

HB 2256 -1 STAFF MEASURE SUMMARY

House Committee On Agriculture, Land Use, Natural Resources, and Water

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Meeting Dates: 2/3, 2/19

WHAT THE MEASURE DOES:

The measure specifies that a public benefit corporation that purchases unlawfully established land parcels are not entitled to damages or equitable relief against the seller if deed reflects intention that purchaser use the property for conservation purposes.

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

REVENUE: May have revenue impact, but no statement yet issued

Detailed Summary:

Specifies that when a public benefit corporation buys a parcel of land that is not lawfully established and the deed from the seller reflects an intention that the purchaser use the property for conservation purposes, the corporation is not entitled to damages or equitable relief against the seller under the statute that sets a buyer's remedy for purchase of an improperly created unit of land. Establishes that a person who acquires an interest from the corporation or from someone subsequent in title is also not entitled to damages or equitable relief against the corporation or the seller. Exempts such purchases from penalties under statutes governing land subdivisions and transactions.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Specifies additional requirements under which a purchaser of established land parcels or someone who acquires an interest from someone subsequent in title is not entitled to damages or equitable relief against the seller.

Detailed Summary

Specifies that a purchaser is not entitled to damages or equitable relief against the seller under the statute that sets a buyer's remedy for purchase of an improperly created unit of land if all of the following conditions apply:

- The purchaser is the state, any county, metropolitan service district, soil and water conservation district, city or park and recreation district, or another specified county service district, acting alone or in cooperation with any federal or state agency, public corporation or political subdivision, or a charitable entity with certain conservation goals, or an Indian tribe.
- The unlawfully established unit of land was separately documented on or before January 1, 2025
- The deed from the seller reflects an intention for the purchaser to use or convey the property for specified conservation purposes

Specifies that a person who acquires an interest from such a purchaser or from someone subsequent in title is also not entitled to damages or equitable relief against the original seller, or any purchaser or subsequent purchaser except for the seller if the acquisition of the property is not for conservation purposes, or the first acquisition was less than five years prior than the acquisition in question.

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REVENUE: No revenue impact

BACKGROUND:

In Oregon, land subdivisions and partitions are governed by ORS Chapter 92. A lot confirmation is an administrative review that verifies one or more lots (including lot remnants and adjusted lots), lots of record, or combinations thereof, have legal status as a property that is eligible for development under the zoning code. If land is acquired for conservation purposes development of the land is often not intended.