



Oregon

Kate Brown, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

State Land Board

**Testimony of
Jim Paul, Director
Department of State Lands
on
House Bill 2785
House Committee on Agriculture and Natural Resources
February 21, 2017**

Kate Brown
Governor

Dennis Richardson
Secretary of State

Tobias Read
State Treasurer

Thank you for the opportunity to provide testimony on House Bill 2785. This bill would create an exemption in the Removal-Fill Law for the replacement of a lawfully established agricultural building (as defined in ORS 455.315) that is damaged or destroyed by fire or other act of God. The Department does not have a position on the bill.

The bill would amend the current law by adding an exemption for the “replacement of a lawfully established agricultural building.” This could be interpreted to mean that where all local, state, and federal laws were complied with when the original building was constructed, a “replacement” building on the original foot print would be exempt from removal-fill law requirements.

Under the existing removal-fill statutes, as administered by the Department of State Lands, this is already the case. If a new agricultural building were to be constructed in compliance with all applicable laws, the rebuilding of that structure on the original building footprint would not be subject to the removal-fill laws at the time of reconstruction, since it would effectively already be in compliance with such laws. The practical effect of the bill would likely result in a continuation of the status quo, specific to the application of existing removal-fill laws.

Thank you again for the opportunity to provide testimony to the committee today.