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On Behalf Of: Rory Isbell
Committee: House Committee On Housing and Homelessness
Measure: HB3197

March 29, 2023

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

Re: HB 3197 – Support

Chair Dexter, Vice-Chair Gamba, Vice-Chair Helfrich, and members of the committee,

Thank you for the opportunity to provide testimony on HB 3197. 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 supports HB 3197. This bill would clarify that the ORS 197.307(4) requirement that approval standards for housing development be “clear and objective” only applies inside urban growth boundaries (“UGBs”). That the “clear and objective” standard only applies inside UGBs was the predominant interpretation until a recent LUBA case, Community Participation Organization 4M vs. Washington County (LUBA No. 2020-110), called it into question.

Oregon’s 19 statewide land use planning goals include Goal 10 Housing, which aims to provide housing on “buildable lands” inside UGBs:

“To provide for the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.”

The Goal goes on to specify that “Buildable Lands refers to lands in urban and

urbanizable areas that are suitable, available and necessary for residential use."

The language of Goal 10 itself, which refers to "urban and urbanizable areas," makes clear that the responsibility to provide for the housing needs of the state imposed on local governments by the Oregon land use program concerns land inside UGBs. HB 3197 would make this even more clear. The context within other sections of ORS 197.307 supports the intent of HB 3197, as ORS 197.307(3) describes a need for "housing within an urban growth boundary."

Perhaps most important is the Oregon land use program's treatment of rural lands outside UGBs. Aside from historic rural residential exceptions areas, developed prior to 1973's SB 100 that created the Oregon planning program, rural lands are preserved for agriculture, forestry, and open space by statewide land use Goals 3, 4, and 5. The structure of regulation of allowed uses on these rural lands relies on conditional use criteria for residential development to ensure that the primary use of rural lands in Oregon remains limited to farming, forests, and open space. Requiring "clear and objective" approval criteria for these conditional uses would prevent Oregon counties from the discretion needed to ensure that new housing development proposals on rural lands will not impact surrounding farming and forestry operations or open space and wildlife habitat.

Oregon's current laws preserving resource lands have made possible Oregon's \$5 billion agricultural industry, thriving forest products industry, and abundant wildlife. These laws will be strengthened by adoption of HB 3197.

LandWatch respectfully requests this Committee's support for HB 3197. The structure and spirit of the protection of our rural lands for farming, forestry, and open space relies on the certainty this bill provides.

Thank you for your consideration of this testimony.

Regards,

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

