

House Bill 2884

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**.

Extends time for recording partition plat incorporating city or county's permit validating unit of land to 365 days.

Allow recording of all existing validating permits before December 31, 2022.

A BILL FOR AN ACT

1
2 Relating to validation of lawfully established units of land; creating new provisions; and amending
3 ORS 92.176.

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

5 **SECTION 1.** ORS 92.176 is amended to read:

6 92.176. (1) A county or city may approve an application to validate a unit of land that was
7 created by a sale that did not comply with the applicable criteria for creation of a unit of land if
8 the unit of land:

9 (a) Is not a lawfully established unit of land; and

10 (b) Could have complied with the applicable criteria for the creation of a lawfully established
11 unit of land in effect when the unit of land was sold.

12 (2) Notwithstanding subsection (1)(b) of this section, a county or city may approve an application
13 to validate a unit of land under this section if the county or city approved a permit, as defined in
14 ORS 215.402 or 227.160, respectively, for the construction or placement of a dwelling or other
15 building on the unit of land after the sale. If the permit was approved for a dwelling, the county or
16 city must determine that the dwelling qualifies for replacement under the criteria set forth in ORS
17 215.755 (1)(a) to (e).

18 (3) A county or city may approve an application for a permit, as defined in ORS 215.402 or
19 227.160, respectively, or a permit under the applicable state or local building code for the continued
20 use of a dwelling or other building on a unit of land that was not lawfully established if:

21 (a) The dwelling or other building was lawfully established prior to January 1, 2007; and

22 (b) The permit does not change or intensify the use of the dwelling or other building.

23 (4) An application to validate a unit of land under this section is an application for a permit,
24 as defined in ORS 215.402 or 227.160. An application to a county under this section is not subject
25 to the minimum lot or parcel sizes established by ORS 215.780.

26 (5) A unit of land becomes a lawfully established parcel when the county or city validates the
27 unit of land under this section if the owner of the unit of land causes a partition plat to be recorded
28 within [90] **365** days after the date the county or city validates the unit of land.

29 (6) A county or city may not approve an application to validate a unit of land under this section
30 if the unit of land was unlawfully created on or after January 1, 2007.

31 (7) Development or improvement of a parcel created under subsection (5) of this section must

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 comply with the applicable laws in effect when a complete application for the development or im-
2 provement is submitted as described in ORS 215.427 (3)(a) or 227.178 (3)(a).

3 **SECTION 2. Notwithstanding ORS 92.176 (5), if a county or city validates a unit of land**
4 **under ORS 92.176 before the effective date of this 2021 Act, the unit of land becomes a law-**
5 **fully established parcel when the county or city validates the unit of land if the owner of the**
6 **unit of land causes a partition plat to be recorded on or before December 31, 2022.**

7 **SECTION 3. Section 2 of this 2021 Act is repealed on January 2, 2023.**

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