

Requested by Senator SMITH DB

**PROPOSED AMENDMENTS TO
HOUSE BILL 2192**

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
6 Laws 2019, is amended to read:

7 “215.291. (1) A lawfully established dwelling may be altered, restored or
8 replaced under ORS 215.213 (1)(q), [*or*] 215.283 (1)(p) **or 215.755 (1)** if the
9 county determines that the dwelling to be altered, restored or replaced
10 [*has*]:

11 **“(a) Has, or formerly had:**

12 “[*a*] (A) Intact exterior walls and roof structure;

13 “[*b*] (B) Indoor plumbing consisting of a kitchen sink, toilet and bathing
14 facilities connected to a sanitary waste disposal system;

15 “[*c*] (C) Interior wiring for interior lights; and

16 “[*d*] (D) A heating system[.]; **and**

17 **“(b)(A) If the dwelling has all the features in paragraph (a) of this**
18 **subsection, was assessed as a dwelling for purposes of ad valorem**
19 **taxation since the later of:**

20 **“(i) Five years before the date of the application; or**

21 **“(ii) The date that the dwelling was erected upon or fixed to the**

1 **land and became subject to property tax assessment; or**

2 **“(B) If the dwelling does not have all the features in paragraph (a)**
3 **of this subsection, was assessed as a dwelling for purposes of ad**
4 **valorem taxation prior to the destruction or demolition and after the**
5 **later of:**

6 **“(i) Five years before the date of the loss of a feature under para-**
7 **graph (a) of this subsection; or**

8 **“(ii) The date that the dwelling was erected upon or fixed to the**
9 **land and became subject to property tax assessment.**

10 **“(2) For replacement of a lawfully established dwelling under this section:**

11 **“(a) The dwelling to be replaced must be removed, demolished or con-**
12 **verted to an allowable nonresidential use within three months after the date**
13 **the replacement dwelling is certified for occupancy pursuant to ORS 455.055.**

14 **“(b) The replacement dwelling:**

15 **“(A) May be sited on any part of the same lot or parcel.**

16 **“(B) Must comply with applicable siting standards. However, the stan-**
17 **dards may not be applied in a manner that prohibits the siting of the re-**
18 **placement dwelling.**

19 **“(c) As a condition of approval, if the dwelling to be replaced is located**
20 **on a portion of the lot or parcel that is not zoned for exclusive farm use, the**
21 **applicant shall execute and cause to be recorded in the deed records of the**
22 **county in which the property is located a deed restriction prohibiting the**
23 **siting of another dwelling on that portion of the lot or parcel. The re-**
24 **striction imposed is irrevocable unless the county planning director, or the**
25 **director’s designee, places a statement of release in the deed records of the**
26 **county to the effect that the provisions of this section and either ORS**
27 **215.213 or 215.283 regarding replacement dwellings have changed to allow the**
28 **lawful siting of another dwelling.**

29 **“(3) The county planning director, or the director’s designee, shall main-**
30 **tain a record of the lots and parcels that do not qualify for the siting of a**

1 new dwelling under subsection (2) of this section, including a copy of the
2 deed restrictions filed under subsection (2)(c) of this section.

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

5 “(a) The deferred replacement permit:

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

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

11 “(b) The replacement dwelling must comply with applicable building
12 codes, plumbing codes, sanitation codes and other requirements relating to
13 health and safety or to siting at the time of construction. [*However, the*
14 *standards may not be applied in a manner that prohibits the siting of the re-*
15 *placement dwelling.*]

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

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

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

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

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

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

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

28 “(d) A heating system.”.

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