

**REVENUE: No revenue impact**

**FISCAL: No fiscal impact**

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| <b>Action:</b>        | Do Pass as Amended and Be Printed Engrossed                  |
| <b>Vote:</b>          | 6 - 0 - 1  |
| <b>Yeas:</b>          | Edwards C., Esquivel, Holvey, Rosenbaum, Smith P., Schaufler |
| <b>Nays:</b>          | 0  |
| <b>Exc.:</b>          | Berger   |
| <b>Prepared By:</b>   | Theresa Van Winkle, Administrator                            |
| <b>Meeting Dates:</b> | 3/28, 4/25   |

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**WHAT THE MEASURE DOES:** Authorizes utility easements for private utility infrastructure. Prohibits the placement of public or private utility easement within one foot of a survey monument on a subdivision or partition plat. Modifies the definition of “partition land” to divide land to create no more than three parcels of land within a calendar year.

**ISSUES DISCUSSED:**

- Provisions of the measure
- Level of support from stakeholders
- Application of the measure’s provisions in creating utility easements

**EFFECT OF COMMITTEE AMENDMENT:** Modifies the provision regarding prohibiting the placement of a public or private utility easement by changing the terminology from “a utility easement” to “utility infrastructure.”

**BACKGROUND:** A utility easement is the right for a local utility (i.e. a power or telecommunications provider) to control the use of an owner’s property near items such as overhead and underground power lines, gas pipelines, and substations. The rationale behind a utility holding this right is for the property owner’s own safety and to allow the utility access to work on the facilities at all times in order to maintain and safely operate public utility infrastructure. HB 2713 A adds private utility infrastructure to the definition of a utility easement.

An easement affects the use of property by controlling what can be built on the easement, what can be planted or maintained, and/or what types of outdoor activities can be carried out. For instance, farming can often be performed on an easement, but swimming pools are often prohibited due to the potential of safety hazards. Current statute allows the governing body of a city or county to not require a utility easement on a property except for an easement abutting a street, unless specifically requested by a public utility provider, but there is nothing in place regarding viable survey monument protection for corner markers in subdivisions and partitions. HB 2713 A specifies that utility infrastructure may not be placed within one foot from a property corner in a subdivision or partition plat.

The measure also changes the definition of “partition land” to help ease the problem of property owners who purchased unlawfully divided property. Many parcels have been created throughout Oregon prior to the current partitioning statute. In most cases, deeds were issued, and property ownership has changed several times since the initial division. When the latest property owner approaches their local planning authority to develop their land, they often find that their parcel was illegally divided.