

**HB 2225 B STAFF MEASURE SUMMARY**

Carrier: Sen. Prozanski

**Senate Committee On Environment and Natural Resources****Action Date:** 05/23/19**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 3-1-1-0**Yeas:** 3 - Dembrow, Prozanski, Roblan**Nays:** 1 - Bentz**Exc:** 1 - Olsen**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Beth Patrino, LPRO Analyst**Meeting Dates:** 5/7, 5/23**WHAT THE MEASURE DOES:**

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: (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 statute; 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 November 1, 2021 in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington, and Yamhill Counties. Becomes operative on November 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 implementing these provisions until on or after the specified operative date for that county. Authorizes a county, prior to November 1, 2023, to allow establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021 if: no more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract and the lot or parcel qualifies for a dwelling, notwithstanding provision prohibiting a proposed dwelling if a dwelling existed on the tract on that date or any other dwelling exists or has been approved on another lot or parcel that is part of the tract. Applies on or after effective date in Clackamas, Jackson, Lane, and Polk counties. Applies on and after November 1, 2021 in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington, and Yamhill counties. Repeals provision on January 2, 2024.

**ISSUES DISCUSSED:**

- Background on template dwelling statute
- Lack of clarity in statute
- Property line adjustments and deed changes related to use of template dwelling statute

**EFFECT OF AMENDMENT:**

Authorizes county, prior to November 1, 2023, to allow establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021 if: no more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract and the lot or parcel qualifies for a dwelling, notwithstanding provision prohibiting a proposed dwelling if a dwelling existed on the tract on that date or any other dwelling exists or has been approved on another lot or parcel that is part of the tract. Applies on or after effective date in Clackamas, Jackson, Lane, and Polk counties. Applies on and after November 1, 2021 in Columbia, Coos, Curry,

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Deschutes, Douglas, Josephine, Linn, Marion, Washington, and Yamhill counties. Repeals provision on January 2, 2024.

### **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 2225B would define "center of the subject tract," add requirements for an allowable forest template dwelling, and implement the changes for three groupings of counties over three biennia.