

HB 2785 B STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Environment and Natural Resources

Action Date: 06/01/17

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Baertschiger Jr, Dembrow, Olsen, Prozanski, Roblan

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Creates exemptions from removal-fill permitting requirements for removal or filling, or both, originally intended or subsequently used for the establishment, repair, restoration, resumption or replacement of dwelling meeting specified criteria; agricultural building as defined in ORS 455.315; or 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.

ISSUES DISCUSSED:

- Different wetland inventories and maps
- Examples of landowners needing to rebuild homes or agricultural buildings
- Definition of "replacement"

EFFECT OF AMENDMENT:

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 2785B would create an exemption from removal-fill permitting requirements for establishing, repairing, restoring, resuming or replacing certain dwellings, agricultural buildings, or activities associated with a dwelling or agricultural building.