

Enrolled House Bill 2831

Sponsored by Representative HELM; Representative GOMBERG

CHAPTER

AN ACT

Relating to use of property line adjustments in resource zones; amending ORS 92.192.

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

SECTION 1. ORS 92.192 is amended to read:

92.192. (1) **As used in this section:**

- (a) **“Ground water restricted area” has the meaning given that term in ORS 195.300.**
- (b) **“High-value farmland” has the meaning given that term in ORS 195.300.**
- (c) **“High-value forestland” has the meaning given that term in ORS 195.300.**
- (d) **“Waiver” has the meaning given that term in ORS 195.300.**

[(1)] (2) Except as provided in this section, a **lawfully established** unit of land that is reduced in size by a property line adjustment approved by a city or county must comply with applicable zoning ordinances after the adjustment.

[(2)] (3) Subject to subsection [(3)] (4) of this section, for [*properties*] **land** located entirely outside the corporate limits of a city, a county may approve a property line adjustment in which:

(a) One or both of the abutting [*properties*] **lawfully established units of land** are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable zone; or

(b) Both abutting [*properties*] **lawfully established units of land** are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.

[(3)] (4) On land zoned for exclusive farm use, forest use or mixed farm and forest use, a property line adjustment [*under subsection (2) of this section*] may not be used to:

(a) Decrease the size of a [*lot or parcel*] **lawfully established unit of land** that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if [*the abutting vacant tract*] **another lawfully established unit of land affected by the property line adjustment** would be increased to a size as large as or larger than the minimum [*tract*] **lot or parcel** size required to qualify the [*vacant tract*] **other affected lawfully established unit of land** for a dwelling;

(b) Decrease the size of a [*lot or parcel*] **lawfully established unit of land** that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if [*the abutting vacant tract*] **another lawfully established unit of land affected by the property line adjustment** would be increased to a size as large as or larger than the minimum [*tract*] **lot or parcel** size required to qualify the [*vacant tract*] **other affected lawfully established unit of land** for a dwelling; [*or*]

(c) Allow an area of land used to qualify a [tract] **lawfully established unit of land** for a dwelling based on an acreage standard to be used to qualify another [tract] **lawfully established unit of land** for a dwelling if the land use approval would be based on an acreage standard[.]; or

(d) **Adjust a property line that resulted from a subdivision or partition authorized by a waiver so that any lawfully established unit of land affected by the property line adjustment is larger than:**

(A) **Two acres if the lawfully established unit of land is high-value farmland, high-value forestland or within a ground water restricted area; or**

(B) **Five acres if the lawfully established unit of land is not high-value farmland, high-value forestland or within a ground water restricted area.**

Passed by House April 23, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 4, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State