

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass the A-Engrossed Measure
Vote:	5 - 0 - 0
Yeas:	Bates, Girod, Nelson, Prozanski, Avakian
Nays:	0
Exc.:	0
Prepared By:	Sue Marshall, Administrator
Meeting Dates:	2/13

WHAT THE MEASURE DOES: Authorizes counties to approve a property line adjustment when one or both of the abutting properties are smaller than the minimum tract size before the adjustment and one is as large as or larger than the minimum after the adjustment and when both properties are smaller than the minimum before and after the adjustment. On land zone for exclusive farm use, forest use or mixed farm and forest use: (1) the property line adjustment may not be used to decrease the size of a parcel that before the adjustment is smaller than the minimum and contains or is approved for a dwelling if the abutting tract would be increased to a size as large or larger than required to allow a dwelling; (2) the adjustments may not be used to decrease the size of a parcel that contains or is approved for a dwelling to a size smaller than the minimum if the abutting tract would be increased to a size as large or larger than the minimum required to allow a dwelling; and (3) the adjustments may not be used to allow an area of land to be counted toward qualifying two tracts of land for a dwelling.

Defines partition plat. Clarifies the statutory definition of "property line adjustment." Applies provisions of the bill to property line adjustments approved before, on or after the effective date of the bill. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

- *Phillips v Polk County* decision and its implications.
- The types of situations where property line adjustments are used.
- Safeguards for farm and forest lands.
- Local jurisdiction flexibility to apply lot line adjustments.

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: A property line adjustment involves taking a common boundary between two tracts of land and moving it one way or the other. It can be done between two different owners or between two lots owned by the same person. In a recent decision, the Land Use Board of Appeals and Oregon Court of Appeals ruled that a property line adjustment in certain exclusive farm use zoned lands are subject to the state-wide minimum 80-acre parcel size criteria normally applied to partition applications that create new parcels of land. The effect of this decision precluded lot line adjustments in situations where one or more of the parcels are smaller than the current minimum parcel size.