



Oregon Farm Bureau 3415 Commercial Street SE Salem, OR 97302 (503) 399-1701 www.oregonfb.org

TESTIMONY

House Land Use Committee

February 21, 2013

Presented by Katie Fast, Vice President of Public Policy

Oregon Farm Bureau Federation supports the passage of HB 2504, which modifies replacement dwelling permitting.

Oregon law provides that an owner can replace a dwelling, but the current statute is confusing for landowners and for counties when identifying qualifying properties. The statute allows for a general replacement (short time frame) and a deferred replacement (at any time). Except for historic properties, to qualify the dwelling must be lawfully established, and have:

- Intact exterior walls and a roof structure;
- Plumbing consisting of a kitchen sink, toilet and bathing facilities...;
- Interior wiring for interior lights;
- A heating system;

These qualifiers list standard characteristics of a dwelling and appear to be included in statute so that basic structures (barns, sheds, etc.) are not qualified for a dwelling replacement.

Under the general replacement permit, a dwelling must be removed or demolished or converted to a "non-residential" agricultural use within in three months of the completion of the replacement dwelling. The replacement maybe placed anywhere on the same lot or parcel and must comply with siting standards.

Under a deferred replacement permit, the time of replacement is at the choice of the applicant. The dwelling must be removed within three months, but can be replaced at any time. The Replacement must comply with siting standards. The permit is non-transferable. There is no allowance for conversion to a "non-residential" agricultural use. The permit is voided if removal is not done within three months of application qualification.

Issues with the current replacement dwelling program include:

- The qualifying standards do not address issues of properties that have been damaged, had interiors removed or vandalized
- Qualifying for a deferred replacement is the choice of the applicant not an automatic option
- Deferred replacement has no allowance for conversion to a “non-residential” agricultural use
- Permit is voided if removal is not done within three months of application qualification
- Permit is non-transferable to family members

HB 2746 creates a simplified permitting path for replacement of non-historic dwellings. It creates one path that allows the landowner to site the replacement anywhere on the same lot or parcel at a time of their choosing. It modifies the qualifying standards by requiring the applicant provide evidence the qualifying standards are present or were at one time. It extends the time frame to remove the dwelling to one year. The permit can be transferred only to a spouse or child. It also creates a one year window for landowners, who were previously issued replacement dwelling permits that became void, to have their permits reinstated.

These improvements to the statute will be clear and easy for landowners to understand and for counties to implement. They provide reasonable timelines for property owners, while encouraging the demolition of nuisance properties. The bill will give opportunities for farmer to offer new-energy efficient homes as part of compensation for workers and children returning to the farm.

Thank you for your consideration of HB 2746.

Examples of Properties



Rational person would say it was a home, but it might not meet current statutory standards



Once qualified, but farmer didn't ask for a "deferred" replacement permit



Garbage & Public Nuisance

