

REVENUE: Minimal revenue impact, no statement issued

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed
Vote: 7 - 0 - 0
Yeas: Cameron, Davis, Frederick, Holvey, Thatcher, Unger, Clem
Nays: 0
Exc.: 0
Prepared By: Lynn Beaton, Administrator
Meeting Dates: 2/21, 4/18

WHAT THE MEASURE DOES: Modifies requirements to alter, restore, or replace dwelling on lot or parcel zoned for exclusive farm use (EFU). Requires that dwelling to be replaced must be assessed as dwelling for purposes of ad valorem taxation and have been so assessed for previous five property tax years, in addition to having had: intact exterior walls and roof, indoor plumbing, wiring for interior lights, and heating system. Allows dwelling to meet criteria for replacement even if not assessed as residential dwelling for tax purposes if applicant can establish that dwelling was improperly removed from tax roll by person other than current owner. Requires, for dwelling that was formerly habitable, was improperly removed from the tax rolls, or has permit that became void under current law, that replacement dwelling: be located on same lot or parcel using all or part of footprint of replaced dwelling or near road, ditch, river, property line, forest boundary or other natural boundary of the lot or parcel; and if possible, for purpose of minimizing adverse impacts, replacement dwelling should be located within concentration or cluster of structures or within 500 yards of another structure. Allows, for dwelling that is habitable and has been assessed as dwelling for purposes of ad valorem taxation for previous five tax years, that replacement dwelling may be sited on any part of same lot or parcel unless dwelling to be replaced is not located on land zoned for EFU. Requires, if dwelling to be replaced is located on land not zoned for EFU, that deed restriction prohibiting siting of another dwelling on same portion of lot or parcel shall be recorded, and is irrevocable, unless planning director places release in deed records of county. Requires that dwelling to be replaced must be removed, demolished, or converted to allowable nonresidential use within one year after date that replacement dwelling is certified for occupancy or, if dwelling to be replaced is in such disrepair that structure is unsafe for occupancy or is attractive nuisance, dwelling to be replaced must be removed, demolished, or converted not less than 90 days after replacement permit is issued. Amendments restoring original statutes become operative January 2, 2024, the same day act sunsets.

ISSUES DISCUSSED:

- Regulatory impediments to replacing dwellings that become uninhabitable
- Examples of vandalism problems on farms without habitable dwellings

EFFECT OF COMMITTEE AMENDMENT: Requires dwelling to have been habitable and also have been assessed for residential use for previous five property tax years. Requires, for dwelling that was formerly habitable, was improperly removed from the tax rolls, or has permit that became void under current law, that replacement dwelling be located on same lot or parcel using all or part of footprint of replaced dwelling, or near natural boundary of lot or parcel, and if possible, for purpose of minimizing adverse impacts, replacement dwelling should be located within concentration or cluster of structures or within 500 yards of another structure. Sunsets measure January 2, 2024.

BACKGROUND: Oregon law allows landowners to replace existing dwellings on land zoned for exclusive farm use, after meeting a number of requirements. However, the existing requirements have made it difficult for some landowners to replace dwellings that have become uninhabitable.

House Bill 2746 A will allow property owners who were previously unable to obtain a replacement dwelling permit to now obtain such a permit. These amendments to the replacement dwelling statutes will be in effect for 10 years, to allow property owners who were previously denied a replacement dwelling permit one decade to obtain a permit and replace a dwelling. On January 2, 2024, the amendments contained in the bill will sunset, and the original law will again be in effect.

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This summary has not been adopted or officially endorsed by action of the committee.