

DRAFT

SUMMARY

Digest: This Act bans homes not for farm or forest uses in sensitive or unsuitable areas of lands zoned for farm or forest use. (Flesch Readability Score: 65.7).

Prohibits certain dwellings in sensitive or unsuitable areas within resource lands.

A BILL FOR AN ACT

1
2 Relating to the regulation of dwellings on resource lands; creating new pro-
3 visions; and amending ORS 215.417 and 215.705.

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

5 **SECTION 1. Section 2 of this 2025 Act is added to and made a part**
6 **of ORS chapter 215.**

7 **SECTION 2. (1) Notwithstanding any other provision in this chapter**
8 **and except as provided in subsection (2) of this section, a county may**
9 **not allow the siting of a new dwelling on any land zoned for exclusive**
10 **farm use, forest use or mixed farm and forest use within an area that**
11 **is:**

12 **(a) Identified as a high wildfire hazard zone and within the**
13 **wildland-urban interface on the statewide wildfire hazard map de-**
14 **scribed in ORS 477.490;**

15 **(b) A ground water restricted area, as defined in ORS 195.300;**

16 **(c) Designated as essential, limited, important or irreplaceable**
17 **wildlife habitat;**

18 **(d) High priority wildlife movement or habitat connectivity areas**
19 **identified within the Wildlife Corridor Action Plan under ORS 496.272;**

1 or

2 (e) High-value farmland as defined in ORS 195.300 or as described
3 in ORS 215.710.

4 (2) This section does not apply to a dwelling unit:

5 (a) Allowed under:

6 (A) ORS 215.213 (1)(d), (f) or (i) or (2)(a) or (b);

7 (B) ORS 215.278;

8 (C) ORS 215.283 (1)(d), (e) or (L) or (2)(L);

9 (D) ORS 215.317 (1)(g);

10 (E) ORS 215.755 (2); or

11 (F) ORS 215.757; or

12 (b) That, as a condition of approval, will be occupied by an indi-
13 vidual who will be engaged in a forest practice, as defined in ORS
14 527.620, on the dwelling tract or who will be involved in the manage-
15 ment, operation, planning, acquisition or supervision of forest pro-
16 ducts on the dwelling tract.

17 SECTION 3. ORS 215.705 is amended to read:

18 215.705. (1) A governing body of a county or its designate may allow the
19 establishment of a single-family dwelling on a lot or parcel located within
20 a farm or forest zone as set forth in this section and ORS 215.710, 215.720,
21 215.740 and 215.750 after notifying the county assessor that the governing
22 body intends to allow the dwelling. A dwelling under this section may be
23 allowed if:

24 (a) The lot or parcel on which the dwelling will be sited was lawfully
25 created and was acquired by the present owner:

26 (A) Prior to January 1, 1985; or

27 (B) By devise or by intestate succession from a person who acquired the
28 lot or parcel prior to January 1, 1985.

29 (b) The tract on which the dwelling will be sited does not include a
30 dwelling.

31 (c) The proposed dwelling is not prohibited by, and will comply with, the

1 requirements of the acknowledged comprehensive plan and land use regu-
2 lations and other provisions of law.

3 (d) The lot or parcel on which the dwelling will be sited, if zoned for farm
4 use, is not on that high-value farmland described in ORS 215.710 [*except as*
5 *provided in subsections (2) and (3) of this section*].

6 (e) The lot or parcel on which the dwelling will be sited, if zoned for
7 forest use, is described in ORS 215.720, 215.740 or 215.750.

8 (f) When the lot or parcel on which the dwelling will be sited lies within
9 an area designated in an acknowledged comprehensive plan as habitat of big
10 game, the siting of the dwelling is consistent with the limitations on density
11 upon which the acknowledged comprehensive plan and land use regulations
12 intended to protect the habitat are based.

13 (g) When the lot or parcel on which the dwelling will be sited is part of
14 a tract, the remaining portions of the tract are consolidated into a single lot
15 or parcel when the dwelling is allowed.

16 [(2)(a) *Notwithstanding the requirements of subsection (1)(d) of this section,*
17 *a single-family dwelling not in conjunction with farm use may be sited on*
18 *high-value farmland if:*]

19 [(A) *It meets the other requirements of ORS 215.705 to 215.750;*]

20 [(B) *The lot or parcel is protected as high-value farmland as described*
21 *under ORS 215.710 (1); and*]

22 [(C) *A hearings officer of a county determines that:*]

23 [(i) *The lot or parcel cannot practicably be managed for farm use, by itself*
24 *or in conjunction with other land, due to extraordinary circumstances inherent*
25 *in the land or its physical setting that do not apply generally to other land in*
26 *the vicinity.*]

27 [(ii) *The dwelling will comply with the provisions of ORS 215.296 (1).*]

28 [(iii) *The dwelling will not materially alter the stability of the overall land*
29 *use pattern in the area.*]

30 [(b) *A local government shall provide notice of all applications for*
31 *dwelling allowed under this subsection to the State Department of Agricul-*

1 *ture. Notice shall be provided in accordance with the governing body's land*
2 *use regulations but shall be mailed at least 20 calendar days prior to the*
3 *public hearing before the hearings officer under paragraph (a) of this sub-*
4 *section.]*

