

## SENATE AMENDMENTS TO HOUSE BILL 3024

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

May 31

- 1 On page 1 of the printed bill, line 8, after “(1)(p)” insert “if the county determines that:
- 2 “(a) The dwelling to be altered, restored or replaced has, or formerly had:
- 3 “(A) Intact exterior walls and roof structure;
- 4 “(B) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a
- 5 sanitary waste disposal system;
- 6 “(C) Interior wiring for interior lights; and
- 7 “(D) A heating system; and
- 8 “(b)(A) If the dwelling was removed, destroyed or demolished:
- 9 “(i) The dwelling’s tax lot does not have a lien for delinquent ad valorem taxes; and
- 10 “(ii) Any removal, destruction or demolition occurred on or after January 1, 1973;
- 11 “(B) If the dwelling is currently in such a state of disrepair that the dwelling is unsafe for oc-
- 12 cupancy or constitutes an attractive nuisance, the dwelling’s tax lot does not have a lien for delin-
- 13 quent ad valorem taxes; or
- 14 “(C) A dwelling not described in subparagraph (A) or (B) of this paragraph was assessed as a
- 15 dwelling for purposes of ad valorem taxation:
- 16 “(i) For the previous five property tax years; or
- 17 “(ii) From the time when the dwelling was erected upon or affixed to the land and became sub-
- 18 ject to assessment as described in ORS 307.010.”.
- 19 Delete lines 9 through 25.
- 20 On page 2, delete lines 6 through 9 and insert:
- 21 “(B) If the dwelling to be replaced is, in the discretion of the county, in such a state of disrepair
- 22 that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date
- 23 set by the county that is not less than 90 days after the replacement permit is issued.”.
- 24 On page 3, delete lines 18 through 45.
- 25 On page 4, delete lines 1 through 31 and insert:
- 26 “**SECTION 5.** Section 2, chapter 462, Oregon Laws 2013, as amended by section 1 of this 2019
- 27 Act, is amended to read:
- 28 “**Sec. 2.** (1) A lawfully established dwelling may be altered, restored or replaced under ORS
- 29 215.213 (1)(q) or 215.283 (1)(p) if the county determines that[.]
- 30 “[*a*] the dwelling to be altered, restored or replaced has[, *or formerly had*]:
- 31 “[*A*] (a) Intact exterior walls and roof structure;
- 32 “[*B*] (b) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected
- 33 to a sanitary waste disposal system;
- 34 “[*C*] (c) Interior wiring for interior lights; and
- 35 “[*D*] (d) A heating system[; *and*].

1       “(b)(A) *If the dwelling was removed, destroyed or demolished:*]  
2       “(i) *The dwelling’s tax lot does not have a lien for delinquent ad valorem taxes; and*]  
3       “(ii) *Any removal, destruction or demolition occurred on or after January 1, 1973;*]  
4       “(B) *If the dwelling is currently in such a state of disrepair that the dwelling is unsafe for occu-*  
5 *pancy or constitutes an attractive nuisance, the dwelling’s tax lot does not have a lien for delinquent*  
6 *ad valorem taxes; or*]  
7       “(C) *A dwelling not described in subparagraph (A) or (B) of this paragraph was assessed as a*  
8 *dwelling for purposes of ad valorem taxation:*]  
9       “(i) *For the previous five property tax years; or*]  
10       “(ii) *From the time when the dwelling was erected upon or affixed to the land and became subject*  
11 *to assessment as described in ORS 307.010.*]  
12       “(2) For replacement of a lawfully established dwelling under this section:  
13       “(a) The dwelling to be replaced must be removed, demolished or converted to an allowable  
14 nonresidential use[:]  
15       “(A) within [*one year*] **three months** after the date the replacement dwelling is certified for  
16 occupancy pursuant to ORS 455.055[: *or*].  
17       “(B) *If the dwelling to be replaced is, in the discretion of the county, in such a state of disrepair*  
18 *that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set*  
19 *by the county that is not less than 90 days after the replacement permit is issued.*]  
20       “(b) The replacement dwelling:  
21       “(A) May be sited on any part of the same lot or parcel.  
22       “(B) Must comply with applicable siting standards. However, the standards may not be applied  
23 in a manner that prohibits the siting of the replacement dwelling.  
24       “(c) As a condition of approval, if the dwelling to be replaced is located on a portion of the lot  
25 or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be re-  
26 corded in the deed records of the county in which the property is located a deed restriction pro-  
27 hibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed  
28 is irrevocable unless the county planning director, or the director’s designee, places a statement of  
29 release in the deed records of the county to the effect that the provisions of this section and either  
30 ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of  
31 another dwelling.  
32       “(3) *Notwithstanding subsection (2)(b)(A) of this section, a replacement dwelling under this section*  
33 *must be sited on the same lot or parcel:*]  
34       “(a) *Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, prop-*  
35 *erty line, forest boundary or another natural boundary of the lot or parcel; and*]  
36       “(b) *If possible, for the purpose of minimizing the adverse impacts on resource use of land in the*  
37 *area, within a concentration or cluster of structures or within 500 yards of another structure.*]  
38       “(4) (3) The county planning director, or the director’s designee, shall maintain a record of the  
39 lots and parcels that do not qualify for the siting of a new dwelling under subsection (2) of this  
40 section, including a copy of the deed restrictions filed under subsection (2)(c) of this section.  
41       “(5) (4) If an applicant is granted a deferred replacement permit under this section:  
42       “(a) The deferred replacement permit:  
43       “(A) Does not expire but[, *notwithstanding subsection (2)(a)(A) of this section,*] the permit becomes  
44 void unless the dwelling to be replaced is removed or demolished within three months after the de-  
45 ferred replacement permit is issued; and

1           “(B) May not be transferred, by sale or otherwise, except by the applicant to the spouse or a  
2 child of the applicant.

3           “(b) The replacement dwelling must comply with applicable building codes, plumbing codes,  
4 sanitation codes and other requirements relating to health and safety or to siting at the time of  
5 construction. However, the standards may not be applied in a manner that prohibits the siting of the  
6 replacement dwelling.”.

7

---