



# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Land Conservation and Development

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March 26, 2013

**TO:** The Honorable Bryan Clem, Chair  
House Committee on Land Use

**FROM:** Michael Morrissey, Department of Land Conservation and Development

**RE:** DLCD testimony regarding HB 3089

Current law permits property line adjustments in EFU and other resource zones subject to review criteria in ORS 92.192 that are intended to ensure that such adjustments do not create parcel sizes that would permit more dwellings than would otherwise be allowed in the zone. The department's concerns with HB 3089 are that it would allow property boundaries to be changed without local review, and perhaps without conformance with these review criteria.

While the bill is intended to be a mechanism to resolve property boundary disputes or uncertainty, it is unclear whether the new mechanism could be used inappropriately to avoid the review criteria of ORS 92.192. While subsection (7) of the bill states that boundary by agreement may not be used as an alternative to meeting these review criteria, because there is no local planning department review proposed by the bill, "boundary change by agreement" might unintentionally create a path that avoids meeting local and state review criteria.

We welcome the opportunity to work with the sponsors of the bill to clearly identify the problem(s) that may currently exist, and ensure that unintended consequences such as creation of substandard lots or dwelling authorizations are avoided.

Thank you for this opportunity to provide you with information about HB 3085. If committee members have questions about this testimony, I may be reached at 503-373-0050 Ext ..., or through email at [michael.morrissey@state.or.us](mailto:michael.morrissey@state.or.us).