

HOUSE AMENDMENTS TO HOUSE BILL 2192

By COMMITTEE ON AGRICULTURE, LAND USE, NATURAL RESOURCES, AND
WATER

April 7

- 1 On page 1 of the printed bill, line 6, restore “dwellings”.
- 2 In line 7, delete “uses”.
- 3 Delete lines 29 and 30 and delete page 2.
- 4 On page 3, delete lines 1 through 16 and insert:
- 5 **“SECTION 3.** ORS 215.291, as amended by section 5, chapter 440, Oregon Laws 2019, is
6 amended to read:
- 7 “215.291. (1) A lawfully established dwelling may be altered, restored or replaced under ORS
8 215.213 (1)(q), [*or*] 215.283 (1)(p) **or 215.755 (1)** if the county determines that the dwelling to be al-
9 tered, restored or replaced [*has*]:
- 10 **“(a) Has, or formerly had:**
- 11 “[*a*] (A) Intact exterior walls and roof structure;
- 12 “[*b*] (B) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected
13 to a sanitary waste disposal system;
- 14 “[*c*] (C) Interior wiring for interior lights; and
- 15 “[*d*] (D) A heating system[.]; **and**
- 16 **“(b)(A) If the dwelling has all the features in paragraph (a) of this subsection, was as-**
17 **essed as a dwelling for purposes of ad valorem taxation since the later of:**
- 18 **“(i) Five years before the date of the application; or**
- 19 **“(ii) The date that the dwelling was erected upon or fixed to the land and became subject**
20 **to property tax assessment; or**
- 21 **“(B) If the dwelling does not have all the features in paragraph (a) of this subsection,**
22 **was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or**
23 **demolition and after the later of:**
- 24 **“(i) Five years before the date of the loss of a feature under paragraph (a) of this sub-**
25 **section; or**
- 26 **“(ii) The date that the dwelling was erected upon or fixed to the land and became subject**
27 **to property tax assessment.**
- 28 “(2) For replacement of a lawfully established dwelling under this section:
- 29 “(a) The dwelling to be replaced must be removed, demolished or converted to an allowable
30 nonresidential use within three months after the date the replacement dwelling is certified for oc-
31 cupancy pursuant to ORS 455.055.
- 32 “(b) The replacement dwelling:
- 33 “(A) May be sited on any part of the same lot or parcel.
- 34 “(B) Must comply with applicable siting standards. However, the standards may not be applied
35 in a manner that prohibits the siting of the replacement dwelling.

1 “(c) As a condition of approval, if the dwelling to be replaced is located on a portion of the lot
2 or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be re-
3 corded in the deed records of the county in which the property is located a deed restriction pro-
4 hibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed
5 is irrevocable unless the county planning director, or the director’s designee, places a statement of
6 release in the deed records of the county to the effect that the provisions of this section and either
7 ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of
8 another dwelling.

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

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

13 “(a) The deferred replacement permit:

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

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

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

22 **“(5) An application under this section must be filed within three years following the date**
23 **that the dwelling last possessed at least one of the features listed under subsection (1)(a) of**
24 **this section.**

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

28 In line 28, after “dwelling” delete the rest of the line.

29 In line 29, delete “215.291.” and insert “has:

30 “(a) Intact exterior walls and roof structure;

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

33 “(c) Interior wiring for interior lights; and

34 “(d) A heating system.”.