

D R A F T

SUMMARY

Digest: This Act limits the size of replacement homes on forest or farm land. (Flesch Readability Score: 76.5).

Establishes maximum size of replacement dwellings on lands zoned for forest or farm use.

A BILL FOR AN ACT

Relating to replacement dwellings; amending ORS 215.291.

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

SECTION 1. ORS 215.291 is amended to read:

215.291. (1) A lawfully established dwelling may be altered, restored or replaced under ORS 215.213 (1)(q), 215.283 (1)(p) or 215.755 (1) if the county determines that the dwelling to be altered, restored or replaced:

(a) Has, or formerly had:

(A) Intact exterior walls and roof structure;

(B) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(C) Interior wiring for interior lights; and

(D) A heating system; and

(b)(A) Unless the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation since the later of:

(i) Five years before the date of the application; or

(ii) The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or

(B) If the value of the dwelling was eliminated as a result of destruction

1 or demolition, was assessed as a dwelling for purposes of ad valorem taxation
2 prior to the destruction or demolition and since the later of:

- 3 (i) Five years before the date of the destruction or demolition; or
- 4 (ii) The date that the dwelling was erected upon or fixed to the land and
5 became subject to property tax assessment.

6 (2) For replacement of a lawfully established dwelling under this section:

7 (a) The dwelling to be replaced must be removed, demolished or converted
8 to an allowable nonresidential use within three months after the date the
9 replacement dwelling is certified for occupancy pursuant to ORS 455.055.

10 (b) The replacement dwelling:

11 (A) May be sited on any part of the same lot or parcel.

12 (B) Must comply with applicable siting standards. However, the standards
13 may not be applied in a manner that prohibits the siting of the replacement
14 dwelling.

15 **(C) Will not:**

16 **(i) Exceed the floor area of the dwelling being replaced by more
17 than 10 percent; or**

18 **(ii) Have a floor area greater than 2,500 square feet.**

19 ~~[(C)]~~ **(D)** Must comply with the construction provisions of section R327
20 of the Oregon Residential Specialty Code, if:

21 (i) The dwelling is in an area identified as extreme or high wildfire risk
22 on the statewide map of wildfire risk described in ORS 477.490; or

23 (ii) No statewide map of wildfire risk has been adopted.

24 (c) As a condition of approval, if the dwelling to be replaced is located
25 on a portion of the lot or parcel that is not zoned for exclusive farm use, the
26 applicant shall execute and cause to be recorded in the deed records of the
27 county in which the property is located a deed restriction prohibiting the
28 siting of another dwelling on that portion of the lot or parcel. The re-
29 striction imposed is irrevocable unless the county planning director, or the
30 director's designee, places a statement of release in the deed records of the
31 county to the effect that the provisions of this section and either ORS

1 215.213 or 215.283 regarding replacement dwellings have changed to allow the
2 lawful siting of another dwelling.

3 (3) The county planning director, or the director's designee, shall main-
4 tain a record of the lots and parcels that do not qualify for the siting of a
5 new dwelling under subsection (2) of this section, including a copy of the
6 deed restrictions filed under subsection (2)(c) of this section.

7 (4) If an applicant is granted a deferred replacement permit under this
8 section:

9 (a) The deferred replacement permit:

10 (A) Does not expire but the permit becomes void unless the dwelling to
11 be replaced is removed or demolished within three months after the deferred
12 replacement permit is issued; and

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

15 (b) The replacement dwelling must comply with applicable building codes,
16 plumbing codes, sanitation codes and other requirements relating to health
17 and safety or to siting at the time of construction.

18 (5) An application under this section must be filed within three years
19 following the date that the dwelling last possessed all the features listed
20 under subsection (1)(a) of this section.

21 (6) Construction of a replacement dwelling approved under this section
22 must commence no later than four years after the approval of the application
23 under this section becomes final.

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