

House Bill 3081

Sponsored by Representative P SMITH (at the request of Leslie and Tom Newberry)

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**.

Requires governing body of city or county to approve application to divide legal lot or parcel that was unlawfully divided if governing body approved development permit for portion of that legal lot or parcel after unlawful division.

A BILL FOR AN ACT

1
2 Relating to unlawfully divided tract; amending ORS 92.177.

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

4 **SECTION 1.** ORS 92.177 is amended to read:

5 92.177. (1) [*Where*] **When** application is made to the governing body of a city or county for ap-
6 proval of the creation of lots or parcels [*which*] **that** were improperly formed without the approval
7 of the governing body, the governing body of [*a*] **the** city or county, or its [*designate*] **designee**, shall
8 consider and may approve an application for the creation of lots or parcels notwithstanding that less
9 than all of the owners of the existing legal lot or parcel have applied for the approval.

10 (2) **The governing body shall approve an application to divide by subdivision or partition,**
11 **whichever is appropriate, a legal lot or parcel that was unlawfully divided before the effective**
12 **date of this 2005 Act if the governing body approved a development permit for any portion**
13 **of the legal lot or parcel after the unlawful division of the legal lot or parcel and before the**
14 **effective date of this 2005 Act.**
15

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.