

# House Bill 2723

Sponsored by Representative GREENLICK; Representatives BUCKLEY, GARRARD, P SMITH

## 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**.

Grants cities and counties authority to approve creation of lot or parcel that does not meet all requirements for land division for specified purchaser who acquires land without knowledge of legal status of land.

Clarifies language of existing law authorizing fewer than all owners of lot, parcel or tract to obtain approval of land division under specified circumstances.

## A BILL FOR AN ACT

1  
2 Relating to post-transfer division of land; creating new provisions; and amending ORS 92.177 and  
3 92.178.

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

5 **SECTION 1. ORS 92.178 and section 2 of this 2007 Act are added to and made a part of**  
6 **ORS 92.010 to 92.190.**

7 **SECTION 2. (1) As used in this section, "unrelated former owner" means the seller of**  
8 **an ownership interest in land:**

9 (a) **Who is not related to the purchaser by blood or marriage; and**

10 (b) **Whose only business relationship with the purchaser is the transaction by which the**  
11 **ownership interest in the land was sold.**

12 (2) **A city or county may approve the creation of a lot or parcel that does not meet the**  
13 **requirements of ORS 92.014 and 92.016 for the purchaser of a portion of a lot, parcel or tract**  
14 **if the purchaser acquired the portion of the lot, parcel or tract from an unrelated former**  
15 **owner of all or the portion of the lot, parcel or tract and without knowledge that the unre-**  
16 **lated former owner:**

17 (a) **Failed to seek and obtain approval of the city or county to subdivide or partition the**  
18 **lot, parcel or tract before selling ownership of the portion; and**

19 (b) **Failed to inform the purchaser that the portion of the lot, parcel or tract being sold**  
20 **would not qualify as a legal lot or parcel.**

21 **SECTION 3. ORS 92.177 is amended to read:**

22 92.177. (1) [*Where application is made to the governing body of a city or county*] **When portions**  
23 **of a lot, parcel or tract are owned by more than one owner, one or more of the owners may**  
24 **apply to the city or county for approval of the creation of lots or parcels [*which were improperly***  
25 **formed without the approval of the governing body,] if:**

26 (a) **The owners are not related by blood or marriage; and**

27 (b) **The only business relationship among the owners is the transaction by which owner-**  
28 **ship interests in the portions of the lot, parcel or tract were sold.**

29 (2) **The governing body of [a] the city or county or its [*designate*] designee shall consider and**  
30 **may approve [an] the application for the creation of lots or parcels notwithstanding that [*less*] fewer**

**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 than all of the owners of the existing legal lot, [or] parcel **or tract** have applied for the approval.

2 **SECTION 4.** ORS 92.178 is amended to read:

3 92.178. (1) The governing body of a county may approve an application requesting formation of  
4 one parcel if the county issued a land use decision approving the parcel prior to January 1, 1994,  
5 and:

6 (a) A plat implementing the previous land use decision was not recorded; or

7 (b) A condition of approval of the previously approved land use decision requiring consolidation  
8 of adjacent lots or parcels was not complied with by a previous owner of the land.

9 (2) An application under this section is not subject to ORS 215.780.

10 (3) Approval of an application under this section does not affect the legal status of land that is  
11 not the subject of the application.

12 [(4) As used in this section:]

13 [(a) "Lot" has the meaning given the term in ORS 92.010.]

14 [(b) "Parcel" has the meaning given the term in ORS 92.010.]

15 (4) As used in this section, "land use decision" has the meaning given that term in ORS  
16 197.015.

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