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February 26, 2025

Senate Committee on Housing and Development  
Senator Pham, Chair  
Senator Anderson, Vice-Chair

Subject: Senate Bill 438

Dear Chair Pham, Vice Chair Anderson, and Members of the Committee;

Thank you for the opportunity to provide written comment on Senate Bill 438.

### **Bypasses Land Use Program**

As drafted, the language allows a property owner to site an additional dwelling anywhere in rural Oregon without a permit. Specifically, the language states “the owner of a lot or parcel...may site”. Land use statutes are typically written in language that identifies the local government as the authority to permit development and uses.

Even with the additional standards the drafters have added as requirements, there is no direct nexus or authority for a local government to review and approve.

In the event the language is modified, there are additional considerations beyond the farm and forest concerns raised by other testimony that make this bill problematic. There are no considerations for natural hazards, like floodplains, landslides, or coastal subduction zones. Floodplain standards are currently a federal requirement for participation in the National Floodplain Insurance Program. There are also no considerations, related to siting, of other resources the land use planning program protects including sensitive wildlife, cultural resources, water resources, and the over fifteen resources Goal 5 requires local governments to protect.

### **Unfunded Mandate**

Requires local government track the residents of the second dwelling to ensure relationship for the duration of the property owner’s ownership. This is an unfunded mandate, particularly as the bill is written in such a way that no permit would be issued by local government.

### **Existing Ways to Permit a Home**

As mentioned in other testimony, farm zoned properties already have the ability to locate a second dwelling for assistance with farm work. There is also an allowance for temporary medical hardships for elderly or infirmed family. The statutory intent of medical hardships is to be temporary, which is why state law requires a reapplication or extension every two years.

Forest zones also have the new allowance for an accessory forest dwelling for family assistance with forestry operations.

Rural residential zones now have the ability to locate accessory dwelling units (ADU), provided they meet state criteria. There is also a provision to allow older homes in rural residential zones to be converted to an ADU, and allow the siting of a new dwelling.

Many County Departments are working to put these new regulations in place, as well as additional new regulations related to housing like clear and objective standards. Allowing local governments time to test these new, existing pathways for new homes will better enable the legislature to determine the efficacy of land use solutions.

I urge the Committee to vote against Senate Bill 438.

Sincerely,



Kelly Howsley Glover, PhD  
Wasco County Community Development Director