

House Bill 2312

Sponsored by Representative EVANS (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that lawful units of land whose property lines are relocated by certain judgments remain lawful units. Prohibits requiring additional validating procedures or denying permits because of judicial boundary changes.

A BILL FOR AN ACT

1
2 Relating to judgments affecting lawful units of land; creating new provisions; and amending ORS
3 92.017.

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

5 **SECTION 1.** ORS 92.017 is amended to read:

6 92.017. (1) A **lawfully created** lot or parcel [*lawfully created shall remain*] **remains** a discrete
7 lot or parcel[,] unless the lot or parcel lines are vacated or the lot or parcel is further divided[,] as
8 provided by law.

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

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

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

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

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

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

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

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

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

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

28 **(c) Any unit of land would comply with minimum lot or parcel sizes, including under ORS**
29 **92.192.**

30 **(4) Applications for permits, including those defined under ORS 215.402 or 227.160 or ORS**
31 **chapter 455, must be decided based upon the property lines as relocated under subsection (2)**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 of this section and may not be denied based solely upon the judgment.

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

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