

**Enrolled**  
**House Bill 2225**

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

CHAPTER .....

AN ACT

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

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

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

**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 mathematical centroid of the tract.**

~~[(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

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

(b) Capable of producing 21 to 50 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;
- (c) Capable of producing more than 50 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.

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

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

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

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

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

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

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

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

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

(h) **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.**

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

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

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

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

(b) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings [shall] **must** be on the same side of the road as the proposed dwelling.

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

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

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

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

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

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

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

(c) On and after 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.

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

(3) Section 2 of this 2019 Act applies:

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

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

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

Passed by House April 23, 2019

Received by Governor:

Repassed by House June 11, 2019

.....M.,....., 2019

Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2019

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate June 6, 2019

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

.....M.,....., 2019

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Bev Clarno, Secretary of State