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March 30, 2023

House Committee On Agriculture, Land Use, Natural Resources, and Water
Oregon State Capitol
900 Court Street NE
Salem, Oregon 97301

Re: HB 2192 – Oppose

Chair Helm, Vice-Chair Hartman, Vice-Chair Owens, and members of the committee,

Thank you for the opportunity to provide testimony on HB 2192. Central Oregon LandWatch (“LandWatch”) is a conservation organization that, for more than 35 years, has protected Central Oregon’s forests and high desert, rivers and springs, fish and wildlife, and its 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 continues to oppose HB 2192. At the February 21 hearing dozens of voices testified against this bill because it would open the door to expanded residential dwelling opportunities on forests and farmlands across the state. Our limited supply of these lands is to be preserved to the maximum extent possible for forest and farm use, as called for in the state’s agricultural land use policy at ORS 215.243. Proponents of this bill have failed to propose sufficient limitations and sideboards that would uphold these core principles of the statewide land use system for rural lands, and continue to sandwich into this bill problematic additional changes to Oregon land use law that are unrelated to replacement dwellings.

The proposed -2 amendments would, in Section 2, continue to repeal legislation from 2019 (HB 3024) that provided a one-time, limited opportunity to expand replacement dwellings on agricultural lands. That time-limited opportunity has passed and should not be extended indefinitely at the expense of our state’s limited supply of agricultural lands.

The proposed -2 amendments, in Section 3, also continue to propose inserting the language “or formerly had” into ORS 215.291(1). The effect of this language would be to open up replacement dwelling opportunities for any property that at any time in the past had a dwelling. A property that might have had a dwelling that existed 80 years ago, prior to modern land use laws and health and safety building standards, should not be afforded a replacement entitlement as of right. Instead, such a property should continue to have to apply for the appropriate land use permit for a new dwelling following current discretionary land use, siting, and health and safety standards.



WE DEFEND AND PLAN FOR CENTRAL OREGON'S LIVABLE FUTURE



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The proposed -2 amendments also do not amend the extremely problematic and under the radar proposal in the base bill, at Section 4, to change the reference in the validation of a unit of land statute from ORS 215.755(1)(a) - (e) to ORS 215.291. This change is not related to the ostensible purpose of the bill, which was apparently to expedite replacement of dwellings recently lost to fire. Instead, this change would allow validating a unit of land to occur for **any** property that also, at **any point** in history, contained a dwelling. Validation of units of land is a core component on further the statewide land use system's protection and preservation of agricultural and forest lands, by ensuring that land divisions and new lot or parcel creation complies with current land use standards. This is a separate issue and has no place in this bill.

For all these reasons, LandWatch respectfully requests that HB 2192 does not pass out of this Committee.

Thank you for your consideration of this testimony.

Regards,

Rory Isbell
Rural Lands Program Manager & Staff Attorney
Central Oregon LandWatch



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