



## COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING & PLANNING 541-917-7550

# Vacation

## Checklist and Review Criteria

### INFORMATION AND INSTRUCTIONS:

- See fee schedule for application fee (*subject to change every July 1*): staff will contact you for payment after submittal.
  - Public Street or Alley
  - Public Easements
- All plans and drawings must be to scale, and review criteria responses should be provided as specified in this checklist.
- Email all materials to [cd.customerservice@cityofalbany.net](mailto:cd.customerservice@cityofalbany.net). Please call 541-917-7550 if you need assistance.
- Depending on the complexity of the project, paper copies of the application may be required.
- Before submitting your application, please check the following list to verify you are not missing essential information. An incomplete application will delay the review process.

### VACATION SUBMITTAL CHECKLIST

- PLANNING APPLICATION FORM WITH AUTHORIZING SIGNATURES.**
- SUPPLEMENTAL APPLICATION INFORMATION.** See pages 2-5.
- REVIEW CRITERIA RESPONSES.** A vacation request may be approved if the review body finds that the applicant has shown that all of the following review criteria are met. On a separate sheet of paper, prepare a detailed written response using factual statements (called “findings of fact”) to explain how the proposed vacation complies with each of the following review criteria in ADC 2.630. Each criterion must have at least one finding of fact and conclusion statement. See Attachment B for an example.
  1. The requested vacation is consistent with relevant Comprehensive Plan policies and with any street plan, city transportation, or public facility plan.
  2. The requested vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities, or utilities.
  3. The requested vacation will not have a negative effect on traffic circulation or emergency service protection.
  4. The portion of the right-of-way that is to be vacated will be brought into compliance with Code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.
  5. The public interest, present and future, will be best served by approval of the proposed vacation.
- SITE PLAN.** Submit a map showing the area around the proposed vacation as well as the area to be vacated. The scale of the full-size map must be large enough that all dimensions and distances can easily be measured for accuracy. The map must include all the items listed below. If any item listed for inclusion on the plan is not provided, please include a written explanation.

- Existing address (if any) of adjacent property, or section, township, range, and/or lot and block number sufficient to define the location of the site.
- Date plan was drafted and north arrow.
- Scale of plan. (Use a standard engineering scale, such as 1 inch = 60 feet, or 1 inch = 100 feet, unless otherwise approved by Planning staff). Map must be clearly readable and measurable and fully dimensioned.
- Label and show the lengths of all existing property lines adjacent to the site.
- Label and show the locations of all existing and proposed driveways or access points to adjacent properties. What is the construction of the driveways?
- Label and show the locations of all existing and proposed structures, wells, septic tanks and drain fields, and distances between them and the existing property lines and each other.
- Label and show the locations and sizes of all existing public sewer mains, storm drainage facilities, and water mains; also, culverts, ditches, and drainpipes, and electric, gas and telephone conduits, including those on site, on adjacent property, and within adjacent rights-of-way.
- Label and show the locations, widths, and names of all *existing* or *platted* nearby public streets, alleys, sidewalks, curbs, and other public rights-of-way or uses.
- Label and show the locations, widths, ownership, and purpose of all *existing* and *proposed* easements on the site and on adjacent properties.
- Zoning designations, property boundaries, land uses, and building locations of adjacent properties.

**AFFECTED PROPERTY OWNER LIST.** Submit one copy of a list of the names, addresses, and County Tax Assessor’s map and tax lot identification of all properties within the affected property boundary. This list must be signed and dated by the preparer; the source of the data should also be indicated. If less than 100 percent of the affected property owner’s signatures are submitted, include the area of all affected properties and the area of the properties whose owners have signed the petition.

**AFFECTED PROPERTY MAP.** Submit one map (usually a County Tax Assessor’s map) that identifies the affected properties as defined in ORS 271.080. See Attachment A for an example.

