



PLANNING DEPARTMENT

VACATION APPLICATION

1. APPLICANT INFORMATION (If a corporation, list all principals)

Name _____

Address _____ City _____

State _____ Zip Code _____

Email _____

Telephone (Business): _____ (Residence) _____

2. AGENT INFORMATION (Owner's consent required)

Name _____

Address _____ City _____

State _____ Zip Code _____

Email _____

Telephone (Business): _____ (Residence) _____

3. OWNER/CONTRACT PURCHASER OF RECORD

Name _____

Address _____ City _____

State _____ Zip Code _____

Email _____

Telephone (Business): _____ (Residence) _____

4. PROJECT DESCRIPTION

Include general description of area to be vacated, and the objective of the project:

7 / 1 / 0 9

Lausmann Annex • 200 South Ivy Street • Medford OR 97501

phone (541) 774-2380 • fax (541) 774-2564

www.ci.medford.or.us

VACATION APPLICATION

5. REQUIRED SUBMITTALS

- ☐ Application Form (signed)
- ☐ Vicinity Map to scale per §10.201
- ☐ Legal Description of area to be vacated
 - Emailed or on a CD, in Microsoft Word Format
- ☐ Assessor's Map of area to be vacated
 - Showing abutting & affected properties
 - Identifying the parcels for which consents to vacate have been acquired (if not initiating by letter to City Council)
- ☐ Findings of Fact
- ☐ Typed Mailing Labels for each property owner within 200-feet of the site
 - Check with Planning Department, notice varies with type of vacation
- ☐ Written Consent of Owner (if applicable)
- ☐ One of the Following:
 - If initiated by petition: Completed & signed consent forms for the required abutting and/or affect property owners
 - If initiated by City Council, a letter to the City Council requesting initiation of the vacation
- ☐ Fee:
 - \$970
 - Fees are due at time of project submittal.
 - Checks shall be made payable to *City of Medford*.

Mailing Label Example:

372W19DB Tax Lot 3700
Jane and John Jones
000 Delta Waters Road
Medford, OR 97504

6. I HEREBY STATE THAT THE FACTS RELATED IN THE ABOVE APPLICATION AND THE PLANS AND DOCUMENTS SUBMITTED HERewith ARE COMPLETE, TRUE, CORRECT, AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature _____ ☐ Applicant ☐ Agent ☐ Owner

If any wetlands exist on the site, it is the applicant's responsibility to apply for a permit to the Division of State Lands and Army Corps of Engineers before any site work begins.

VACATION APPLICATION

WHAT ARE VACATIONS:

Vacations of public right-of-ways are a means of returning unneeded public streets and alleys to adjacent private property owners. Plat vacations and public utility easement (PUE) vacations are a means of removing unnecessary easements or plat designations from a parcel of land.

There are two ways a vacation can be initiated: 1) by citizen petition (applicant submitted consents), or 2) by the City Council. If the vacation is to be initiated by City Council, the applicant writes a letter to the City Council requesting the initiation. After initiating the vacation, the request goes to the Planning Commission for review and recommendation. The City Council then takes the final action, either approving or denying the vacation request. If the vacation is initiated by petition, the request goes directly to the Planning Commission for review and recommendation, and then to City Council for final action.

In both cases, an application with the required submittals and an application fee must accompany the request.

VACATION APPLICATION, §10.200

A request to vacate a public street, alley, easement, plat, or public place shall, in addition to the requirements contained herein, be subject to ORS Chapter 271. Vacation shall be initiated either by petition under ORS 271.080 or by City Council under ORS 271.130.

APPROVAL CRITERIA, §10.202

A request to vacate shall only be favorably considered by the approving authority (City Council) when the following criteria have been addressed:

- (1) Compliance with the Public Facilities Element of the Comprehensive Plan.
- (2) If initiated by petition under ORS 271.080, the Council shall make the findings required by ORS 271.120.
- (3) If initiated by the Council, applicable criteria are found in ORS 271.130.

VACATION APPLICATION

FINDINGS OF FACT

For the City Council to approve a vacation, they must find that certain requirements and criteria are met. It is the responsibility of the applicant to provide the Council with a statement of facts that will lead them to conclude that these requirements and criteria are met. Such a statement is called the Findings of Fact. In order to approve a vacation, the City Council must determine the following:

1. *That the vacation complies with the Comprehensive Plan.*

Copies of the Comprehensive Plan's Goals and Policies are available in the Planning Department. The applicant should review the goals and policies and comment on all that apply to the vacation. As a part of this analysis, the applicant must determine if the area to be vacated is a necessary part of the arterial street plan or an adopted neighborhood circulation plan, or if it will reduce the existing right-of-way to a width that is unusable.

