

B-Engrossed
House Bill 3362

Ordered by the Senate May 30
Including House Amendments dated April 7 and Senate Amendments
dated May 30

Sponsored by Representatives CONRAD, WRIGHT; Senator HAYDEN (at the request of Lane County)

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.

Allows county to validate unit of land that had been approved for recognition that was later revoked after sale to innocent purchaser.

Sunsets January 2, 2025.

Until April 1, 2024, allows additional appeals to Land Use Board of Appeals challenging certain template dwelling approvals for noninnocent purchasers.

[Declares emergency, effective on passage.]

A BILL FOR AN ACT

1
2 Relating to validation of unit of land acquired by innocent purchaser.

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

4 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 92.010 to 92.192.**

5 **SECTION 2. (1) Notwithstanding ORS 92.176 (1) to (3) or (6), a county may approve an**
6 **application to validate a unit of land if the applicant acquired the land as an innocent pur-**
7 **chaser prior to January 1, 2023, and the county:**

8 (a) Before the acquisition by the applicant, approved an application for the recognition
9 of the unit of land as a lawfully established unit of land;

10 (b) Before the acquisition by the applicant, approved an application for a property line
11 adjustment to adjust the boundary of the unit of land approved in paragraph (a) of this sub-
12 section; and

13 (c) After the acquisition by the applicant, revoked the approvals under paragraphs (a) and
14 (b) of this subsection.

15 (2) A unit of land validated under this section may become lawfully established only as
16 described in ORS 92.176 (5).

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

20 (4) For purposes of subsection (1) of this section, "innocent purchaser" means a person
21 who purchases land with no reasonable grounds to suspect that the land was not a lawfully
22 established unit of land and who is not:

23 (a) The person who submitted the application described in subsection (1)(a) of this sec-
24 tion;

25 (b) A relative, as described in ORS 215.283 (1)(d), of the person described in paragraph (a)

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 subsection; or

2 (c) A business entity that the person described in paragraph (a) of this subsection owns
3 or maintains any financial interest in.

4 **SECTION 3.** Section 2 of this 2023 Act is repealed on January 2, 2025.

5 **SECTION 4.** (1) On or before April 1, 2024, notwithstanding the standing requirements
6 of ORS 197.830 (2) or the deadlines in ORS 197.830 (9), any person may file with the Land Use
7 Board of Appeals a notice of intent to appeal a land use decision made by the county if:

8 (a) The challenged decision approved an application for a template dwelling pursuant to
9 ORS 215.750;

10 (b) The applicant whose application is described in paragraph (a) of this subsection is
11 excluded from the definition of “innocent purchaser” based on the criteria in section 2 (4)(a),
12 (b) or (c) of this 2023 Act; and

13 (c) The applicant described in paragraph (b) of this subsection owned the property that
14 was the subject of the challenged land use decision on January 1, 2023.

15 (2) The board shall conduct an evidentiary hearing for an appeal filed under this section
16 to allow the parties to supplement the record before the county.

17 (3) If the challenged decision is overturned on an appeal filed under this section, the
18 county may not approve a new application for a template dwelling on the lot or parcel, or
19 any portion thereof, upon which the template dwelling was approved by the county.

20 (4) Notwithstanding ORS 197.830 (15)(b), the board may not award attorney fees or ex-
21 penses to any party based on an appeal filed under this section.

22