

House Bill 2225

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 **as introduced**.

Defines "center of the subject tract" for siting certain permissible forest dwellings. Prohibits forest dwellings that would not have been permitted before January 1, 1993, or are sited in fire hazard or groundwater limited areas. Exempts state, agencies and counties from paying compensation to owners for restricting residential use of private property in adopting and implementing prohibitions.

A BILL FOR AN ACT

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

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

SECTION 1. ORS 215.750 is amended to read:

215.750. (1) **As used in this section, "center of the subject tract" means the point of intersection of two perpendicular lines, of which the first bisects the longest side of the parcel and the second bisects the longest side adjacent to the longest side of the parcel. The center of the subject tract must be designated by demarcation on a survey map by a licensed surveyor.**

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

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

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

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

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

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

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

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

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

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

[(2)] (3) In eastern Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

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

(A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; 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) At least three dwellings existed on January 1, 1993, on the other lots or parcels;
 2 (b) Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
 3 (A) All or part of at least seven 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; or
 6 (c) Capable of producing more than 50 cubic feet per acre per year of wood fiber if:
 7 (A) All or part of at least 11 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.
 10 [(3)] (4) Lots or parcels within urban growth boundaries *[shall]* **may** not be used to satisfy the
 11 eligibility requirements under subsection [(1) or] (2) **or** (3) of this section.
 12 [(4)] (5) A proposed dwelling under this section is *[not]* allowed **only if**:
 13 (a) *[If]* It *[is prohibited by or]* will *[not]* comply with the requirements of an acknowledged com-
 14 prehensive plan, *[and]* acknowledged land use regulations *[or]* **and** other provisions of law[.];
 15 (b) *[Unless]* It complies with the requirements of ORS 215.730[.];
 16 (c) *[Unless]* No dwellings are allowed on other lots or parcels that make up the tract and deed
 17 restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract
 18 are met[.];
 19 (d) *[If]* The tract on which the dwelling will be sited *[includes]* **does not include** a dwelling[.];
 20 (e) **Notwithstanding any reconfiguration or change in ownership of any lot, parcel or**
 21 **tract after January 1, 1993, on January 1, 1993, the lot, parcel or tract:**
 22 (A) **Would have allowed a siting of a dwelling;**
 23 (B) **Was listed on the property tax rolls; and**
 24 (C) **Met any applicable minimum lot size; and**
 25 (f) **The proposed dwelling is not in:**
 26 (A) **A forestland-urban interface area identified and classified as high or extreme fire risk**
 27 **under ORS 477.027 to 477.057;**
 28 (B) **An area declared a wildfire hazard zone under ORS 93.270 (4); or**
 29 (C) **An area designated as groundwater limited by the county.**
 30 [(5)] (6) Except as described in subsection [(6)] (7) of this section, if the tract under subsection
 31 [(1) or] (2) **or** (3) of this section abuts a road that existed on January 1, 1993, the measurement may
 32 be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered
 33 on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
 34 [(6)(a)] (7)(a) If a tract 60 acres or larger described under subsection [(1) or] (2) **or** (3) of this
 35 section abuts a road or perennial stream, the measurement shall be made in accordance with sub-
 36 section [(5)] (6) of this section. However, one of the three required dwellings *[shall]* **must** be on the
 37 same side of the road or stream as the tract and:
 38 (A) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide cen-
 39 tered on the center of the subject tract and that is, to the maximum extent possible, aligned with
 40 the road or stream; or
 41 (B) Be within one-quarter mile from the edge of the subject tract but not outside the length of
 42 the 160-acre rectangle, and on the same side of the road or stream as the tract.
 43 (b) If a road crosses the tract on which the dwelling will be located, at least one of the three
 44 required dwellings *[shall]* **must** be on the same side of the road as the proposed dwelling.
 45 [(7)] (8) Notwithstanding subsection [(4)(a)] (5)(a) of this section, if the acknowledged compre-

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

5 **SECTION 2. Section 3 of this 2019 Act is added to and made a part of ORS 195.300 to**
6 **195.336.**

7 **SECTION 3. Notwithstanding the requirement to pay just compensation for certain land**
8 **use restrictions under ORS 195.305 (1), compensation is not due for the enforcement or**
9 **enactment of a land use regulation established under the amendments to ORS 215.750 by**
10 **section 1 of this 2019 Act or in administrative rules, statewide plans or county comprehensive**
11 **plans or zoning ordinances implementing the amendments to ORS 215.750 by section 1 of this**
12 **2019 Act.**

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