley also provides a physical separation between the existing police, municipal courts and commercial lease space buildings fronting onto A Street and parking areas fronting onto B Street.

SPRINGFIELD DEVELOPMENT CODE CRITERIA

Springfield Development Code (SDC) 9.060(2) establishes criteria for vacation of right-of-way that must be met in order to approve this request. The following findings address each of the criteria.

(a) The Vacation shall be in conformance with the *Metro Plan*, *TransPlan*, the *Conceptual Local Street Map* and adopted functional plans, and applicable refinement plan diagram, plan district map, or conceptual development plan;

Finding 1: The *Metro Plan* is a general plan which does not specifically discuss the vacation of rights-of-way. The right-of-way vacation process is found in SDC Article 9. The SDC is in conformance with the *Metro Plan*.

Finding 2: The alley is not shown or mentioned in the *TransPlan*, any adopted functional plan, or the *Conceptual Local Street Map*. This alley is depicted in the background documentation for the *Downtown Refinement Plan*, but is not specifically mentioned in the *Refinement Plan*.

Finding 3: There is not a plan district map or a conceptual development plan for this area.

Conclusion: There is no specific mention of the alley right-of-way in any of the above plans, nor are there policies regarding vacation of historic alleys in general. Therefore, this application complies with criterion (a).

(b) The Vacation shall not conflict with the provisions of Springfield Municipal Code 1997; and this Code, including but not limited to, street connectivity standards and block lengths; and

Finding 4: SDC 40.100(5)(b) states that the maximum block perimeter shall be 1,400 feet. Upon vacation of the subject alley, the perimeter of the downtown city block located west of 4th Street and lying between A Street and B Street will be approximately 1,070 feet. Therefore, criterion (b) is satisfied.

Finding 5: The vacation does not involve a public street and does not conflict with the provisions of either the Springfield Municipal Code or the Springfield Development Code.

Conclusion: Since the alley right-of-way vacation does not conflict with the Municipal Code or Development Code and does not involve a public street, this application complies with criterion (b).

(c) There shall be no negative effects on access, traffic circulation, emergency service protection or any other benefit derived from the public right-of-way, publicly owned land or Partition or Subdivision Plat.

There Are No Negative Effects on Access

Finding 6: All tax lots within this downtown city block have frontage and access onto A Street, B Street, 4th Street and/or Pioneer Parkway East. The alley is not required to provide legal or physical access to any tax lots that otherwise would be isolated upon closure of the right-of-way. Access does not change because of the vacation proposal.

Finding 7: All tax lots deriving access from the alley proposed for vacation are owned by the City.

Finding 8: The alley is not required to maintain access to the police and municipal courts building, commercial lease space, or parking areas. Public vehicular access to the alley is discouraged.

Finding 9: Because the vacation request has no negative impacts on access, this application complies with this portion of the criterion (c).

There Are No Negative Effects On Traffic Circulation

Finding 10: The adjacent public streets are not affected by the proposed vacation, so there are no effects on traffic circulation.

Finding 11: Because the vacation request will have no negative affect on traffic circulation, this application complies with this portion of the criterion (c).

There Are No Negative Effects On Emergency Service Protection

Finding 12: Emergency access to properties within the subject city block will not change due to the proposed vacation.

Finding 13: A portion of the city block containing the right-of-way proposed for vacation already contains an emergency (police) service building. The subject city block is proposed for construction of a new police and courts building that will allow for police service to be maintained or enhanced beyond current levels.

Finding 14: Because there are no negative effects on emergency service, this application complies with this portion of criterion (c).

There Are No Negative Effects On Any Other Public Benefit Derived From the Right-Of-Way

Finding 15: There are public utilities contained within the alley. A temporary easement will be required across the area occupied by the alley until the affected utilities are relocated prior to construction of the Justice Center. The easement will be used as an interim measure, and will be released or expire upon relocation of the utilities. Provision of utility services to other adjacent properties will not be affected by the proposal. Furthermore, provision of emergency (police) service to the community will not be affected by the proposed vacation.

Finding 16: There are no public benefits derived from public access to the alley right-of-way. The alley is used almost exclusively by police and service vehicles and accesses City-owned property. Casual public use of the subject right-of-way is discouraged due to security concerns.

Finding 17: Because the ordinance protects any underground utilities and there are no negative effects or public benefits involved in this application, the proposal complies with this portion of the criterion (c).

Finding 18: A request in 2002 for vacation of a public alley at the downtown Lithia Toyota site was conditional upon recording of a deed restriction against the tax lots deriving access from the alley. The intent of this condition was to guarantee alley access for individual tax lots that otherwise would be isolated, should any come into different ownership. However, unlike a site entirely in private ownership, the Justice Center site is entirely publicly owned and the alley vacation is to facilitate construction of a public building. For this reason, staff advise that deed restrictions are not warranted for the subject properties. The City still has the discretion and ability to reinstate the alley should some or all of the tax lots currently deriving access from the alley come under different ownership - even if this occurs in the distant future.

CONCLUSION

Staff has demonstrated that the proposed request to vacate the alley right-of-way is in conformance with the vacation criteria of approval (Ref. SDC 9.060(2)).

RECOMMENDATION

Recommendation of approval of the proposed vacation to the City Council.

**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF SPRINGFIELD, OREGON**

RECOMMENDATION TO THE CITY COUNCIL

CASE NO. LRP2006-00019

NATURE OF THE APPLICATION

Vacation of the mid-block alley located west of 4th Street between A Street and B Street.

1. On May 17, 2006 the following vacation application was accepted:

Case No. LRP2006-00019 – City of Springfield, applicant.

2. The application was initiated and submitted in accordance with Section 3.050 of the Springfield Development Code. Timely and sufficient notice of public hearing, pursuant to Sections 14.030 and 9.050 of the Springfield Development Code, has been provided.

3. On June 20, 2006, a public hearing on the vacation request was held. The Development Services Department staff notes and recommendation together with the testimony and submittals of the persons testifying at that hearing have been considered and are part of the record of this proceeding.

CONCLUSION

Based on this record, the requested vacation application is consistent with the criteria of SDC 9.030. This general finding is supported by the specific findings of fact and conclusion in Attachment A, Vacation Staff Report.

RECOMMENDATION

The Planning Commission hereby recommends the City Council approve the vacation request at a public hearing.

ATTEST

Planning Commission Chairperson

AYES:

NOES:

ABSENT:

ABSTAIN: