

B-Engrossed
House Bill 2225

Ordered by the Senate June 4
Including House Amendments dated April 16 and Senate Amendments
dated June 4

Sponsored by Representative HELM, Senator PROZANSKI (Pre-session filed.)

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.

Defines "center of the subject tract" for siting certain permissible forest dwellings. Prohibits forest dwellings that would not have been permitted before January 1, 2019. **Allows exceptions until November 1, 2023.** Establishes applicable dates by county.

A BILL FOR AN ACT

1 Relating to forest template dwellings; creating new provisions; and amending ORS 215.750.

2 Whereas the existing law regarding new forest dwellings, under ORS 215.750, is being applied
3 and interpreted by local jurisdictions and the judiciary in a manner inconsistent with the original
4 purpose of the statute; and
5

6 Whereas clarification of the meaning and intention of ORS 215.750 is necessary; now, therefore,

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

8 **SECTION 1.** ORS 215.750 is amended to read:

9 215.750. **(1) As used in this section, "center of the subject tract" means the mathematical**
10 **centroid of the tract.**

11 *[(1)]* **(2)** In western Oregon, a governing body of a county or its designate may allow the estab-
12 lishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel
13 is predominantly composed of soils that are:

14 (a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:

15 (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within
16 a 160-acre square centered on the center of the subject tract; and

17 (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels;

18 (b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:

19 (A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within
20 a 160-acre square centered on the center of the subject tract; and

21 (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels; or

22 (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:

23 (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within
24 a 160-acre square centered on the center of the subject tract; and

25 (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.

26 *[(2)]* **(3)** In eastern Oregon, a governing body of a county or its designate may allow the estab-
27 lishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel

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 is predominantly composed of soils that are:

2 (a) Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:

3 (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within
4 a 160-acre square centered on the center of the subject tract; and

5 (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels;

6 (b) Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:

7 (A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within
8 a 160-acre square centered on the center of the subject tract; and

9 (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels; or

10 (c) Capable of producing more than 50 cubic feet per acre per year of wood fiber if:

11 (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within
12 a 160-acre square centered on the center of the subject tract; and

13 (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.

14 [(3)] (4) Lots or parcels within urban growth boundaries *[shall]* **may** not be used to satisfy the
15 eligibility requirements under subsection [(1) or] (2) **or** (3) of this section.

16 [(4)] (5) A proposed dwelling under this section is *[not]* allowed **only if**:

17 (a) *[If]* It *[is prohibited by or]* will *[not]* comply with the requirements of an acknowledged com-
18 prehensive plan, *[and]* acknowledged land use regulations *[or]* **and** other provisions of law[.];

19 (b) *[Unless]* It complies with the requirements of ORS 215.730[.];

20 (c) *[Unless]* No dwellings are allowed on other lots or parcels that make up the tract and deed
21 restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract
22 are met[.];

23 (d) *[If]* The tract on which the dwelling will be sited *[includes]* **does not include** a dwelling[.];

24 (e) **The lot or parcel on which the dwelling will be sited was lawfully established;**

25 (f) **Any property line adjustment to the lot or parcel complied with the applicable prop-
26 erty line adjustment provisions in ORS 92.192;**

27 (g) **Any property line adjustment to the lot or parcel after January 1, 2019, did not have
28 the effect of qualifying the lot or parcel for a dwelling under this section; and**

29 (h) **If the lot or parcel on which the dwelling will be sited was part of a tract on January
30 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been ap-
31 proved on another lot or parcel that was part of the tract.**

32 [(5)] (6) Except as described in subsection [(6)] (7) of this section, if the tract under subsection
33 [(1) or] (2) **or** (3) of this section abuts a road that existed on January 1, 1993, the measurement may
34 be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered
35 on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

36 [(6)(a)] (7)(a) If a tract 60 acres or larger described under subsection [(1) or] (2) **or** (3) of this
37 section abuts a road or perennial stream, the measurement shall be made in accordance with sub-
38 section [(5)] (6) of this section. However, one of the three required dwellings *[shall]* **must** be on the
39 same side of the road or stream as the tract and:

40 (A) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide cen-
41 tered on the center of the subject tract and that is, to the maximum extent possible, aligned with
42 the road or stream; or

43 (B) Be within one-quarter mile from the edge of the subject tract but not outside the length of
44 the 160-acre rectangle, and on the same side of the road or stream as the tract.

45 (b) If a road crosses the tract on which the dwelling will be located, at least one of the three

1 required dwellings [*shall*] **must** be on the same side of the road as the proposed dwelling.

2 [(7)] **(8)** Notwithstanding subsection [(4)(a)] **(5)(a)** of this section, if the acknowledged compre-
3 hensive plan and land use regulations of a county require that a dwelling be located in a 160-acre
4 square or rectangle described in subsection [(1),] (2), **(3)**, [(5) or] (6) **or (7)** of this section, a dwelling
5 is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rec-
6 tangle.

7 **SECTION 2.** Prior to November 1, 2023, a county may allow the establishment of a
8 single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021, if:

9 (1) No more than one other dwelling exists or has been approved on another lot or parcel
10 that was part of the tract; and

11 (2) The lot or parcel qualifies, notwithstanding ORS 215.750 (5)(h), for a dwelling under
12 ORS 215.750.

13 **SECTION 3.** (1) The amendments to ORS 215.750 by section 1 of this 2019 Act apply:

14 (a) On and after the effective date of this 2019 Act in Clackamas, Jackson, Lane and Polk
15 Counties.

16 (b) On and after November 1, 2021, in Columbia, Coos, Curry, Deschutes, Douglas,
17 Josephine, Linn, Marion, Washington and Yamhill Counties.

18 (c) On and after November 1, 2023, in Baker, Benton, Clatsop, Crook, Gilliam, Grant,
19 Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Multnomah,
20 Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties.

21 (2) A county may not apply any administrative rule adopted to implement the amend-
22 ments to ORS 215.750 by section 1 of this 2019 Act until on or after the applicable date for
23 that county under subsection (1) of this section.

24 (3) Section 2 of this 2019 Act applies:

25 (a) On and after the effective date of this 2019 Act in Clackamas, Jackson, Lane and Polk
26 Counties.

27 (b) On and after November 1, 2021, in Columbia, Coos, Curry, Deschutes, Douglas,
28 Josephine, Linn, Marion, Washington and Yamhill Counties.

29 **SECTION 4.** Section 2 of this 2019 Act is repealed on January 2, 2024.

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