

Enrolled House Bill 3362

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

CHAPTER

AN ACT

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

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

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

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

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

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

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

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

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

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

(a) The person who submitted the application described in subsection (1)(a) of this section;

(b) A relative, as described in ORS 215.283 (1)(d), of the person described in paragraph (a) of this subsection; or

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

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 Section 2 of this 2023 Act is repealed on January 2, 2025.

SECTION 4. (1) On or before April 1, 2024, notwithstanding the standing requirements of ORS 197.830 (2) or the deadlines imposed by ORS 12.140 or 197.830 (9), any person may file with the Land Use Board of Appeals a notice of intent to appeal a land use decision made by the county if:

(a) The challenged decision approved an application for a template dwelling pursuant to ORS 215.750, a legal lot verification under ORS 92.176 or a property line adjustment under ORS 92.192;

(b) The approval of the challenged decision was based on deeds or documents that were forged;

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

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

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

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

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

Passed by House April 14, 2023

Received by Governor:

Repassed by House June 23, 2023

.....M.,....., 2023

Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2023

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Dan Rayfield, Speaker of House

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Tina Kotek, Governor

Passed by Senate June 23, 2023

Filed in Office of Secretary of State:

.....M.,....., 2023

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Rob Wagner, President of Senate

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Secretary of State