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February 7, 2025

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

Re: HB 2400 – 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 2400. 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 2400. This bill would allow owners of a rural property across the state to build a second dwelling on lots or parcels with existing dwellings. The negative consequences of such a departure from existing Oregon land use laws are numerous.

I. Loss of agricultural and forest industrial land base

Many of the properties on which this bill would allow additional development are protected for farm use under Goal 3 of the statewide land use planning system, or protected for forest use under Goal 4. These Goals ensure that our state’s limited supply of farm and forest lands are maintained for those uses. ORS 215.243, ORS 527.630. *Importantly, existing law already allows for the siting of additional dwellings for relatives on these lands* when operators require help to continue their farm and forestry operations. ORS 215.283(1)(d), ORS 215.757. Other existing provisions of Oregon law provide several other opportunities for siting dwellings on farm and forest lands. HB 2400 would allow second dwellings on farm and forest lands without a showing of need to support farm or forestry operations. Doubling the number of dwellings on these lands would introduce unnecessary conflicts to farm and forest operators and drive up the costs of farm and forest land, making it more difficult for new operators to begin and for existing operators to expand. This bill is counter to longstanding state law that “substantially limits” nonfarm uses on farmland. ORS 215.243(4).

II. Degradation of wildlife habitat



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Oregon's elk, mule deer, antelope, and numerous other species depend on rural land as habitat. Many of the properties on which this bill would allow additional development are protected under Goal 5, which protects natural resources, scenic and historic areas, open spaces, and wildlife habitat. In Central Oregon, excessive rural development is a primary cause of the rapidly declining population of mule deer, an iconic and beloved big game species of the high desert. Here in Deschutes County, ODFW estimates that mule deer populations in the Upper Deschutes, Paulina, and Metolius units are at only 56%, 25%, and 70%, respectively, of ODFW management objectives as of 2024.¹ Roughly doubling the amount of development allowed on this species' range in Central Oregon, which HB 2400 would permit, spells disaster for this and other species.

III. Risks to groundwater supplies

Roughly doubling the number of dwellings on rural lands across the state will also further destabilize groundwater resources. Deschutes County already has over 16,000 domestic wells.² These wells are unpermitted, unmonitored, and are allowed to pump up to 15,000 gallons per day. ORS 537.545(1). Unsustainable groundwater declines due to excessive pumping recently led the OWRD to reform its permitting rules.³ New groundwater wells, or tapping into existing wells, to serve the relative dwellings sought to be authorized by HB 2400 would be exempt from regulation under ORS 537.545(1) and would further strain Oregon's groundwater resources.

IV. Degradation of groundwater quality

Not only would groundwater quantity suffer, but so would groundwater quality. The doubling of rural dwellings that HB 2400 seeks to authorize would be served by on-site septic wastewater systems. Although the bill, at Section 2(1)(e), would not allow new relative dwellings in areas where OWRD has restricted new exempt wells, there are many areas of the state facing groundwater quality problems where new exempt wells are still allowed. This includes southern Deschutes County, where nitrate pollution from excessive on-site septic

¹ ODFW (2024). Mule Deer population estimates, herd composition, and over-winter fawn survival in Oregon 2010 – 2024. Available at https://www.dfw.state.or.us/resources/hunting/big_game/controlled_hunts/docs/hunt_statistics/2024/Mule%20Deer%20Population%20Estimates,%20Composition,%20and%20Over-Winter%20Fawn%20Survival%202020-2024.pdf. Accessed on February 6, 2025.

² Deschutes County Commissioner Phil Chang. 2024. "Guest column: How to avert a future groundwater crisis." Published in the Bend Bulletin, November 18, 2024. Available at https://www.bendbulletin.com/opinion/guest-column-how-to-avert-a-future-groundwater-crisis/article_678cf696-a5c4-11ef-963f-1f6ee5bc2008.html. Accessed on February 6, 2025.

³ See <https://www.oregon.gov/owrd/programs/gwwl/gw/pages/groundwater-rulemaking.aspx>. Accessed February 6, 2025.





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wastewater has contaminated the shallow aquifer, leading to dangerous nitrate levels in groundwater that poses severe human health risks.⁴

V. Increased wildfire risk

Roughly doubling the number of rural dwellings in the state also unnecessarily puts more Oregonians at risk of wildfire. The bill, at Section 2(1)(f), requires its new dwellings, if located inside the wildland-urban interface (WUI) or a high hazard zone, to comply with defensible space requirements and Oregon's "R327" wildfire-resistant building code. As a result of SB 762 (2021), these requirements are already imposed on any new development in the WUI and high hazard zones.

Even with defensible space and home hardening, *this bill would increase both wildfire hazard and wildfire risk*. Wildfire hazard would be increased by introducing additional potential for new wildfire starts in rural areas, as 70% of Oregon's wildfires are human caused.⁵ Wildfire risk would also be increased by placing more people and development in the path of wildfire, which risks both residents' safety and the safety of firefighters and first responders who are already stretched thin during Oregon's lengthening wildfire season. Oregon's State Insurance Commissioner and the Director of Department of Consumer and Business Services, Andrew Stolfi, was recently quoted as saying that he does not expect wildfire insurance to become unavailable in Oregon, as is happening in California, because Oregon land use laws have minimized the amount of building in the WUI and insurance carriers really only worry about structure losses.⁶ Oregon is a step ahead of other states when it comes to mitigating wildfire risk, and now is no time to take a step back.

VI. Increases in sprawl and greenhouse gas emissions

One of the primary goals of Oregon's visionary land use system, embodied in Goal 14, is to concentrate population inside urban growth boundaries. This policy reduces sprawl, minimizes the costs of public services and infrastructure provision, preserves farmland, forests, open

⁴ Bend Bulletin. 2025. "Editorial: The villain in southern Deschutes County." Published in the Bend Bulletin, February 5, 2025. Available at https://www.bendbulletin.com/opinion/editorial-the-villain-in-southern-deschutes-county/article_e5a46b14-e30d-11ef-8cdb-ab2816c88822.html. Accessed on February 6, 2025.

⁵ Oregon Department of Emergency Management. Available at <https://wildfire.oregon.gov/prevention#:~:text=More%20than%2070%25%20of%20Oregon's,to%20put%20a%20fire%20out>. Accessed on February 6, 2025.

⁶ Oregon Public Broadcasting. 2025. "Think Out Loud: Oregon Residents face home insurance challenges." Broadcast on January 31, 2025. Available at <https://www.opb.org/article/2025/01/31/oregon-residents-face-home-insurance-challenges/>. Accessed on February 6, 2025.





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space, and wildlife habitat, and as described above, minimizes wildfire risk. Although we might not have recognized it in 1973 when SB 100 was adopted, our land use system also helps minimize our climate impact. Accommodating population in compact urban land use patterns reduces vehicle miles traveled and associated greenhouse gas emissions. Maintaining population growth inside UGBs will allow Oregon to continue being a leader in state and local efforts to mitigate greenhouse gas emissions.

VII. Permanent negative consequences

Finally, we note that as drafted *HB 2400, at Section 2(3), allows a non-relative of the owner to occupy the new dwelling for a period of 18 months. Section 2(4) then allows anyone to occupy the new dwelling once the property is sold.* These sections reveal that any façade this bill erects about being limited to relatives of existing owners is transitory at best. Meanwhile, the many negative consequences of this bill on Oregon's farms, forests, wildlife, groundwater resources, wildfire hazard and risk, and climate goals will extend into perpetuity.

LandWatch respectfully requests this Committee not pass HB 2400 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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