

# Senate Bill 78

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## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

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

1  
2 Relating to replacement dwellings; amending ORS 215.291.

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

4 **SECTION 1.** ORS 215.291 is amended to read:

5 215.291. (1) A lawfully established dwelling may be altered, restored or replaced under ORS  
6 215.213 (1)(q), 215.283 (1)(p) or 215.755 (1) if the county determines that the dwelling to be altered,  
7 restored or replaced:

8 (a) Has, or formerly had:

9 (A) Intact exterior walls and roof structure;

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

12 (C) Interior wiring for interior lights; and

13 (D) A heating system; and

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

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

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

19 (B) If the value of the dwelling was eliminated as a result of destruction or demolition, was as-  
20 sessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and  
21 since the later of:

22 (i) Five years before the date of the destruction or demolition; or

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

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

26 (a) The dwelling to be replaced must be removed, demolished or converted to an allowable  
27 nonresidential use within three months after the date the replacement dwelling is certified for oc-  
28 cupancy pursuant to ORS 455.055.

29 (b) The replacement dwelling:

**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.

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

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

4 (C) **Will not:**

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

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

7 [(C)] (D) Must comply with the construction provisions of section R327 of the Oregon Residen-  
8 tial Specialty Code, if:

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

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

12 (c) As a condition of approval, if the dwelling to be replaced is located on a portion of the lot  
13 or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be re-  
14 corded in the deed records of the county in which the property is located a deed restriction pro-  
15 hibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed  
16 is irrevocable unless the county planning director, or the director's designee, places a statement of  
17 release in the deed records of the county to the effect that the provisions of this section and either  
18 ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of  
19 another dwelling.

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

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

24 (a) The deferred replacement permit:

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

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

29 (b) The replacement dwelling must comply with applicable building codes, plumbing codes, san-  
30 itation codes and other requirements relating to health and safety or to siting at the time of con-  
31 struction.

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

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

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