

February 21, 2023

Oregon State Legislators:

My name is Dana Westphal. I am a 70 year old resident of F2 property in Springfield. My property represents the totality of my retirement assets. In March of 2022 I prepared to list my property for sale with the intent to sell it for needed funds for my retirement. I enlisted a realtor for this purpose and the events below are what transpired as I began this process.

Soon after securing a realtor, I was contacted by her within a few days with information that my property, as designated F2 in Lane County, was a liability to both her and to me. She was not comfortable representing me for the fear of potential liability because of decision that Lane County had made regarding owners of F2 land. Specifically, the ability to rebuild on F2 property had been revoked in case the structure was destroyed by any activity. This was incredulous to me, so I contacted Lane County Planning and asked them to explain to me the position the county held on this topic. The agent in the planning office told me "Essentially, there is unfortunately no path right now to get replacement rights for a dwelling that burns down on an F2 property". They explained this was due to ambiguous wording in Oregon State Law.

Still in disbelief, I spoke directly to the Director of Planning, Amber Bell, and asked her to clarify this. She explained to me that the county did not have a position regarding the right to rebuild on F2 property, due to recent lawsuits and the lack of clarity in Oregon State Law. She could not say they would not issue a permit, but also would not say that they would. So, basically, I had no security that the home I was preparing to put on the market could be rebuilt in case of a fire. Obviously, this is a disclosable fact at point of sale that a potential buyer may end up with scorched land and the inability to rebuild in case of a fire. Insurance companies pay only a fraction of the insured amount if the homeowner requests a payout in cash instead of rebuilding. The value of my property was now heavily impacted by the predicament that the county put me in.

I tried contacting the Planning Commission, but they had no solution to my problem. They indicated that changes had to occur at the state level to make it clear how they could proceed in this matter.

After subsequent discussions with Director Bell, she advised me my only protection would be to apply now for a rebuild permit while my house was still standing. Since this was the only avenue presented, I paid \$416 to initiate a permit and then had to submit all the documents needed to rebuild my house. This took 3 months for me to get a permit issued.

During this time, I did research to find out what the issues were that created this situation. It turns out that Lane County was sued for issuing new building permits for new homes on impacted F2 property. Again, this was creating NEW dwellings on F2 property that did not previously exist. This property was designated by the Oregon Department of Fish and Wildlife as Major Big Game Habitat. This designation does not allow new structure to be built on impacted land unless it has a minimum of 80 acres. These new parcels were all in the 7-acre range. As a result, Lane County was sued by Landwatch Lane County

and by 1000 Friends of OR. Lane County lost that case for allowing the construction of new dwellings on impacted land.

This lawsuit did not specify anything other than the expansion of NEW dwelling on impacted land as designated by ODFW. The lack of clarity in Oregon State Law required Lane County to be cautious in allowing the rebuilding of existing homes. This situation retroactively imperils all F2 landowners in their county in F2 impacted lands, potentially destroying their property values and livelihoods. Additionally, in 2024 this will also pertain to farmers as well as F2 property owners due to the sunsetting of temporary language in Oregon law.

This situation is now contained to Lane County. No other county in Oregon has such a policy. If this interpretation is allowed to remain ambiguous and is adopted by additional counties, the effect on rural property owners could have a devastating effect on Oregon economy and the destroy the rights of many property owners in Oregon. The rebuilding of existing legally built homes must be a guarantee for all Oregon citizens.

Respectfully submitted,

Mr. Dana Westphal

Springfield, OR