

9.060 CRITERIA OF APPROVAL

- (1) For the Vacation of public utility easements, the Director shall approve, approve with conditions, or deny the application. The application shall be approved if the Vacation is found to be consistent with the following criteria:
 - (a) There are no present or future services, facilities, or utilities deemed to be necessary by a utility provider and the easement is not necessary; or
 - (b) If the utility provider deems the easement to be necessary, public services, facilities, or utilities can be extended in an orderly and efficient manner in an alternate location.

- (2) Where the proposed Vacation of public rights-of-way, other City property, or Partition or Subdivision Plats is reviewed under Type IV procedure, the City Council shall approve, approve with conditions, or deny the Vacation application. The application shall be approved if the Vacation is found to be consistent with the following approval 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;
 - (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
 - (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.

- (3) *Notwithstanding the provisions of Section 9.060(2) where the land affected by the proposed Vacation of public right-of-way, other public land as specified in ORS 271.080, or public easement will remain in public ownership and will continue to be used for a public purpose, the request shall be reviewed under the Type IV procedure. The City Council may approve the Vacation application if it is found to be consistent with the following criteria:*
 - (a) *The Vacation was initiated by the City Council pursuant to ORS 271.130(1);*
 - (b) *Notice has been given pursuant to ORS 271.130(1);*
 - (c) *Approval of the vacation would be consistent with provision of safe, convenient and reasonably direct routes for cyclists and pedestrians as provided in OAR 660-012-00045(3); and,*
 - (d) *Whether provisions have been made to ensure that the vacated property will remain in public ownership.*