

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

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

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

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

4 92.176. (1) **As used in this section:**

5 (a) **“Innocent purchaser” means a person who purchases land with no reasonable grounds**

6 **to suspect that the land was not a lawfully established unit of land and who is not:**

7 (A) **The person who applied for the permit described in subsection (2)(c)(A) of this sec-**

8 **tion;**

9 (B) **A relative, as described in ORS 215.283 (1)(d), of the person described in subparagraph**

10 **(A) of this paragraph; or**

11 (C) **A business entity that the person described in subparagraph (A) of this paragraph**

12 **owns or maintains any financial interest in.**

13 (b) **“Permit” means a permit as defined in ORS 215.402 or 227.160 or a permit issued un-**

14 **der the state or local building code or other laws applicable to the land at the relevant time.**

15 [(1)] (2) A county or city may approve an application to validate a unit of land **that was not**

16 **lawfully established and** that was created by a sale that did not comply with the applicable criteria

17 **for creation of a unit of land if [the unit of land]:**

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

19 [(b)] (a) **The land** could have complied with the applicable criteria for the creation of a lawfully

20 **established unit of land in effect when the unit of land was sold[.];**

21 [(2)] (b) [*Notwithstanding subsection (1)(b) of this section, a county or city may approve an appli-*

22 *cation to validate a unit of land under this section if] **After the sale,** the county or city approved a*

23 *permit[, as defined in ORS 215.402 or 227.160, respectively,] **on the unit of land** for the construction*

24 *or placement of [a dwelling or other building on the unit of land after the sale. If the permit was ap-*

25 *proved for a dwelling, the county or city must determine that]:*

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

27 (B) **A dwelling and** the dwelling qualifies for replacement under the criteria set forth in ORS

28 **215.755 (1)(a) to (e)[.]; or**

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

30 (A) **Before the sale, approved a permit for the creation or recognition of the unit of land**

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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 **as a lawfully established unit of land;**

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

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

5 (3) A county or city may approve an application [*for a permit, as defined in ORS 215.402 or*
6 *227.160, respectively, or a permit under the applicable state or local building code*] for the continued
7 use of a dwelling or other building on a unit of land that [*was*] **is** not lawfully established if:

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

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

10 **or**

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

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

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

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

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

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