

ARTICLE 42

Approval of Template Dwellings in the FF and AW Zone

SECTION 3.42.000 Purpose

The purpose of this Article is to set forth the standards of ORS 215.750 to authorize issuance of a building permit for a Template Dwelling (so called because a 160 acre template is used on a map to depict parcel eligibility). Requests for building permits under this Article shall be made to the Director.

SECTION 3.42.100 Building Permits

1. Building permits proposed under this Article, for lands zoned FF or AW, shall conform to the following standards and notice requirement. As used in this section, "center of the subject tract" means the mathematical centroid of the tract.
2. A single-family dwelling on a lot or parcel located within the FF or AW zone may be allowed if the lot or parcel was predominantly in forest use on January 1, 1993 (ref OAR 660-006-0050(2)), and is predominantly composed of soils that are:
 - a. Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:
 - (1) 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
 - (2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels;
 - b. Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - (1) 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
 - (2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels;
 - c. Capable of producing more than 85 cubic feet per acre per year of wood fiber if:

- (1) 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
 - (2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
3. If the subject tract abuts a road that existed on January 1, 1993, the template 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.
4. If the subject tract is 60 acres or greater and abuts a road or perennial stream, the template measurement shall be made in accordance with §3.42.100.3 and aligned with the road or stream. However, one of the three required dwellings shall be on the same side of the road or stream as the subject tract and either:
 - 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 subject tract.

If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

5. Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements for a Template Dwelling.
6. A proposed dwelling under this section is allowed only if:
 - a. The proposed Template Dwelling will comply with the requirements of the Ordinance, the Comprehensive Plan and other provisions of law;
 - b. The tract on which the dwelling will be sited does not include a dwelling ("tract" means one or more contiguous lots or parcels in the same ownership). If the subject tract consists of two or more legal lots of record, then the remaining lot or lots shall not be eligible for a single-family dwelling building permit and deed restrictions pursuant to OAR 660-06-027(6) shall be met;
 - c. The lot or parcel on which the dwelling will be sited was lawfully established;
 - d. Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192;

- e. 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
 - f. 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.
7. If the lot or parcel is greater than 10 acres, the property owner must submit a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.620 to 527.770 have been met.
8. A 12-day notice of a decision authorizing issuance of a building permit for a Template Dwelling shall be mailed to owners of property within 750 feet of the subject property for which the dwelling is authorized. The decision shall become final upon the expiration of the 12 days from the date the decision was mailed, unless an appeal for public hearing review is received within the 12-day period.
9. Prior to November 1, 2023, establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021, is allowed if:
- a. No more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract; and
 - b. The lot or parcel qualifies, notwithstanding Section 6(f) above, for a dwelling under this Article.