

Enrolled
House Bill 2312

Sponsored by Representative EVANS; Representatives HOLVEY, SMITH DB (at the request of Professional Land Surveyors of Oregon) (Pre-session filed.)

CHAPTER

AN ACT

Relating to judgments affecting lawful units of land; creating new provisions; and amending ORS 92.017.

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

SECTION 1. ORS 92.017 is amended to read:

92.017. (1) A **lawfully created** lot or parcel [*lawfully created shall remain*] **remains** a discrete lot or parcel[,] unless the lot or parcel lines are vacated or the lot or parcel is further divided[,] as provided by law.

(2) A **lawfully created unit of land remains a lawfully established unit of land following a judgment of a circuit court that relocates a property line of the unit of land if the judgment:**

(a) **Resolves a boundary line dispute between two adverse parties, including claims brought under ORS 105.005, 105.605, 105.620 or 105.705;**

(b) **Adjudicates the parties' respective rights to title and possession of the property to the relocated property line;**

(c) **Includes a legal description of the relocated property line;**

(d) **Is a final judgment for which the time to appeal has expired without any party filing an appeal and that is not subject to further appeal or review;**

(e) **Is recorded in the office of the county clerk; and**

(f) **Does not create an additional lot or parcel.**

(3) **Subsection (2) of this section applies without regard to whether:**

(a) **The relocated property line could have been lawfully established without the existence of the judgment through a property line adjustment, the subdividing or partitioning of property or under other procedures authorized by a city or county.**

(b) **Either party to the judgment subsequently has the property line relocation validated by a process under ORS 92.010 to 92.192 that would cause a property line adjustment or an adjustment to a plat of a subdivision or partition.**

(c) **Any unit of land would comply with minimum lot or parcel sizes, including under ORS 92.192.**

(4) **Applications for permits, including those defined under ORS 215.402 or 227.160 or ORS chapter 455, must be decided based upon the property lines as relocated under subsection (2) of this section and may not be denied based solely upon the judgment.**

SECTION 2. The amendments to ORS 92.017 by section 1 of this 2021 Act apply to relocations of property lines by judgments of a circuit court that were entered before, on or after the effective date of this 2021 Act.

Passed by House April 15, 2021

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate May 28, 2021

.....
Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

.....
Shemia Fagan, Secretary of State