House Bill 3362

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 as introduced.

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

A BILL FOR AN ACT

Relating to validation of unit of land acquired by innocent purchaser; amending ORS 92.176.

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

SECTION 1. ORS 92.176 is amended to read:

92.176. (1) As used in this section:

(a) “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 applied for the permit described in subsection (2)(c)(A) of this section;

(B) A relative, as described in ORS 215.283 (1)(d), of the person described in subparagraph (A) of this paragraph; or

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

(b) “Permit” means a permit as defined in ORS 215.402 or 227.160 or a permit issued under the state or local building code or other laws applicable to the land at the relevant time.

[(1)] [(2)] A county or city may approve an application to validate a unit of land that was not lawfully established and that was created by a sale that did not comply with the applicable criteria for creation of a unit of land if [the unit of land]:

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

[(b)] (a) The land could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold[.];

[(2)] [(b)] [Notwithstanding subsection (1)(b) of this section, a county or city may approve an application to validate a unit of land under this section if] After the sale, the county or city approved a permit, as defined in ORS 215.402 or 227.160, respectively, on the unit of land for the construction or placement of [a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the county or city must determine that]:

(A) A building that is not a dwelling; or

(B) A dwelling and the dwelling qualifies for replacement under the criteria set forth in ORS 215.755 (1)(a) to (e),]; or

[(c) The applicant acquired the land as an innocent purchaser and the city or county:]

[(A) Before the sale, approved a permit for the creation or recognition of the unit of land]
as a lawfully established unit of land;

(B) Before the sale, approved a permit for a property line adjustment to adjust the boundary of the unit of land approved in subparagraph (A) of this paragraph; and

(C) After the sale, revoked the permits under subparagraph (A) or (B) of this paragraph.

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

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

[(b)] (B) The permit does not change or intensify the use of the dwelling or other building[.];
or

(b) The dwelling or other building is on a unit of land validated under subsection (2)(c) of this section.

(4) 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.

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

(6) A county or city may not approve an application to validate a unit of land under subsection (2)(a) or (b) of this section if the unit of land was unlawfully created on or after January 1, 2007.

(7) Development or improvement of a parcel created under subsection (5) of this section must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427 (3)(a) or 227.178 (3)(a).