

HB 2785 -2 STAFF MEASURE SUMMARY

House Committee On Agriculture and Natural Resources

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Meeting Dates: 2/21, 4/13

WHAT THE MEASURE DOES:

Exempts the replacement of a lawfully established agricultural building from removal-fill requirements (ORS 196.800 to 196.900) in case of damage or destruction by fire or other act of God.

ISSUES DISCUSSED:

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

EFFECT OF AMENDMENT:

-2 Removes exemption for landowners from removal-fill permitting requirements when replacing a lawfully established agricultural building after damage or destruction by fire or other act of God. Creates exemptions from the permitting requirements for removal or filling dwelling, agricultural building and activities associated with dwelling or agricultural building if they have received county approval and are located on same lot.

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 2785 would exempt a landowner from removal-fill permitting requirements when replacing a lawfully established agricultural building after damage or destruction by fire or other act of God.