



ALEX CUYLER

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DATE: April 12, 2017
TO: Senate Committee on Environment and Natural Resources
RE: SB 1048, relating to property line adjustments

Dear Chairman Dembrow and members of the Committee:

Lane County is in support of SB 1048. We urge the Committee to make a DO PASS recommendation during your work session on this measure.

SB 1048 would streamline the process of adjusting property lines by eliminating unnecessary paperwork (individual applications for each line adjustment) and save -property owners time and money by eliminating multiple application fees. It would support review ~~of a single~~ project holistically rather than one at a time and this kind of review would help to reduce a suite of potential issues with the project.

The new language would require this review be a land use decision pursuant to ORS 197.015(10), meaning that notice of decision and opportunity for appeal will exist for each of these actions. A county or city is capable of reviewing multiple property line adjustments against code criteria under one land use decision. A land use approval still requires that the property line adjustment (PLA) comply with all the requirements in ORS 92 for recording deeds and filing surveys. Whether the county or city reviews a series of adjustments under one land use application or each individually, each line adjustment must be reviewed and comply with local applicable zoning code and property line adjustment criteria.

The intent of SB 1084 is to correct a LUBA decision (in a case originating in Lane County) that has led many local governments to question the new practices required by the decision. In that decision, LUBA determined that a county or city may only process and approve a property line adjustment between 'existing' properties. This new interpretation of ORS 92.010(12) prohibits the county or city from processing and reviewing a series of property line adjustments between two or more properties in one application. Under the decision, each individual property line adjustment must be finalized with a recorded deed prior to the next property line adjustment approval. This is a clear burden to landowners in Oregon.

Prior to the decision, Lane County processed many applications that contained a series of property line adjustments in one application. The majority of the approved property line adjustments have been executed by recording of multiple deeds and filing of one survey map.

These prior applications are now affected by the LUBA decision. Lane County supports the language in SB 1048 that would make this bill retroactive to past land use decisions made pursuant to ORS 197.015(10).

SUBMITTED ELECTRONICALLY