

HB 2785 A -A3, -A4 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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Meeting Dates: 5/11, 5/31

WHAT THE MEASURE DOES:

Creates exemptions from removal-fill permitting requirements for establishment, repair, restoration or replacement of dwelling, agricultural building and activities associated with dwelling or agricultural building located on exclusive farm use, forest use or mixed farm and forest use land if they have received county approval and are located on same lot. Applies only to uses established on or before January 1, 2017.

Minimal fiscal impact, no revenue impact

House Vote: Passed. Ayes, 56; Excused, 4--Alonso Leon, Boone, Gorsek, Smith G.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A3 Removes exemption for "establishment" of use and adds exemption for a dwelling lawfully established on or before December 31, 1973. Defines "replacement" to mean construction of a new structure that is substantially similar in size, sited in a substantially similar location and constructed in place of a previously existing structure.

-A4 Clarifies that exemption applies to removal or fill originally intended or subsequently used for the establishment, repair, restoration, resumption or replacement of listed uses established on or before January 1, 2017. Adds exemption for a dwelling lawfully established on or before December 31, 1973. Defines "replacement" to mean construction of a new structure that is substantially similar in size, sited in a substantially similar location and constructed in place of a previously existing structure.

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 2785A would create an exemption from the removal-fill permitting requirements for establishing, repairing, restoring or replacing a dwelling, agricultural building or activities associated with a dwelling or agricultural building if they have received county approval and are located on same lot as the dwelling or agricultural building. The provisions of the measure would apply to a use established on or before January 1, 2017 on lands zoned for exclusive farm use, forest use or mixed farm and forest use.