

# Senate Bill 79

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

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 provisions; and amending  
3 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 of ORS chapter 215.**

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

10 (a) **Identified as a high wildfire hazard zone and within the wildland-urban interface on**  
11 **the statewide wildfire hazard map described in ORS 477.490;**

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

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

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

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

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

18 (a) **Allowed under:**

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

20 (B) **ORS 215.278;**

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

22 (D) **ORS 215.317 (1)(g);**

23 (E) **ORS 215.755 (2); or**

24 (F) **ORS 215.757; or**

25 (b) **That, as a condition of approval, will be occupied by an individual who will be engaged**  
26 **in a forest practice, as defined in ORS 527.620, on the dwelling tract or who will be involved**  
27 **in the management, operation, planning, acquisition or supervision of forest products on the**  
28 **dwelling tract.**

29 **SECTION 3. ORS 215.705 is amended to read:**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

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

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

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

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

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

11 (c) The proposed dwelling is not prohibited by, and will comply with, the requirements of the  
 12 acknowledged comprehensive plan and land use regulations and other provisions of law.

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

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

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

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

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

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

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

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

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

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

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

36 *[(b) A local government shall provide notice of all applications for dwellings allowed under this*  
 37 *subsection to the State Department of Agriculture. Notice shall be provided in accordance with the*  
 38 *governing body's land use regulations but shall be mailed at least 20 calendar days prior to the public*  
 39 *hearing before the hearings officer under paragraph (a) of this subsection.]*

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

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

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

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

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

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

2       [(c)(A) *The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than*  
3 *21 acres, and at least two such tracts had dwellings on them on January 1, 1993;*]

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

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

16       [(i) *“Flaglot” means a tract containing a narrow strip or panhandle of land providing access from*  
17 *the public road to the rest of the tract.*]

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

21       [(4) (2) If land is in a zone that allows both farm and forest uses, is acknowledged to be in  
22 compliance with goals relating to both agriculture and forestry and may qualify as an exclusive farm  
23 use zone under this chapter, the county may apply the standards for siting a dwelling under either  
24 subsection (1)(d) of this section or ORS 215.720, 215.740 and 215.750 as appropriate for the predom-  
25 inant use of the tract on January 1, 1993.

26       [(5) (3) A county may, by application of criteria adopted by ordinance, deny approval of a  
27 dwelling allowed under this section in any area where the county determines that approval of the  
28 dwelling would:

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

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

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

33       [(6) (4) For purposes of subsection (1)(a) of this section, “owner” includes the spouses in a  
34 marriage, son, daughter, parent, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-  
35 law, parent-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of  
36 the owner or a business entity owned by any one or combination of these family members.

37       [(7) (5) When a local government approves an application for a single-family dwelling under the  
38 provisions of this section, the application may be transferred by a person who has qualified under  
39 this section to any other person after the effective date of the land use decision.

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

41       215.417. (1) If a permit is approved under ORS 215.416 for a proposed residential development  
42 on agricultural or forest land outside of an urban growth boundary under [*ORS 215.010 to 215.293*  
43 *or 215.317 to 215.438*] **this chapter** or under county legislation or regulation, the permit is valid for  
44 four years.

45       (2) An extension of a permit described in subsection (1) of this section is valid for two years.

1 A county may approve no more than five additional one-year extensions of a permit if:

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

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

7 (c) An applicable rule or land use regulation has not been amended following the issuance of the  
8 permit, unless allowed by the county, which may require that the applicant comply with the  
9 amended rule or land use regulation.

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

12 (4) As used in this section, “residential development” means dwellings provided for under ORS  
13 215.213 [(1)(q),] (3) and (4), [215.283 (1)(p),] 215.284, **215.291**, 215.317, 215.705 (1) [to (3)], 215.720,  
14 215.740, 215.750 and 215.755 [(1) and] (3).

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