**APPLICANT/PROPERTY OWNER INFORMATION.** List all persons that are to be considered as applicants for this proposal and others to be notified, such as agents and engineers. All applicants must sign the form.

**PROPERTIES TO WHICH THE VACATED AREA WILL BE TRANSFERRED.** List the properties (and their owners) that the vacated area will revert to. Include an explanation of how this information was obtained.

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### SUPPLEMENTAL APPLICATION INFORMATION

The undersigned property owners respectfully request the City Council of Albany to vacate the following described (street, alley, easement, plat, etc.) in the City of Albany, generally located:

\_\_\_\_\_

\_\_\_\_\_

and more particularly described by the attached legal description (use a separate sheet of paper).

Pursuant to **ORS 271.080**, the applicant must state *“the purpose for which the ground is proposed to be used and the reason for such vacation.”* (Use a separate sheet of paper, if necessary): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ORS 271.080** requires that a petition for vacation must include “*the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby.*” (See Attachment A for an example map of the “affected area”.)

The undersigned petitioners respectfully request the city council to fix a time for hearing of this petition and give notice of the same. Notice will be given by publishing in a newspaper of general circulation the description of the property, the date of filing this petition, the name of at least one petitioner, and date of the hearing. Notices will be posted at each end of the proposed vacation in two (2) places within the area proposed for vacation. The hearing will then be held, and the council will determine whether to vacate the street, alley, easement, or plat described above.

If the city council initiates the vacation, it is not necessary to obtain these signatures, but this application is still required.

NAME (Print or Type)	SIGNATURE	ADDRESS
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
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_____	_____	_____

