

HB 3858 A STAFF MEASURE SUMMARY

Carrier: Rep. Wallan

**House Committee On Agriculture, Land Use, Natural Resources, and
Water**

Action Date: 04/09/25

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 7-2-0-0

Yeas: 7 - Boice, Hartman, Helm, Levy B, McDonald, Owens, Scharf

Nays: 2 - Marsh, McLain

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Anna Glueder, LPRO Analyst

Meeting Dates: 3/26, 4/9

WHAT THE MEASURE DOES:

The measure clarifies that the remainder parcel after dividing off a portion of land from a lawfully established unit of land is still considered a lawfully established unit of land even if the remainder is not separately described in a deed or land sales contract, provided (1) the subtracted unit of land was created in compliance with all applicable planning, zoning, and subdivision or partition ordinance and regulations, or (2) the subtracted unit of land was created by deed or land sales contract, if there were no applicable planning, zoning, or subdivision or partitions ordinances or regulations.

ISSUES DISCUSSED:

- Intent of the bill to not affect existing zoning of lands
- Relevant recent decision by the Land Use Board of Appeal

EFFECT OF AMENDMENT:

The amendment clarifies that the measure applies to remaining land after dividing off a portion of land from a lawfully established unit of land in order to create a new lawfully established unit of land.

BACKGROUND:

ORS 92.010 defines what constitutes a "lawfully established unit of land" under Oregon law. Parcels that were created before Oregon had established subdivision and land use planning laws must have been created by filing a deed or land sales contract. Commonly, while not specifically referenced in statute, the remainder parcels after such transactions were considered lawful, despite not technically being created by deed.