

Policy  
for  
**Road Vacations**

I. Authority:

Road vacation proceedings will be conducted according to ORS 368.326 to 368.426 and the following guidelines and procedures.

II Guidelines:

The following issues will be considered when determining if it is likely that the roadway will be necessary for current or future development:

- A. Whether or not a roadway is currently constructed on right-of-way to be vacated.
- B. Whether the proposed vacation would be contrary to general public benefit. A public right-of-way, for a road or other use, is a public trust and should be considered as such prior to any recommendation for approval of its vacation. The fact that abutting property owners are in agreement for a proposed vacation does not necessarily mean that the vacation should be granted.
- C. Whether the roadway has been opened for use in past years and should be vacated if probable or possible future area development could result in opening the roadway for use.
- D. What the economic feasibility of constructing a road over the existing terrain would be.
- E. Whether the existing right of way has been replaced or superceded by a nearby road relocation or if there is a planned road relocation.
- F. Whether the road to be vacated is strictly rural and is not close to an area that is developing or has potential to develop. If the road is within the Urban Growth Boundary of any City, that the City also approves of the vacation.
- G. Whether the physical relationship of the right of way to other public or county roads lends itself to the development of abutting properties into adequately sized lots or parcels.
- H. Whether the vacation of the roadway would deny access to any property owner.
  - 1. Whether there are any special considerations pertinent to this road vacation.

### III. Procedures:

In addition to those requirements of ORS 368.326 - ORS 368.426, the road vacation process will include the following:

- A. The County Assessor, County Surveyor and Planning Department will be contacted regarding the vacation.
- B. All Utilities and Emergency Services will be noticed of the vacation.
- C. If the street or roadway to be vacated is in a subdivision, vacating the adjacent lots should also be considered in the vacation process.
- D. Vacation will be examined for compliance with the Coastal Shore Lands Goal. All road vacations must comply with Coastal Shore Lands Goal, also known as Goal 17.
- E. An on-site visit by the County Engineer will be conducted.
- F. Under certain circumstances there may be charges in addition to the vacation fee to reflect post vacation property values.
- G. The Board of Commissioners may approve a vacation without a public hearing (ORS 368.351) when the following criteria is met:
  - 1. The petition for vacation is signed by 100% of the adjoiners of the property proposed to be vacated.
  - 2. The vacation complies with all other items to be considered in this policy.
  - 3. The Road Master Report states the vacation is in the best interest of the public.