5 *[(3) Notwithstanding the requirements of subsection (1)(d) of this section,*
6 *a single-family dwelling not in conjunction with farm use may be sited on*
7 *high-value farmland if:]*

8 *[(a) It meets the other requirements of ORS 215.705 to 215.750.]*

9 *[(b) The tract on which the dwelling will be sited is:]*

10 *[(A) Identified in ORS 215.710 (3) or (4);]*

11 *[(B) Not protected under ORS 215.710 (1); and]*

12 *[(C) Twenty-one acres or less in size.]*

13 *[(c)(A) The tract is bordered on at least 67 percent of its perimeter by tracts*
14 *that are smaller than 21 acres, and at least two such tracts had dwellings on*
15 *them on January 1, 1993;]*

16 *[(B) The tract is not a flaglot and is bordered on at least 25 percent of its*
17 *perimeter by tracts that are smaller than 21 acres, and at least four dwellings*
18 *existed on January 1, 1993, within one-quarter mile of the center of the subject*
19 *tract. Up to two of the four dwellings may lie within the urban growth*
20 *boundary, but only if the subject tract abuts an urban growth boundary; or]*

21 *[(C) The tract is a flaglot and is bordered on at least 25 percent of its*
22 *perimeter by tracts that are smaller than 21 acres, and at least four dwellings*
23 *existed on January 1, 1993, within one-quarter mile of the center of the subject*
24 *tract and on the same side of the public road that provides access to the subject*
25 *tract. The governing body of a county must interpret the center of the subject*
26 *tract as the geographic center of the flaglot if the applicant makes a written*
27 *request for that interpretation and that interpretation does not cause the center*
28 *to be located outside the flaglot. Up to two of the four dwellings may lie within*
29 *the urban growth boundary, but only if the subject tract abuts an urban*
30 *growth boundary. As used in this subparagraph:]*

31 *[(i) "Flaglot" means a tract containing a narrow strip or panhandle of land*

1 *providing access from the public road to the rest of the tract.]*

2 *[(ii) “Geographic center of the flaglot” means the point of intersection of two*
3 *perpendicular lines of which the first line crosses the midpoint of the longest*
4 *side of a flaglot, at a 90-degree angle to that side, and the second line crosses*
5 *the midpoint of the longest adjacent side of the flaglot.]*

6 [(4)] (2) If land is in a zone that allows both farm and forest uses, is ac-
7 knowledged to be in compliance with goals relating to both agriculture and
8 forestry and may qualify as an exclusive farm use zone under this chapter,
9 the county may apply the standards for siting a dwelling under either sub-
10 section (1)(d) of this section or ORS 215.720, 215.740 and 215.750 as appro-
11 priate for the predominant use of the tract on January 1, 1993.

12 [(5)] (3) A county may, by application of criteria adopted by ordinance,
13 deny approval of a dwelling allowed under this section in any area where the
14 county determines that approval of the dwelling would:

15 (a) Exceed the facilities and service capabilities of the area;

16 (b) Materially alter the stability of the overall land use pattern in the
17 area; or

18 (c) Create conditions or circumstances that the county determines would
19 be contrary to the purposes or intent of its acknowledged comprehensive plan
20 or land use regulations.

21 [(6)] (4) For purposes of subsection (1)(a) of this section, “owner” includes
22 the spouses in a marriage, son, daughter, parent, brother, brother-in-law,
23 sister, sister-in-law, son-in-law, daughter-in-law, parent-in-law, aunt, uncle,
24 niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner
25 or a business entity owned by any one or combination of these family mem-
26 bers.

27 [(7)] (5) When a local government approves an application for a single-
28 family dwelling under the provisions of this section, the application may be
29 transferred by a person who has qualified under this section to any other
30 person after the effective date of the land use decision.

31 **SECTION 4.** ORS 215.417 is amended to read:

1 215.417. (1) If a permit is approved under ORS 215.416 for a proposed res-
2 idential development on agricultural or forest land outside of an urban
3 growth boundary under [*ORS 215.010 to 215.293 or 215.317 to 215.438*] **this**
4 **chapter** or under county legislation or regulation, the permit is valid for
5 four years.

6 (2) An extension of a permit described in subsection (1) of this section is
7 valid for two years. A county may approve no more than five additional
8 one-year extensions of a permit if:

9 (a) The applicant makes a written request for the additional extension
10 prior to the expiration of an extension;

11 (b) The applicable residential development statute has not been amended
12 following the approval of the permit, except the amendments to ORS 215.750
13 by section 1, chapter 433, Oregon Laws 2019; and

14 (c) An applicable rule or land use regulation has not been amended fol-
15 lowing the issuance of the permit, unless allowed by the county, which may
16 require that the applicant comply with the amended rule or land use regu-
17 lation.

18 (3) An extension of a permit under subsection (2) of this section is not a
19 land use decision as defined in ORS 197.015.

20 (4) As used in this section, “residential development” means dwellings
21 provided for under ORS 215.213 [(1)(q),] (3) and (4), [215.283 (1)(p),] 215.284,
22 **215.291**, 215.317, 215.705 (1) [*to (3)*], 215.720, 215.740, 215.750 and 215.755 [(1)
23 *and*] (3).

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