



## Board of County Commissioners

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Tammy Baney  
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April 11, 2017

The Honorable Michael Dembrow, Chair  
Senate Committee on Environment and Natural Resources  
900 Court St. NE, S-407  
Salem, Oregon 97301

Senator Dembrow and Members of the Senate Committee on Environment and Natural Resources:

The Deschutes County Board of Commissioners is supportive of the provisions for simplifying the property line adjustment process as they are included in Senate Bill 1048.

As you are aware, the intent of SB 1048 is essentially to remedy the decision made in *Bowerman v. Lane County*, LUBA No. 2016-008. In that decision, the Land Use Board of Appeals (LUBA) determined that a local government may not process and approve multiple, sequential property line adjustments at the same time because adjustments can only be made to "existing" properties. Under the holding in *Bowerman*, each adjustment must be finalized with a deed recorded before a subsequent adjustment may be approved by the local government.

This process creates both financial and planning burdens for applicants and excess administrative obligations for public agencies, such as Deschutes County, while doing nothing to change the final outcome of property line adjustment decisions other than to add cost and delays. It is potentially misleading to the public as well; for example, by requiring professional surveys for each adjustment when only the final configuration will exist.

SB 1048 is intended to more clearly ratify the current law. As this is a correction of LUBA's reading of the statute, it is also important to make this bill retroactive. Deschutes County has made recent decisions that are affected by the *Bowerman* case. Please consider passing SB 1048 to address these issues.

Sincerely,

DESCHUTES COUNTY BOARD OF COMMISSIONERS

Tammy Baney  
Chair

Anthony DeBone  
Vice Chair

Phil Henderson  
Commissioner

c: Members of the Senate Committee on Environment and Natural Resources  
Senators Ted Ferrioli, Tim Knopp, and Dennis Linthicum  
Representatives Knute Buehler, John Huffman, Mike McLane, and Gene Whisnant