

**Enrolled**  
**House Bill 2192**

Sponsored by Representatives SMITH DB, WRIGHT; Representatives CATE, HELM, LEVY B, MORGAN, OWENS, SCHARF, STOUT, Senator PROZANSKI (Presession filed.)

CHAPTER .....

AN ACT

Relating to existing dwellings on resource lands; amending ORS 92.176, 215.291 and 215.755; and repealing section 4, chapter 440, Oregon Laws 2019.

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

**SECTION 1.** ORS 215.755 is amended to read:

215.755. Subject to the approval of the governing body or its designee, the following dwellings may be established in any area zoned for forest use under a land use planning goal protecting forestland, provided that the requirements of the acknowledged comprehensive plan, land use regulations and other applicable provisions of law are met:

(1) Alteration, restoration or replacement of a lawfully established dwelling, **as described in ORS 215.291.** *[that:]*

*[(a) Has intact exterior walls and roof structure;]*

*[(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;]*

*[(c) Has interior wiring for interior lights;]*

*[(d) Has a heating system; and]*

*[(e) In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of completion of the replacement dwelling.]*

(2) One manufactured dwelling or recreational vehicle, or the temporary use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. The governing body or its designee shall provide for periodic review of the hardship claimed under this subsection. A temporary dwelling established under this section shall not qualify for replacement under the provisions of subsection (1) of this section.

(3) Caretaker residences for public parks and public fish hatcheries.

**SECTION 2. Section 4, chapter 440, Oregon Laws 2019, is repealed.**

**SECTION 3.** ORS 215.291, as amended by section 5, chapter 440, Oregon Laws 2019, is amended to read:

215.291. (1) A lawfully established dwelling may be altered, restored or replaced under ORS 215.213 (1)(q), *[or]* 215.283 (1)(p) **or 215.755 (1)** if the county determines that the dwelling to be altered, restored or replaced *[has]:*

**(a) Has, or formerly had:**

- [(a)] (A) Intact exterior walls and roof structure;
- [(b)] (B) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- [(c)] (C) Interior wiring for interior lights; and
- [(d)] (D) A heating system[.]; **and**

**(b)(A) Unless the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation since the later of:**

- (i) Five years before the date of the application; or**
- (ii) The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or**

**(B) If the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:**

- (i) Five years before the date of the destruction or demolition; or**
- (ii) The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.**

(2) For replacement of a lawfully established dwelling under this section:

(a) The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055.

(b) The replacement dwelling:

(A) May be sited on any part of the same lot or parcel.

(B) Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.

**(C) Must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:**

**(i) The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or**

**(ii) No statewide map of wildfire risk has been adopted.**

(c) As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of this section and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

(3) The county planning director, or the director's designee, shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under subsection (2) of this section, including a copy of the deed restrictions filed under subsection (2)(c) of this section.

(4) If an applicant is granted a deferred replacement permit under this section:

(a) The deferred replacement permit:

(A) Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and

(B) May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

(b) The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. *[However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.]*

**(5) An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed under subsection (1)(a) of this section.**

**(6) Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.**

**SECTION 4.** ORS 92.176 is amended to read:

92.176. (1) A county or city may approve an application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land if the unit of land:

(a) Is not a lawfully established unit of land; and

(b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.

(2) Notwithstanding subsection (1)(b) of this section, a county or city may approve an application to validate a unit of land under this section if the county or city approved a permit, as defined in ORS 215.402 or 227.160, respectively, for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the county or city must determine that the dwelling *[qualifies for replacement under the criteria set forth in ORS 215.755 (1)(a) to (e).]* **has:**

**(a) Intact exterior walls and roof structure;**

**(b) Indoor plumbing consisting of a kitchen sink, a toilet and bathing facilities connected to a sanitary waste disposal system;**

**(c) Interior wiring for interior lights; and**

**(d) A heating system.**

(3) A county or city may approve an application for a permit, as defined in ORS 215.402 or 227.160, respectively, or a permit under the applicable state or local building code for the continued use of a dwelling or other building on a unit of land that was not lawfully established if:

(a) The dwelling or other building was lawfully established prior to January 1, 2007; and

(b) The permit does not change or intensify the use of the dwelling or other building.

(4) An application to validate a unit of land under this section is an application for a permit, as defined in ORS 215.402 or 227.160. An application to a county under this section is not subject to the minimum lot or parcel sizes established by ORS 215.780.

(5) A unit of land becomes a lawfully established parcel when the county or city validates the unit of land under this section if the owner of the unit of land causes a partition plat to be recorded within 365 days after the date the county or city validates the unit of land.

(6) A county or city may not approve an application to validate a unit of land under this section if the unit of land was unlawfully created on or after January 1, 2007.

(7) Development or improvement of a parcel created under subsection (5) of this section must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427 (3)(a) or 227.178 (3)(a).

**Passed by House April 13, 2023**

**Repassed by House June 22, 2023**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Dan Rayfield, Speaker of House

**Passed by Senate June 21, 2023**

.....  
Rob Wagner, President of Senate

**Received by Governor:**

.....M.,....., 2023

**Approved:**

.....M.,....., 2023

.....  
Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2023

.....  
Secretary of State