

HB 3362 A -A4, -A5 STAFF MEASURE SUMMARY

Senate Committee On Natural Resources

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Meeting Dates: 5/3, 5/17

WHAT THE MEASURE DOES:

Allows a county to approve an application to validate a unit of land acquired by an innocent purchaser prior to January 1, 2023 if the county, before the acquisition, approved an application for the recognition of the unit of land as a lawfully established unit of land; and approved an application for a property line adjustment to that unit of land, and revoked these approvals after the acquisition by the applicant. Exempts such applications from specified minimum lot or parcel sizes. Sunsets January 2, 2025. Declares emergency, effective on passage.

FISCAL: Has minimal fiscal impact

REVENUE: No revenue impact

HOUSE VOTE: Ayes, 42; Nays, 0

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A4 Allows any person, notwithstanding standing requirements or deadlines, to file with the Land Use Board of Appeals (LUBA) a notice of intent to appeal a land use decision made by a county if: the challenged decision approved an application for a template dwelling; the applicant is not an "innocent purchaser" under the definition provided in this Act; and the applicant owned the property that was the subject of the challenged land use decision on January 1, 2023. Requires that LUBA conduct an evidentiary hearing to allow the parties to supplement the record before the county. Prohibits the county from approving a new application for a template dwelling on the lot or parcel if the challenged decision is overturned on appeal. Prohibits LUBA from awarding attorney fees or expenses to any party based on an appeal. Removes the emergency clause.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: No revenue impact

-A5 Authorizes a local government to review and revoke a determination made within a previous land use decision that the property was a lawfully established unit of land if the determination was based on false records. Specifies that a local government's revocation is a land use decision. Defines "false records." Specifies that provisions apply to determinations arising before, on, or after the effective date of this Act. Requires a county to initiate a review and revocation proceeding under certain conditions. Removes the emergency clause.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: No revenue impact

BACKGROUND:

Oregon law provides a process for validating certain divisions and sale of land without adhering to the strict formalities required by law. A county or city may validate the unit of land that was created by a sale if the land was not fully established but could have complied with the applicable criteria for creation of a lawful unit when it was sold, or if a city or county approves a construction or building permit on the unit of land after the sale.

House Bill 3362 A would allow a city or county to approve an application to validate a unit of land that had been approved for creation or recognition that was later revoked after the sale to an innocent purchaser.