

HB 2225 -2, -3, -4 STAFF MEASURE SUMMARY

House Committee On Agriculture and Land Use

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Meeting Dates: 2/5, 4/9

WHAT THE MEASURE DOES:

Defines "center of the subject tract" for siting certain permissible forest dwellings. Allows proposed dwelling only if, on January 1, 1993, the lot, parcel, or tract would have allowed siting of a dwelling, was listed on property tax rolls, and met any applicable minimum lot size. Prohibits proposed dwellings in high or extreme fire risk forestland-urban interface areas, wildfire hazard zones, and areas designated as groundwater limited. Exempts state agencies and counties from the requirement to compensate owners for restricting residential use of private property.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Defines "center of the subject tract" as the mathematical centroid of the tract for siting certain permissible forest dwellings. Adds the following requirements for a proposed dwelling to be allowed: (1) the lot or parcel on which the dwelling will be sited was lawfully established; (2) any property line adjustment complied with property line adjustment provisions in replatting statutes; (3) any property line adjustment after January 1, 2019 did not have the effect of qualifying the lot or parcel for a dwelling under this section; and (4) if the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract. Notwithstanding notice requirements to property owners and local governments. Removes notwithstanding Measure 49 provision to pay just compensation for certain land use restrictions.

REVENUE: No revenue impact

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

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-4 Defines "center of the subject tract" as the mathematical centroid of the tract for siting certain permissible forest dwellings. Adds the following requirements for a proposed dwelling to be allowed: (1) the lot or parcel on which the dwelling will be sited was lawfully established; (2) any property line adjustment complied with property line adjustment provisions in replatting statutes; (3) any property line adjustment after January 1, 2019 did not

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have the effect of qualifying the lot or parcel for a dwelling under this section; and (4) if the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract. Becomes operative on January 1, 2020 in Clackamas, Jackson, Lane, and Polk Counties. Becomes operative on January 1, 2021 in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington, and Yamhill Counties. Becomes operative on January 1, 2023 in Baker, Benton, Clatsop, Crook, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Multnomah, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, and Wheeler Counties. Prohibits counties from applying administrative rules adopted to implement these provisions until on or after the specified operative date for that county. Removes notwithstanding Measure 49 provision to pay just compensation for certain land use restrictions.

REVENUE: No revenue impact

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

BACKGROUND:

In forest zones, five categories of dwellings are currently allowed: large-tract dwellings, lot-of-record dwellings, forest template dwellings, replacement dwellings, and temporary hardship dwellings.

Forest template dwellings were authorized in 1993 (House Bill 3661) in areas with existing development and parcelization. ORS 215.750 allows for the establishment of a single-family dwelling in forest zones and some mixed farm-forest zones provided that certain conditions are met within a 160-acre square "template" centered on the tract of the proposed dwelling. Required conditions include that: at least three dwellings existed on parcels within the template on January 1, 1993, and between 3 and 11 parcels existed within the template on January 1, 1993, with the exact number of parcels dependent on the wood fiber production capability of the applicant's land and whether the land is located in eastern or western Oregon.

House Bill 2225 would clarify the definition for "center of the subject tract," prohibit forest dwellings that would not have been permitted before January 1, 1993, or are sited in fire hazard or groundwater limited areas, and exempts state agencies and counties from the requirement to compensate owners for restricting residential use of private property.