

# House Bill 3322

Sponsored by Representative KRIEGER (at the request of Oregon Small Woodlands)

## 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**.

Authorizes second dwelling on land zoned for forest use for use by relative of forest operator when forest operator does or will need assistance of relative in management of forest use.

## A BILL FOR AN ACT

1  
2 Relating to dwellings for relatives on resource land; creating new provisions; and amending ORS  
3 197.065 and 215.293.

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

5 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 215.**

6 **SECTION 2. (1) An owner of real property zoned for forest use may establish a dwelling**  
7 **on the real property used for forest use if the dwelling is occupied by a relative of the forest**  
8 **operator or the forest operator's spouse, which means a child, parent, stepparent, grand-**  
9 **child, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of ei-**  
10 **ther, if the forest operator does or will require the assistance of the relative in the**  
11 **management of the forest use and the dwelling is located on the same lot or parcel as the**  
12 **dwelling of the forest operator.**

13 **(2) Notwithstanding ORS 92.010 to 92.190 or the minimum lot or parcel size requirements**  
14 **under ORS 215.780, if the owner of a dwelling described in subsection (1) of this section ob-**  
15 **tains construction financing or other financing secured by the dwelling and the secured party**  
16 **forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined**  
17 **in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create**  
18 **a new parcel.**

19 **SECTION 3. ORS 197.065 is amended to read:**

20 197.065. (1) Prior to each legislative session, the Land Conservation and Development Commis-  
21 sion shall submit to the appropriate legislative committee a written report analyzing applications  
22 approved and denied for:

23 (a) New and replacement dwellings under:

24 (A) ORS 215.213 (1)(e) and (g), (2)(a) and (b), (3) and (4), 215.283 (1)(e) and (f), 215.284 and 215.705  
25 **and section 2 of this 2009 Act;** and

26 (B) Any land zoned for forest use under any statewide planning goal that relates to forestland;

27 (b) Divisions of land under:

28 (A) ORS 215.263 (2), (4) and (5); and

29 (B) Any land zoned for forest use under any statewide planning goal that relates to forestland;

30 (c) Dwellings and land divisions approved for marginal lands under:

31 (A) ORS 215.317 or 215.327; and

**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 (B) Any land zoned for forest use under any statewide planning goal that relates to forestland;  
2 and

3 (d) Such other matters pertaining to protection of agricultural or forest land as the commission  
4 deems appropriate.

5 (2) The governing body of each county shall provide the Department of Land Conservation and  
6 Development with a report of its actions involving those dwellings, land divisions and land desig-  
7 nations upon which the commission must report to the appropriate legislative committee under  
8 subsection (1) of this section. The department shall establish, after consultation with county gov-  
9 erning bodies, an annual reporting period and may establish a schedule for receiving county reports  
10 at intervals within the reporting period. The report shall be on a standard form with a standardized  
11 explanation adopted by the commission and shall be eligible for grants by the commission. The re-  
12 port shall include the findings for each action except actions involving:

13 (a) Dwellings authorized by ORS 215.213 (1)(e) or 215.283 (1)(e) **or section 2 of this 2009 Act**;  
14 or

15 (b) Land divisions authorized by ORS 215.263 (2) creating parcels as large as or larger than a  
16 minimum size established by the commission under ORS 215.780.

17 (3) The governing body of each county shall, upon request by the department, provide the de-  
18 partment with other information necessary to carry out subsection (1) of this section.

19 **SECTION 4.** ORS 215.293 is amended to read:

20 215.293. The county governing body or its designate shall require as a condition of approval of  
21 a single-family dwelling under ORS 215.213, 215.283 or 215.284 **or section 2 of this 2009 Act** or  
22 otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed  
23 records for the county a document binding the landowner, and the landowner's successors in inter-  
24 est, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming  
25 or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

26