

**Riparian Rulemaking Clarification Topic – “Parcel and Equity Relief”  
Background Information**

Advisory Committee Meeting  
March 22, 2016

**Background**

The November 2015 Board of Forestry (Board) decision included an equity exemption clause for any landowner that requests it. Specifically, if the new rules encumber more than 10 percent of the total ownership of any **parcel**, the landowner may implement 50 and 70 foot no-cut buffers for small and medium streams, respectively. ODF still needs to check with DLCD to see if more than four lots would be considered a parcel. To be clear, ODF notifications are filed by PLS/Tax Lot, which is not the same thing as parcel.

**OAR 660-006-0005** (10) “Parcel” means a single unit of land that is created by a partition of land and as further defined in ORS 215.010(1).

**ORS 215.010 Definitions.** As used in this chapter:

- (1) The terms defined in ORS 92.010 shall have the meanings given therein, except that “parcel”:
  - (a) Includes a unit of land created:
    - (A) By partitioning land as defined in ORS 92.010;
    - (B) In compliance with all applicable planning, zoning and partitioning ordinances and regulations; or
    - (C) By deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations.
  - (b) Does not include a unit of land created solely to establish a separate tax account.
- (2) “Tract” means one or more contiguous lots or parcels under the same ownership.
- (3) The terms defined in ORS chapter 197 shall have the meanings given therein.
- (4) “Farm use” has the meaning given that term in ORS 215.203.
- (5) “The Willamette Valley” is Clackamas, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties and the portion of Benton and Lane Counties lying east of the summit of the Coast Range.

**Validation of a Legal Unit of Land (Parcel)**

Before ODF could allow such an exemption, the landowner would have to prove their ownership of a parcel, including its legal establishment. In interviewing five counties in western Oregon, only one county, Clackamas, would not charge to conduct the research for the landowner. The process would be completed in one to three days. Other counties, like Marion, would have to conduct an administrative review that would cost \$640 and take up to 45 days to complete. Another county, Douglas, posed the question as to why we couldn’t predetermine parameters for a parcel, use the LUC process, and if the use is permitted, then the landowner could get the exemption.

**Key Questions for Consideration:**

- How could a landowner prove to ODF their parcel qualifies for the exemption?
- How should ODF track exemptions? How often could a landowner take advantage of one?
- How should the “10% of the total ownership of any parcel” be calculated?