

Senate Bill 969

Sponsored by Senator FERRIOLI

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**.

Eliminates requirement that subsequent owner of certain properties create lots or parcels and establish dwellings within 10 years of conveyance.

A BILL FOR AN ACT

1
2 Relating to subsequent owners of real property; amending section 11, chapter 424, Oregon Laws
3 2007.

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

5 **SECTION 1.** Section 11, chapter 424, Oregon Laws 2007, as amended by section 14, chapter 855,
6 Oregon Laws 2009, is amended to read:

7 **Sec. 11.** (1) A subdivision or partition of property, or the establishment of a dwelling on prop-
8 erty, authorized under sections 5 to 11, chapter 424, Oregon Laws 2007, **sections 2 to 9 and 17,**
9 **chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010,** must comply
10 with all applicable standards governing the siting or development of the dwelling, lot or parcel in-
11 cluding, but not limited to, the location, design, construction or size of the dwelling, lot or parcel.
12 However, the standards must not be applied in a manner that has the effect of prohibiting the es-
13 tablishment of the dwelling, lot or parcel authorized under sections 5 to 11, chapter 424, Oregon
14 Laws 2007, **sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter**
15 **8, Oregon Laws 2010,** unless the standards are reasonably necessary to avoid or abate a nuisance,
16 to protect public health or safety or to carry out federal law.

17 (2) If the property described in a claim is bisected by an urban growth boundary, any new
18 dwelling, lot or parcel established on the property pursuant to an order under section 6, chapter 424,
19 Oregon Laws 2007, must be located on the portion of the property outside the urban growth
20 boundary.

21 (3) Before beginning construction of any dwelling authorized under section 6 or 7, chapter 424,
22 Oregon Laws 2007, the owner must comply with the requirements of ORS 215.293 if the property is
23 in an exclusive farm use zone, a forest zone or a mixed farm and forest zone.

24 (4)(a) A city or county may approve the creation of a lot or parcel to contain a dwelling au-
25 thorized under sections 5 to 11, chapter 424, Oregon Laws 2007, **sections 2 to 9 and 17, chapter**
26 **855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010.** However, a new lot
27 or parcel located in an exclusive farm use zone, a forest zone or a mixed farm and forest zone may
28 not exceed:

29 (A) Two acres if the lot or parcel is located on high-value farmland, on high-value forestland or
30 on land within a ground water restricted area; or

31 (B) Five acres if the lot or parcel is not located on high-value farmland, on high-value forestland

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 or on land within a ground water restricted area.

2 (b) If the property is in an exclusive farm use zone, a forest zone or a mixed farm and forest
3 zone, the new lots or parcels created must be clustered so as to maximize suitability of the remnant
4 lot or parcel for farm or forest use.

5 (5) If an owner is authorized to subdivide or partition more than one property, or to establish
6 dwellings on more than one property, under sections 5 to 11, chapter 424, Oregon Laws 2007,
7 **sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon**
8 **Laws 2010**, and the properties are in an exclusive farm use zone, a forest zone or a mixed farm and
9 forest zone, the owner may cluster some or all of the dwellings, lots or parcels on one of the prop-
10 erties if that property is less suitable than the other properties for farm or forest use. If one of the
11 properties is zoned for residential use, the owner may cluster some or all of the dwellings, lots or
12 parcels that would have been located in an exclusive farm use zone, a forest zone or a mixed farm
13 and forest zone on the property zoned for residential use.

14 (6) An owner is not eligible for more than 20 home site approvals under sections 5 to 11, chapter
15 424, Oregon Laws 2007, **sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2**
16 **to 7, chapter 8, Oregon Laws 2010**, regardless of how many properties that person owns or how
17 many claims that person has filed.

18 (7) An authorization to partition or subdivide the property, or to establish dwellings on the
19 property, granted under section 6, 7 or 9, chapter 424, Oregon Laws 2007, runs with the property
20 and may be either transferred with the property or encumbered by another person without affecting
21 the authorization. There is no time limit on when an authorization granted under section 6, 7 or 9,
22 chapter 424, Oregon Laws 2007, must be carried out[, *except that once the owner who obtained the*
23 *authorization conveys the property to a person other than the owner's spouse or the trustee of a*
24 *revocable trust in which the owner is the settlor, the subsequent owner of the property must create the*
25 *lots or parcels and establish the dwellings authorized by a waiver under section 6, 7 or 9, chapter 424,*
26 *Oregon Laws 2007, within 10 years of the conveyance*]. In addition:

27 (a) A lot or parcel lawfully created based on an authorization under section 6, 7 or 9, chapter
28 424, Oregon Laws 2007, remains a discrete lot or parcel, unless the lot or parcel lines are vacated
29 or the lot or parcel is further divided, as provided by law; and

30 (b) A dwelling or other residential use of the property based on an authorization under section
31 6, 7 or 9, chapter 424, Oregon Laws 2007, is a permitted use and may be established or continued
32 by the claimant or a subsequent owner, except that once the claimant conveys the property to a
33 person other than the claimant's spouse or the trustee of a revocable trust in which the claimant
34 is the settlor, the subsequent owner must establish the dwellings or other residential use authorized
35 under section 6, 7 or 9, chapter 424, Oregon Laws 2007, within 10 years of the conveyance.

36 (8) When relief has been claimed under sections 5 to 11, chapter 424, Oregon Laws 2007,
37 **sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon**
38 **Laws 2010**:

39 (a) Additional relief is not due; and

40 (b) An additional claim may not be filed, compensation is not due and a waiver may not be is-
41 sued with regard to the property under ORS 195.305 to 195.336 and sections 5 to 11, chapter 424,
42 Oregon Laws 2007, **sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to**
43 **7, chapter 8, Oregon Laws 2010**, or ORS 195.305 as in effect immediately before December 6, 2007,
44 except with respect to a land use regulation enacted after January 1, 2007.

45 (9) A person that is eligible to be a holder as defined in ORS 271.715 may acquire the rights to

1 carry out a use of land authorized under sections 5 to 11, chapter 424, Oregon Laws 2007, **sections**
 2 **2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws**
 3 **2010**, from a willing seller in the manner provided by ORS 271.715 to 271.795. Metro, cities and
 4 counties may enter into cooperative agreements under ORS chapter 195 to establish a system for the
 5 purchase and sale of severable development interests as described in ORS 94.531. A system estab-
 6 lished under this subsection may provide for the transfer of severable development interests between
 7 the jurisdictions of the public entities that are parties to the agreement for the purpose of allowing
 8 development to occur in a location that is different from the location in which the development in-
 9 terest arises.

10 (10) If a claimant is an individual, the entitlement to prosecute the claim under section 6, 7 or
 11 9, chapter 424, Oregon Laws 2007, and an authorization to use the property provided by a waiver
 12 under section 6, 7 or 9, chapter 424, Oregon Laws 2007:

13 (a) Is not affected by the death of the claimant if the death occurs on or after December 6, 2007;
 14 and

15 (b) Passes to the person that acquires the property by devise or by operation of law.

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