

Senate Bill 465

Sponsored by Senator GIROD, Representative DRAZAN; Representatives MOORE-GREEN, SMITH DB (at the request of former Senator Denyc Boles) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires counties to allow commencement of restoration or replacement of nonconforming uses damaged or destroyed by certain wildfires until September 30, 2025.
Sunsets January 2, 2026.

A BILL FOR AN ACT

1
2 Relating to resuming nonconforming uses; creating new provisions; and amending ORS 215.215 and
3 215.297.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. For any use described in ORS 215.130 (5) that was damaged or destroyed**
6 **between September 1 and September 30, 2020, by wildfires that were subject to a major dis-**
7 **aster declaration and that were within the wildfire boundaries as defined by the Oregon State**
8 **Fire Marshal, restoration or replacement of the use under ORS 215.130 (5) may commence**
9 **on or before September 30, 2025, notwithstanding the time limitation under ORS 215.130 (6).**

10 **SECTION 2. Section 1 of this 2021 Act is repealed on January 2, 2026.**

11 **SECTION 3. ORS 215.215 is amended to read:**

12 215.215. (1) Notwithstanding ORS 215.130 [(6)] **(5) to (11)**, if a nonfarm use exists in an exclusive
13 farm use zone and is unintentionally destroyed by fire, other casualty or natural disaster, the county
14 may allow by its zoning regulations such use to be reestablished to its previous nature and extent,
15 but the reestablishment shall meet all other building, plumbing, sanitation and other codes, ordi-
16 nances and permit requirements.

17 (2) Consistent with ORS 215.243, the county governing body may zone for the appropriate non-
18 farm use one or more lots or parcels in the interior of an exclusive farm use zone if the lots or
19 parcels were physically developed for the nonfarm use prior to the establishment of the exclusive
20 farm use zone.

21 **SECTION 4. ORS 215.297 is amended to read:**

22 215.297. (1) As part of the conditional use approval process under ORS 215.296, for the purpose
23 of verifying the existence, continuity and nature of the business described in ORS 215.213 (2)(w) or
24 215.283 (2)(y), representatives of the business may apply to the county and submit evidence includ-
25 ing, but not limited to, sworn affidavits or other documentary evidence that the business qualifies.

26 (2) [*Alteration, restoration or replacement of*] A use authorized in ORS 215.213 (2)(w) or 215.283
27 (2)(y) may be altered, restored or replaced pursuant to ORS 215.130 (5)[, (6) and (9)] **to (11)**.

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.