~ and either item 2 or item 3 below ~

2. *If initiated by petition under ORS 271.080 per ORS 271.120, the City Council must determine the following:*
 - a. *For a plat vacation or part thereof: that two-thirds of the affected property owners consent in writing. Affected property owners are all owners of property embraced within the plat or part thereof.*

For a street or alley vacation: that 100 percent of the abutting property owners and two-thirds of the affected property owners consent in writing. Affected property owners are owners of all land lying on either side of the street or alley proposed to be vacated and extending laterally to the next street that serves as a parallel street, but not to exceed 200 feet, and all property within 400 feet of the terminus of the part of the street or alley to be vacated.

It is the applicant's responsibility to obtain and submit all necessary consents. The consent forms are available from the Planning Department, and they must be notarized.

- b. *That the required notice has been given.*

The Planning Department will make sure that the required notice is sent in a timely manner. It is the applicant's responsibility to supply the Planning Department with a list of the affected and abutting property owners, and a typed mailing label for each. It is important to be very thorough in supplying the list, as the appeal period is unlimited for anyone who can prove that they were entitled to receive notice and did not.

3. *If initiated by the City Council under ORS 271.130, the City Council must determine the following:*
 - a. *That more than 50 percent of the affected property owners do not object in writing; and,*
 - b. *That the vacation will not substantially affect the property value of any abutting property, or, if the vacation will substantially affect the market value of any abutting property where the owner objects, the City will provide for paying damages.*

In this case, it is, again, the responsibility of the applicant to supply a list of affected property owners (see 2a above) and mailing labels for each. The Planning Department will mail the notices in a timely manner. It is also suggested that the applicant include a statement with the findings of fact indicating how the vacation will benefit the public, if it was not already stated in the letter to the City Council requesting initiation of the vacation.

VACATION APPLICATION

WRITTEN CONSENT OF OWNER

I, _____, the property owner of Tax Lot _____ on Jackson County Assessor Map _____, hereby consent to the filing of an application for _____ on said property, and will allow _____ to represent me before the City of Medford Approving Authority. I also give permission to City of Medford staff to post a public notice of this proposed land use action on the tax lot noted above.

Signed: _____

Dated: _____

VACATION APPLICATION

PUBLIC HEARING SIGNS

Medford Land Development Code Section 10.157

2. **On-Site Posting** – The applicant shall post public notice signs on the project site for any proposed Class "B" or "C" land use action (except vacations and annexations) according to the following:
 - a. **Type and contents of sign** – Notice signs (18 inch x 24 inch), available from the City of Medford Planning Department at the time of application shall be used to post the subject property. It shall be the applicant's responsibility to obtain the appropriate number of signs prior to the beginning of the required posting schedule. The applicant shall also be responsible for writing legibly on the sign in indelible ink, the description of the proposed land use action, the date of the public hearing, and the City of Medford file number for the proposed land use action.
 - b. **Location and number of signs** – A posted notice sign must be placed on each existing street frontage of the project site. If a frontage is over 600 feet long, a notice sign is required for each 600 feet, or fraction thereof. Notice signs must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notice signs may not be posted in a public right-of-way, unless the land use action specifically pertains to a public right-of-way. If posting must occur in the right-of-way, care should be taken to comply with MLDC Section 10.735 Clear View of Intersecting Streets.
 - c. **Sign posting schedule** – It shall be the applicant's responsibility to post the required sign(s) 21 days prior to each public hearing date, assure that the signs remain posted until the final decision has been made by the approving authority, and remove the posted signs within 10 days following the final decision.
 - d. **Signed statement required with application** – Each application for a land use action which requires posting of the subject property shall be accompanied by a statement to be signed by the applicant. The statement shall indicate that the applicant is aware of the posting requirements, agrees to be responsible for posting the property as required by this section, and agrees to the consequences of failing to post the property as required.
 - e. **Consequences of failing to post the property as required** – Failure to post the signs as required by this section is a violation of the Medford *Land Development Code*.



VACATION APPLICATION

PUBLIC HEARING SIGNS

I, _____, the property owner (or authorized agent) of Tax Lot _____ on Jackson County Assessor Map _____, have read Medford *Land Development Code* Section 10.157 which specifies the posting requirements for the tax lot(s) noted above, agree to post the property according to those requirements, and understand the consequences for not doing so.

Signed: _____

Dated: _____

| | |
|---|---|
|  | PUBLIC NOTICE OF PROPOSED LAND USE ACTION |
| Proposed Land Use Action: | |
| Public Hearing Date: File No.: | |
|  | For more information: Contact the City of Medford Planning Department at 774-2380 |