

## **ARTICLE 8.10 – VACATIONS**

### **SECTION 8.10.001 - PROCESSING**

Street, alley, or other right-of-way vacations shall be filed on applications available through the Community Development Department/Planning Division, and processed in accordance with ORS Chapter 271, with fees charged as set forth within the Statute. The application shall be accompanied by any such information required by the Statute or as listed on the application submittal checklist.

### **SECTION 8.10.002 – REVIEW CRITERIA**

A public right-of-way vacation request is a discretionary action on the part of the City and that meeting the following review criteria does not require the City to approve the request.

- A. The proposed Vacation may be approved when there are no public utilities or services existing within the right-of-way or proposed to be installed within the right-of-way; and when determined by the Community Development Director/Planner, a public utility easement shall be provided in lieu of the public right-of-way.
- B. The proposed Vacation will have no adverse effect on the property owners adjacent to the right-of-way and the owners of “affected property” within the vicinity of four hundred feet (400’) to either end of the right-of-way proposed to be vacated and within the vicinity of two hundred feet (200’) to either side of the right-of-way proposed to be vacated. To ensure this is the case, a public hearing to consider a Vacation request shall not be held until property owners representing all of the property adjacent to the proposed Vacation consent to the proposal on forms provided by the City. In addition, two-thirds of the property owners (by land area) within the “affected area” shall submit their consent to the Vacation proposal prior to the hearing.
- C. The Vacation may be granted if the reviewing authority finds that it satisfies all applicable requirements of the Land Development Code, Comprehensive Plan and Oregon Revised Statutes.
- D. The Vacation may be denied if access, utilities and other street improvements provided, or planned to be provided, in the right-of-way proposed to be vacated are necessary to serve development permitted by the Land Development Code and Comprehensive Plan.
- E. The Vacation will not prevent the development of through streets which are identified on the County Assessor’s Plats in areas where such through street is identified on an adopted Transportation System Plan or is deemed necessary by the Community Development Director/Planner or other reviewing authority.
- F. The Vacation maintains a uniform development pattern and does not conflict with established development patterns in the same zone or vicinity.

### **SECTION 8.10.003 – REVIEW PROCEDURE**

Vacation requests shall be subject to the Planning Commission and City Council review procedures set forth in Articles 9.3 and 9.4 of this Code. Vacation requests are not a limited land use decisions and decisions of the City Council shall be final and not subject to further appeal.

### **SECTION 8.10.004 – NOTICE**

Notice of a Vacation hearing shall be provided to the affected property owners and interested agencies, such as utility and emergency service providers, in accordance with ORS Chapter 271.