



Advocating for a livable and sustainable  
Rogue Valley through responsible land use

February 2, 2021

Dear Members of the House Committee on Housing:

This testimony is submitted on behalf of Rogue Advocates, a land use planning advocacy organization based in Jackson and Josephine Counties.

From 2007 to 2019 I served as Senior Planner for Jackson County Development Services Department. In this role I had responsibility over comprehensive planning functions in the Department, including zone changes and post acknowledgement plan amendments. I have an intimate familiarity with the provisions of OAR 660-004-0040 (i.e., the “Rural Residential Rule”), which implements the statute (ORS 215.501) that would be affected by HB 2655.

I understand that the intention of this bill is to provide increased density and/or development opportunities on rural residential lands in Oregon. However, I would like the members of this committee to be aware that the majority of the provisions within the Rural Residential Rule have been in place for over 20 years and were based on case law that dates back to the establishment of the statewide planning goals in the 1970’s.

The line between what constitutes “rural” and “urban” residential development in Oregon is well-established. It is reflected in the planning documents used in every county in Oregon. It is reflected in over 40 years of case law. And it is reflected in the geography of our state. That line is 2 acres.

Although it may have been an arbitrary number at some point in history, there were many good reasons why this number was chosen. Some of these reasons, like septic suitability, have direct impacts on public health and safety. Given the length of time that this number has been used as the dividing line, it has become a standard. You cannot change a standard like this without causing severe disruption.

In Jackson County the minimum rural residential lot size is 2.5 acres. Residential lot sizes of a higher density (e.g., 1 acre minimum lot size) are considered “urban lands.” There are completely different provisions of state and local law that apply to these different densities. Entire communities are defined by these differences. Sewer line and sidewalk extensions - along with numerous other urban-level infrastructure and services - are planned and determined based on the line between “urban” and “rural.”

It would be difficult to express the range of impacts that would result by simply moving this line from 2 to 1. I urge you to consider these facts in your deliberations and to keep the line where it is today.

Thank you for your consideration of these comments.

Respectfully submitted,

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Rogue Advocates Land Use Program Manager

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