

# House Bill 3858

Sponsored by Representative WALLAN

## 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 **as introduced**. 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

1  
2 Relating to lawfully established units of land; amending ORS 92.010 and 215.010.

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

4 **SECTION 1.** ORS 92.010 is amended to read:

5 92.010. As used in ORS 92.010 to 92.192, unless the context requires otherwise:

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

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

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

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

11 (B) Another unit of land created:

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

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

16 **(C) The remainder of a lawfully established unit of land after subtracting a unit of land  
17 created under subparagraph (B) of this paragraph, even if the remainder is not separately  
18 described in a deed or land sales contract.**

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

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

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

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

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

27 (8) "Partition plat" includes a final map and other writing containing all the descriptions, lo-  
28 cations, specifications, provisions and information concerning a partition.

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

**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.

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

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

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

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

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

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

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

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

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

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

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

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

31 (17) "Subdivision" means either an act of subdividing land or an area or a tract of land subdi-  
32 vided.

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

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

38 **SECTION 2.** ORS 215.010 is amended to read:

39 215.010. As used in this chapter:

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

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

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

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

