

Hi Leo (and Randy),

Here's a follow-up to our discussion about the vacation of lot lines. The statute that was changed/added is ORS 368.351 (2)

**368.351 Vacation without hearing.** A county governing body may make a determination about a vacation of property under ORS 368.326 to 368.366 without complying with ORS 368.346 if the proceedings for vacation were initiated by a petition under ORS 368.341 that indicates the owners' approval of the proposed vacation and that contains the acknowledged signatures of owners of 100 percent of private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting public property proposed to be vacated and either:

(1) The county road official files with the county governing body a written report that contains the county road official's assessment that any vacation of public property is in the public interest; or

(2) The planning director of the county files a written report with the county governing body in which the planning director, upon review, finds that an interior lot line vacation affecting private property complies with applicable land use regulations and facilitates development of the property subject to interior lot line vacation. [1981 c.153 §39; 2005 c.762 §1]

Wasco County's Planning Director, Todd Cornett, and I discussed this morning that the logical process would be the same as for (1) road vacations – which we've been doing for years. If 100% of the abutting landowners petition it does not require a public hearing. It is important to note that Chapter 368 deals with *non-city* roads and now lots lines, and that the language is *lot* lines, thus limiting it only to subdivision lot lines, not partition parcel lines. Douglas County, which proposed this statutory change has adopted ordinance language as follows:

#### **SECTION 4.145 Lot Line Vacation**

1. *Administrative Review.* One or more interior lot lines in an approved subdivision may be vacated either by Petition (private) or by Resolution (public) as prescribed in ORS 368.326-366. A lot line vacation under this provision is an Administrative action subject to an established fee (see Fee Schedule), petition/application, notice, and hearing before the Board of Commissioners.

2. *Owner Consent.* Notwithstanding the above provision, and as authorized in ORS 368.351, one or more interior lines in an approved subdivision or partition may be vacated upon written consent from 100 percent of those who own the private property proposed to be vacated; or in cases involving public property, written consent shall be obtained from 100 percent of property owners abutting the public property proposed to be vacated.

a. A pre-application conference and administrative action fee shall be required. Property owner consent shall be obtained by the applicant and submitted to the Planning Department on forms provided by the County. Those owners whose consent signature is required shall be identified by the Planning Department. Property owner consent signatures shall be verified by sending a copy of the signed consent form to each identified property owner.

b. The line vacation shall be approved:

1) Upon verification of the required consent signatures, and  
2) After the Planning Director or the Public Works Director file a written report finding that the line vacation 1) complies with applicable land use regulations, and 2) facilitates development of the property subject to the line vacation.

c. If the required owner consent signatures cannot be obtained, then in order to continue with the proposed lot line vacation, the applicant(s) shall remit the additional fee required for an administrative lot line vacation and proceed under the provisions of Section 4.145.1.

Wasco County obviously does not have this codified into ordinance, but to start the ball rolling, please feel free to advise your client to pursue this subdivision lot line vacation by submitting a petition to vacate, which would not require a survey. We have road vacation petition forms here, which can easily be modified to work for subdivision lot line vacations.

Hope this helps,

Dan

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