

Requested by SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

**PROPOSED AMENDMENTS TO
HOUSE BILL 3024**

1 On page 1 of the printed bill, line 8, after “(1)(p)” insert “if the county
2 determines that:

3 “(a) The dwelling to be altered, restored or replaced has, or formerly had:

4 “(A) Intact exterior walls and roof structure;

5 “(B) Indoor plumbing consisting of a kitchen sink, toilet and bathing fa-
6 cilities connected to a sanitary waste disposal system;

7 “(C) Interior wiring for interior lights; and

8 “(D) A heating system; and

9 “(b)(A) If the dwelling was removed, destroyed or demolished:

10 “(i) The dwelling’s tax lot does not have a lien for delinquent ad valorem
11 taxes; and

12 “(ii) Any removal, destruction or demolition occurred on or after January
13 1, 1973;

14 “(B) If the dwelling is currently in such a state of disrepair that the
15 dwelling is unsafe for occupancy or constitutes an attractive nuisance, the
16 dwelling’s tax lot does not have a lien for delinquent ad valorem taxes; or

17 “(C) A dwelling not described in subparagraph (A) or (B) of this para-
18 graph was assessed as a dwelling for purposes of ad valorem taxation:

19 “(i) For the previous five property tax years; or

20 “(ii) From the time when the dwelling was erected upon or affixed to the
21 land and became subject to assessment as described in ORS 307.010.”.

1 Delete lines 9 through 25.

2 On page 2, delete lines 6 through 9 and insert:

3 “(B) If the dwelling to be replaced is, in the discretion of the county, in
4 such a state of disrepair that the structure is unsafe for occupancy or con-
5 stitutes an attractive nuisance, on or before a date set by the county that
6 is not less than 90 days after the replacement permit is issued.”.

7 On page 3, delete lines 18 through 45.

8 On page 4, delete lines 1 through 31 and insert:

9 “**SECTION 5.** Section 2, chapter 462, Oregon Laws 2013, as amended by
10 section 1 of this 2019 Act, is amended to read:

11 “**Sec. 2.** (1) A lawfully established dwelling may be altered, restored or
12 replaced under ORS 215.213 (1)(q) or 215.283 (1)(p) if the county determines
13 that[:]

14 “[*(a)*] the dwelling to be altered, restored or replaced has[, *or formerly*
15 *had*]:

16 “[*(A)*] (a) Intact exterior walls and roof structure;

17 “[*(B)*] (b) Indoor plumbing consisting of a kitchen sink, toilet and bathing
18 facilities connected to a sanitary waste disposal system;

19 “[*(C)*] (c) Interior wiring for interior lights; and

20 “[*(D)*] (d) A heating system[; *and*].

21 “[*(b)(A)* *If the dwelling was removed, destroyed or demolished:*]

22 “[*(i)* *The dwelling’s tax lot does not have a lien for delinquent ad valorem*
23 *taxes; and*]

24 “[*(ii)* *Any removal, destruction or demolition occurred on or after January*
25 *1, 1973;*]

26 “[*(B)* *If the dwelling is currently in such a state of disrepair that the*
27 *dwelling is unsafe for occupancy or constitutes an attractive nuisance, the*
28 *dwelling’s tax lot does not have a lien for delinquent ad valorem taxes; or*]

29 “[*(C)* *A dwelling not described in subparagraph (A) or (B) of this para-*
30 *graph was assessed as a dwelling for purposes of ad valorem taxation:*]

1 “[(i) For the previous five property tax years; or]
2 “[(ii) From the time when the dwelling was erected upon or affixed to the
3 land and became subject to assessment as described in ORS 307.010.]
4 “(2) For replacement of a lawfully established dwelling under this section:
5 “(a) The dwelling to be replaced must be removed, demolished or con-
6 verted to an allowable nonresidential use[:]
7 “[(A)] within [one year] **three months** after the date the replacement
8 dwelling is certified for occupancy pursuant to ORS 455.055[; or].
9 “[(B) If the dwelling to be replaced is, in the discretion of the county, in
10 such a state of disrepair that the structure is unsafe for occupancy or consti-
11 tutes an attractive nuisance, on or before a date set by the county that is not
12 less than 90 days after the replacement permit is issued.]
13 “(b) The replacement dwelling:
14 “(A) May be sited on any part of the same lot or parcel.
15 “(B) Must comply with applicable siting standards. However, the stan-
16 dards may not be applied in a manner that prohibits the siting of the re-
17 placement dwelling.
18 “(c) As a condition of approval, if the dwelling to be replaced is located
19 on a portion of the lot or parcel that is not zoned for exclusive farm use, the
20 applicant shall execute and cause to be recorded in the deed records of the
21 county in which the property is located a deed restriction prohibiting the
22 siting of another dwelling on that portion of the lot or parcel. The re-
23 striction imposed is irrevocable unless the county planning director, or the
24 director’s designee, places a statement of release in the deed records of the
25 county to the effect that the provisions of this section and either ORS
26 215.213 or 215.283 regarding replacement dwellings have changed to allow the
27 lawful siting of another dwelling.
28 “[(3) Notwithstanding subsection (2)(b)(A) of this section, a replacement
29 dwelling under this section must be sited on the same lot or parcel:]
30 “[(a) Using all or part of the footprint of the replaced dwelling or near a

1 road, ditch, river, property line, forest boundary or another natural boundary
2 of the lot or parcel; and]

3 “[b] If possible, for the purpose of minimizing the adverse impacts on re-
4 source use of land in the area, within a concentration or cluster of structures
5 or within 500 yards of another structure.]

6 “[4] (3) The county planning director, or the director’s designee, shall
7 maintain a record of the lots and parcels that do not qualify for the siting
8 of a new dwelling under subsection (2) of this section, including a copy of
9 the deed restrictions filed under subsection (2)(c) of this section.

10 “[5] (4) If an applicant is granted a deferred replacement permit under
11 this section:

12 “(a) The deferred replacement permit:

13 “(A) Does not expire but[, notwithstanding subsection (2)(a)(A) of this
14 section,] the permit becomes void unless the dwelling to be replaced is re-
15 moved or demolished within three months after the deferred replacement
16 permit is issued; and

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

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

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