**NAME OF CONTACT PERSON**

Name (print or type): \_\_\_\_\_

Current Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

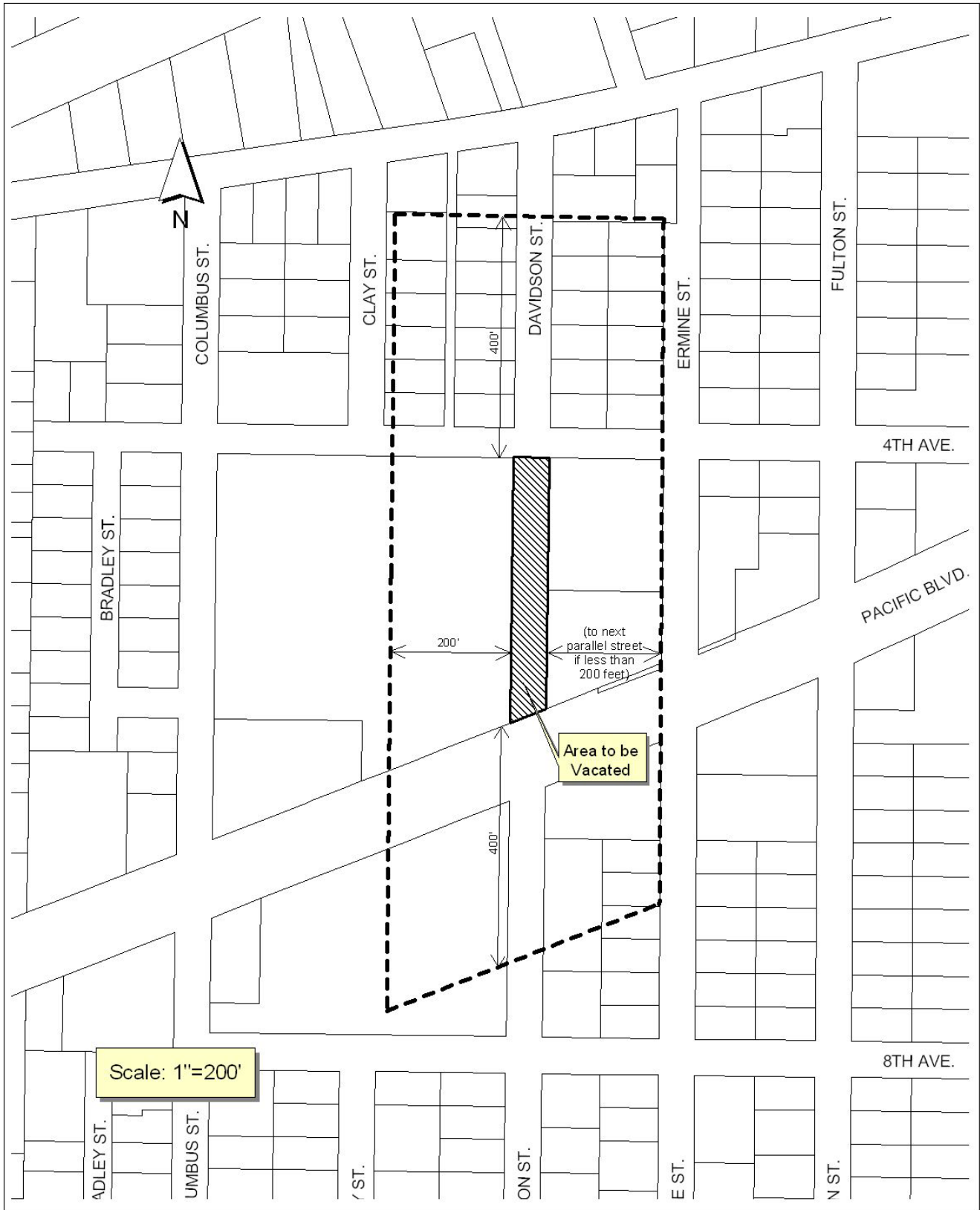
Email (optional): \_\_\_\_\_

I do hereby certify that the attached list of property owners is accurate as reflected by the latest records of the (select one) Linn / Benton Co. Assessor’s Office, and that the attached list contains the names and signatures of 100 percent of the owners of abutting property, and the owners of 2/3 of the property (by area) within 400 feet beyond the terminus of, and 200 feet laterally of, the right-of-way to be vacated. (For easement vacations, only adjoining property owners’ signatures are required; for plat vacations, only owners of property within the portion of the plat being vacated.)

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

# ATTACHMENT A – SAMPLE MAP OF "AFFECTED PROPERTIES"



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## ATTACHMENT B - EXAMPLE OF FINDINGS OF FACT

### CRITERIA FOR FINDINGS OF FACT:

A Vacation will be approved only if the approval authority finds the application conforms to the criteria found in Section 2.630 of the Albany Development Code. Before the reviewing authority can approve an application, the applicant must submit information that adequately supports the application. If the applicant submits insufficient or unclear information, the application will be denied or delayed.

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### FORMAT FOR FINDINGS OF FACT:

Statements addressing individual criteria must be in a “finding of fact” format. A finding of fact consists of two parts:

1. Factual information such as the distance between buildings, the width and type of streets, the particular characteristics of an existing use, etc. Facts should reference their source: on-site inspection, a plot plan, City plans, etc.
  2. An explanation of how those facts result in a conclusion supporting the criterion.
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### EXAMPLE:

**Criterion:** The requested vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities, or utilities.

**Fact:** State fact(s) relating to the question – “This section of the Maple Street right-of-way has never been improved to carry vehicular traffic. All adjacent properties have access to other public streets and do not need access to this portion of Maple Street. The properties abutting this section of Maple Street are not able to be further divided to create new lots. There is an 8-inch public sanitary sewer main within this section of the Maple Street right-of-way.”

**Conclusion:** State conclusion – “All adjacent properties currently have access to existing public streets. This section of the Maple Street right-of-way is not needed to serve these adjacent properties, and no new lots can be created adjacent to this right-of-way. In order to allow for access to the existing public sewer main within the right-of-way, a public utility easement must be maintained within the Maple Street right-of-way.”