

HB 3085: CHANGE IN LAW TO PROVIDE FOR A THE CREATION, DEFINITION, PURPOSE, OWNERSHIP, USE AND MAINTENANCE OF THE COMMONLY USED TERM OF “TRACT” WITHIN THE PLATTING LAWS OF OREGON REVISED STATUTES CHAPTER 92 AND FUTHER CLARIFIES OTHER LANGUAGE IN THE PLATTING LAW.

As a Professional Land Surveyor and County Surveyor for Clackamas County, I have particular interest in House Bill 3085; this bill will be coming up in the House Land Use Committee at the Legislature.

Why is HB 3085 important?

The purpose of this bill is to define within the platting laws of ORS Chapter 92 the unit of land commonly called “Tract”. Currently “Tract” is not defined in Chapter 92 but the term has been used to name (IE: Tract A) commonly owned, public purpose or shared ownership units of land on plats in many counties for many years. Some counties and cities will not allow “Tracts” to be created on plats as it is not defined in law creating an inconsistency state wide. The common ways that “Tracts” have been created and used in plats for 50 years (or more) are very valid and serve a good public purpose. “Lots” and “parcels” are for the purpose of a residential or commercial buildings, “Tracts” are created to be used for very specific purposes such as parks, storm water detention, shared access (driveways), access to or through a plat to property outside of the plat, common recreation (such as a recreation building or swimming pool) that is owned by the Homeowners Association or a group of lots. Amending the law to specifically allow these units of land is a reasonable thing to do. If not these types of units should not in the future be allowed on plats. Additionally the number of “Tracts” on subdivision plats was not limited but partition plats have been limited since their inception in 1990. To three Parcels or units of land. This proposal also allows the creation of special purpose “Tracts” on partition plats that has not been previously allowed. When “Tracts” are created on a plat, the plat needs to clearly identify on its face ownership (who will own), uses, and maintenance.

Together this proposed bill would respond to an already long going activities and make them now legal, and further define how they may be created and used. We have always tried to keep our language simple and not get to wordy on the face of recorded plats.

This bill also includes some house-keeping changes to clarify the existing statue to follow existing practices and interpretations of the law.