

A-Engrossed House Bill 3858

Ordered by the House April 15
Including House Amendments dated April 15

Sponsored by Representatives WALLAN, BREESE-IVERSON; Representative LEVY B

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act makes remainder lands into legal units of land. (Flesch Readability Score: 69.7).
Makes remainder lands created by the lawful carve-out of lands by a recorded instrument into lawful units of land.

A BILL FOR AN ACT

Relating to lawfully established units of land; amending ORS 92.010 and 215.010.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 92.010 is amended to read:

92.010. As used in ORS 92.010 to 92.192, unless the context requires otherwise:

(1) "Declarant" means the person who files a declaration under ORS 92.075.

(2) "Declaration" means the instrument described in ORS 92.075 by which the subdivision or partition plat was created.

(3)(a) "Lawfully established unit of land" means:

(A) A lot or parcel created pursuant to ORS 92.010 to 92.192; *[or]*

(B) Another unit of land created:

(i) In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or

(ii) By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations~~].~~; **or**

(C) The 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 by the method described in subparagraph (B) of this paragraph, even if such remaining land is not separately described in a deed or land sales contract in the instrument creating the new unit of land.

(b) "Lawfully established unit of land" does not mean a unit of land created solely to establish a separate tax account.

(4) "Lot" means a single unit of land that is created by a subdivision of land.

(5) "Negotiate" means any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation and promotion of the sale of such land.

(6) "Parcel" means a single unit of land that is created by a partition of land.

(7) "Partition" means either an act of partitioning land or an area or tract of land partitioned.

(8) "Partition plat" includes a final map and other writing containing all the descriptions, lo-

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

cations, specifications, provisions and information concerning a partition.

(9) "Partitioning land" means dividing land to create not more than three parcels of land within a calendar year, but does not include:

(a) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(b) Adjusting a property line as property line adjustment is defined in this section;

(c) Dividing land as a result of the recording of a subdivision or condominium plat;

(d) Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right of way purposes if the road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or

(e) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

(10) "Plat" includes a final subdivision plat, replat or partition plat.

(11) "Property line" means the division line between two units of land.

(12) "Property line adjustment" means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

(13) "Replat" means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

(14) "Road" or "street" means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

(15) "Sale" or "sell" includes every disposition or transfer of land or an interest or estate therein.

(16) "Subdivide land" means to divide land to create four or more lots within a calendar year.

(17) "Subdivision" means either an act of subdividing land or an area or a tract of land subdivided.

(18) "Subdivision plat" includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

(19) "Utility easement" means an easement noted on a subdivision plat or partition plat for the purpose of installing or maintaining public or private utility infrastructure for the provision of water, power, heat or telecommunications to the public.

SECTION 2. ORS 215.010 is amended to read:

215.010. As used in this chapter:

(1) The terms defined in ORS 92.010 shall have the meanings given therein, except that "parcel":

(a) Includes a unit of land [*created*]:

1 (A) **Created** by partitioning land as defined in ORS 92.010; **or**

2 [(B) *In compliance with all applicable planning, zoning and partitioning ordinances and regu-*
3 *lations; or*]

4 [(C) *By deed or land sales contract, if there were no applicable planning, zoning or partitioning*
5 *ordinances or regulations.*]

6 **(B) As described in ORS 92.010 (3)(a)(B) or (C).**

7 (b) Does not include a unit of land created solely to establish a separate tax account.

8 (2) “Tract” means one or more contiguous lots or parcels under the same ownership.

9 (3) The terms defined in ORS chapters 197 and 197A shall have the meanings given therein.

10 (4) “Farm use” has the meaning given that term in ORS 215.203.

11 (5) “Recreational structure” means a campground structure with or without plumbing, heating
12 or cooking facilities intended to be used by any particular occupant on a limited-time basis for rec-
13 reational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric
14 structures or similar structures as further defined, by rule, by the Director of the Department of
15 Consumer and Business Services.

16 (6) “Recreational vehicle” has the meaning given that term in ORS 174.101.

17 (7) “The Willamette Valley” is Clackamas, Linn, Marion, Multnomah, Polk, Washington and
18 Yamhill Counties and the portion of Benton and Lane Counties lying east of the summit of the Coast
19 Range.