

STREET VACATION PROCEDURE

This handout summarizes the City of Port Townsend's Street Vacation procedures and approval criteria. The filing of a Pre-Application request with the City's Planning & Community Development Department (PCD) is strongly encouraged prior to the submittal of any Street Vacation request.

1. An Applicant (or "petitioner") completes the Street Vacation Application form and pays the applicable fee.¹ At least two-thirds of the property owners abutting the right-of-way proposed for vacation must sign the application in order to guarantee at least a public hearing before the City Council. If less than two-thirds of the property owners have signed, Council may deny the request without holding a public hearing. An adjacent property owner list (APO) within 300 feet of all properties involved with the vacation must be prepared and submitted with the application. A local Title Company must prepare the list and map used to create it. The APO's and their addresses must be placed onto labels suitable for mailing.
2. City staff will notify all appropriate utility providers, other municipal departments and any other committee or agency that may be interested in or affected by the proposed vacation.
3. City staff then prepares a Resolution for City Council to consider that sets a public hearing date for their review of the Street Vacation request. By law, the hearing date must be no fewer than 20 days nor more than 60 days from the date the Resolution is approved.
4. City staff will prepare a recommendation for the City Council to consider as part of the scheduled public hearing. Staff's recommendation may be either to approve, approve with conditions or deny the proposed vacation. Please be advised that in general, street vacations are discouraged by municipal code. Staff will analyze the proposed vacation for consistency with current plans and the criteria for vacation approval.² Staff and utility providers will also review the proposed vacation to determine if it will unduly impair the current or anticipated needs of emergency services, transportation (including mass transit and non-motorized), and utilities. The proposed vacation will also be reviewed for potential impacts to critical areas subject as steep slopes, wetlands, etc. Where proposed vacations involve land abutting a body of fresh or salt water, the proposal is evaluated for current and anticipated future needs of public access to the water (both viewing and physical access).
5. As part of the Street Vacation public hearing, the petitioner (or authorized agent) must attend and participate in the hearing. The petitioner responsible to demonstrate to City

¹ A separate deposit of \$2,000 is required at the time of application submittal. This is in addition to the application fee and is intended to cover costs associated with a property appraisal in the event preliminary approval from Council is granted. Ultimately, all costs associated with the fair market appraisal are the responsibility of the petitioner. Property appraisals for Street Vacations often are cost far more than the deposit.

² See PTMC 12.20.060; also listed on pgs. 2 & 3 of this handout

Council that the proposed vacation is consistent with all the necessary approval criteria. Unless the Council finds that all approval criteria of a street or right-of-way vacation will be met, the public right-of-way shall be retained for the public's use.

6. Variances from the typical street vacation review criteria are contained in PTMC 12.20.080. A request for a variance must accompany the Street Vacation application. Please contact the PCD for more information regarding Street Vacation Variances.

IF THE VACATION PETITION IS APPROVED

1. The Petitioner will have already paid a \$2,000 deposit to the City for a real estate appraisal of the street right-of-way. If the appraisal cost is less than \$2,000, then payment for the right-of-way will be reduced by the difference. If the appraisal cost exceeds \$2,000, the petitioner must pay the difference. Recent private appraisal costs involving Street Vacations have increased significantly and can occasionally reach several thousand dollars.
2. The petitioner then pays to the City the full appraised fair market value plus the balance due for any of the appraisal cost. Where applicable, it will be the responsibility of the petitioner to obtain reimbursement from the neighbors for their fair share. In lieu of payment of appraised value, the City Council may (at their discretion) accept dedication or conveyance of real property to the City in exchange for the vacated right-of-way.
3. If successful with Council and the subsequent appraisal fair market value is acceptable, the petitioner must prepare and submit a City Lot Line Adjustment (LLA) application. This effort will include preparation of a privately funded Record of Survey that will serve to merge the vacated right-of-way into the adjoining property (or properties). When the LLA has been approved by PCD staff and is ready to be recorded, staff will return to Council with an Ordinance that effectively vacates the right-of-way.
4. The vacation Ordinance and LLA documents are then recorded concurrently with the Jefferson County Auditor and the Street Vacation becomes final. The Applicant is responsible for all costs associated with both the preparation of the LLA and recording of the various Street Vacation documents.

Street Vacation Approval Criteria

PTMC 12.20.060 – Review Criteria

An application seeking the complete or partial vacation of a street, right-of-way, or alley may be approved by the City Council only upon an applicant demonstrating, to the satisfaction of the City Council compliance with all of the following criteria, measured both in terms of present and potential public need for the street, right-of-way, or alley:

- A. That the proposed vacation of a street, right-of-way, or alley is in compliance with the City's engineering design standards manual and the goals and policies of the City comprehensive

plan and other adopted City plans, as shown on the list maintained by the building and community development department, including but not limited to the following “functional” or “subarea” plans, as now adopted and hereafter adopted, revised, or amended:

1. Urban Waterfront Plan
 2. Shoreline Master Program
 3. Gateway Plan
 4. Non-Motorized Transportation Plan
 5. Stormwater Plan
 6. Water System Plan
 7. Parks & Recreation Plan, and
- B. That the proposed vacated street right-of-way or alley is not required for current or anticipated overall area motor vehicle circulation; and
 - C. That the current and anticipated future effectiveness of fire, law enforcement, medical, or other emergency services will not be unduly impaired by the vacation of the street, right-of-way, or alley; and
 - D. That the current and anticipated future needs for public transportation service (transit), mail delivery, private utility service delivery, solid waste collection service, and other public service delivery will not be unduly impaired by the vacation of the street, right-of-way, or alley; and
 - E. That the proposed vacated street, right-of-way, or alley is not required as a current or anticipated utility corridor (suitable water, sewer, storm sewer, and other easements may be required to satisfy this criterion; the dimensions of the easement shall conform with the City’s adopted engineering design standards); and
 - F. That the proposed vacated street, right-of-way, or alley is not required as a current or anticipated bicycle, pedestrian, or equestrian trail corridor (suitable trail easements may be required to satisfy this criterion); and
 - G. That the proposed vacation will not increase the potential for disturbance of an environmentally sensitive area (ESA), as defined by PTMC 19.05, including ESAs situated within and outside of the street, right-of-way, or alley proposed for vacation; and
 - H. That, in the case of the proposed vacation of any portion of a street or alley which abuts a body of fresh or salt water, the proposed vacation meets the criteria and has been reviewed and approved in accordance with RCW 35.79.035, as now or hereafter amended.

RCW 35.79.035 Additional Criteria for Rights-of-way Adjacent to Bodies of Fresh or Salt Water

1. A city or town shall not vacate a street or alley if any portion of the street or alley abuts a body of fresh or salt water unless:
 - A. The vacation is sought to enable the city to acquire the property for port purposes, beach or water access, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses;
 - B. The city or town, by resolution of its legislative authority, declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for any of the following purposes: Port, beach, or water access; boat moorage; launching sites; park; public view; recreation; or education.