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February 10, 2025

House Committee on Housing and Homelessness
Oregon State Capitol
900 Court Street NE
Salem, Oregon 97301

Re: HB 2422 – Oppose

Chair Marsh, Vice-Chair Andersen, Vice-Chair Breese-Iverson, and members of the committee,

Thank you for the opportunity to provide testimony on HB 2422. Central Oregon LandWatch (“LandWatch”) is a land use and conservation advocacy organization that, for more than 35 years, has protected Central Oregon’s farm and forest lands, rivers and springs, fish and wildlife, and vibrant communities. We work to conserve the region’s ecosystems, wildlife habitat, and working rural lands balanced with a responsible, sustainable approach to planning and fostering thriving communities.

LandWatch opposes HB 2422. This bill would allow counties to rezone rural residential lands to accommodate residential density of one dwelling per acre, and without taking exceptions to Goals 3 or 4. It would also allow accessory dwelling units on rural residential lots of at least 1 acre in size. These changes to increase the density of development outside urban growth boundaries (UGBs) are antithetical to Oregon land use planning that seeks to accommodate population growth inside UGBs.

I. Increasing destructive sprawl

Allowing the upzoning of rural residential lands to accommodate one-acre subdivisions would run afoul of the landmark Oregon Supreme Court case *1000 Friends of Oregon v. Land Conservation & Development Commission* (“Curry County”), 301 Or 447, 724 P2d 268 (1986). There, the Court found that a County decision that allows sprawl on lands where exceptions to Goal 3 and Goal 4 have been taken violates Goal 14, and cannot be approved without taking an exception to Goal 14. Goal 14 requires Oregon cities and counties to concentrate population and employment inside urban growth boundaries. This policy reduces sprawl, minimizes the costs of public services and infrastructure provision, preserves farmland, forests, open space, wildlife habitat, minimizes wildfire risk, and mitigates greenhouse gas emissions from transportation.

This past year, the Oregon Court of Appeals emphasized the state’s commitment to preventing sprawl when the Court held that counties may not upzone rural residential areas without finding whether such upzoning would run afoul of Goal 14’s prohibition on allowing urban uses



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on rural lands. *Department of Land Conservation and Development v. Clackamas County* ("Clackamas County"), 335 Or App 205 (2024).

Section 2 of HB 2422 appears to be a blatant attempt to overturn these two important Oregon land use cases. It is estimated that over 1,200 square miles, which is about the same land area as Marion County, are zoned rural residential across the state. HB 2422 would authorize thousands of acres of these lands to be densified with new luxury development. In a time of shrinking wildlife populations, increased wildfire risk, strains on water resources, and runaway greenhouse gas emissions, this is not the time to abandon Oregon's renowned policy of disallowing sprawl on rural lands outside our UGBs.

II. Expanding rural ADUs

At Sections 4 and 5, HB 2422 would also reduce the lot size requirement for siting an accessory dwelling unit on rural residential land from 2 acres to 1 acre. After a multi-year work group process led by then-Senator Dembrow, Oregon decided to allow ADUs on a limited subset of rural residential lands via SB 391 (2021). The conditions imposed on rural ADUs in SB 391 (2021) represented a carefully constructed balance that reflected the concerns of all stakeholders, which included wildfire risk, water resource and on-site wastewater impacts, not allowing rural ADUs to be used as short term rentals, and limiting the opportunity to only properties greater than 2 acres in size to limit their impacts on rural lands. The delicate balance of conditions imposed on rural ADUs via SB 391 (2021) should not be disturbed a mere four years later. Allowing rural ADUs on 1-acre lots or parcels disturbs the compromise reached in SB 391 (2021) and will lead to increased well water use, problems associated with on-site septic wastewater, increased greenhouse gas emissions from transportation, and increased wildfire risk.

HB 2422 will erode Oregon's visionary system of land use planning by allowing sprawl outside UGBs. LandWatch respectfully requests this Committee not pass HB 2422 out of committee.

Thank you for your consideration of this testimony.

Regards,

Rory Isbell
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Central Oregon LandWatch



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