

**HB 2785 A STAFF MEASURE SUMMARY**  
**House Committee On Agriculture and Natural Resources**

**Carrier:** Rep. Fahey

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**Action Date:** 04/13/17  
**Action:** Do pass with amendments. (Printed A-Eng.)  
**Vote:** 9-0-0-0  
**Yeas:** 9 - Barreto, Clem, Esquivel, McKeown, McLain, Power, Smith DB, Sprenger, Witt  
**Fiscal:** Has minimal fiscal impact  
**Revenue:** No revenue impact  
**Prepared By:** Sione Filimoehala

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**WHAT THE MEASURE DOES:**

Creates exemptions from removal-fill permitting requirements for establishment, repair, restoration or replacement of dwelling, agricultural building and activities associated with dwelling or agricultural building located on exclusive farm use, forest use or mixed farm and forest use land if they have received county approval and are located on same lot. Applies only to uses established on or before January 1, 2017.

**ISSUES DISCUSSED:**

- Overview of wetlands identification process
- Junction City agricultural building destroyed by fire

**EFFECT OF AMENDMENT:**

Removes exemption for landowners from removal-fill permitting requirements when replacing lawfully established agricultural building after damage or destruction by fire or other act of God. Creates exemptions from removal-fill permitting requirements for establishment, repair, restoration or replacement of dwelling, agricultural building and activities associated with dwelling or agricultural building located on exclusive farm use, forest use or mixed farm and forest use land if they have received county approval and are located on same lot. Applies only to uses established on or before January 1, 2017.

**BACKGROUND:**

The Oregon Department of State Lands (DSL) is responsible for permits and authorizations of removal-fill activities within the state. All landowners, including private individuals and public agencies, who plan to remove or fill material in wetlands or waterways are required to obtain a permit from DSL and comply with removal-fill laws found in ORS 196.795 to 196.990. The permit system is designed to allow review of proposed uses that may impact the state's water resources. A permit is typically required if an activity will involve filling or removing 50 cubic yards or more of material in a wetland or waterway. For activities in state-designated Essential Salmonid Habitat, State Scenic Waterways and compensatory mitigation sites, a permit is required for any amount of removal or fill.

House Bill 2785A would create an exemption from the removal-fill permitting requirements for establishing, repairing, restoring or replacing a dwelling, agricultural building or activities associated with a dwelling or agricultural building if they have received county approval and are located on same lot as the dwelling or agricultural building. The provisions of the measure would apply where the use was established on or before January 1, 2017 on lands zoned for exclusive farm use, forest use or mixed farm and forest use.