



*Protecting Our Natural Heritage
From the Coast to the Cascades*

P.O. Box 5347 • Eugene, OR 97405 • (541) 741-3625 • www.landwatch.net

February 5, 2019

TO: Members of the House Committee on Agriculture and Land Use

SUBJECT: HB 2225

My name is Lauri Segel, and I am commenting on behalf of LandWatch Lane County (LWLC). LWLC is a small nonprofit that was established in 1997 to try to protect Lane County's resource lands from harmful effects of unlawful parcelization and development. Resource zoned lands receive property tax deferrals and the Goals, Statutes and Rules anticipate that resource zoned land will contribute to the State's commercial farm and forest related economies and protect natural and cultural resources.

LWLC supports HB 2225, and appreciates Representative Helm's interest in addressing these issues and this opportunity to provide testimony about how the forest template dwelling laws are working in Lane County. We appreciate your willingness to consider amendments to a law that hasn't been reviewed since its adoption in 1993.

LWLC has been participating in the review and appeal of forest template dwelling applications and decisions in Lane County since about 2013. In that period, Lane County has denied only one template application. Our comments today address three specific issues: size of the subject parcels, and the effect of template dwelling development on rural density and fire safety.

One of the most perplexing issues, in our experience, is the high number of extremely small-sized parcels in very close proximity to one another that receive forest template dwelling approvals in Lane County. The most significant reason for this situation is that the Lane Code does include a minimum parcel size for siting dwellings, although that seems to be anticipated by language in ORS 92.192(4). In addition, Lane County does not enforce the resource zone density policies in its comprehensive plan.

The most recent DLCD Farm and Forest Report (2016-2017) shows that between 1994 and 2017 Lane County approved 941 forest template dwellings. This represents an average of 41/year, and 17% of the forest template approvals statewide. The only other County even somewhat close to 941 during that period (Clackamas, with 647) averaged 28/year. The graph on page 36 and table on page 37 show dwelling approvals state-wide during that period.

The 2016-2017 reporting period (Table 9/page 34) shows Lane County approved 38 forest template dwellings in that period. Of those, 76% (29 total) were approved on parcels under 20 acres in size; 10 were approved on parcels 5 acres or smaller, and only 7 were approved on parcels between 21 and 40 acres in size.

The Department of Forestry's 2003 "Land Use Planning Handbook" includes information about a study that addresses the relationship of population density on the probability of Commercial Forest Management practices. The study (Wear, 1999) found the following:

“...the probability of forest management approaches zero at about 150 people per square mile (psm). At 70 psm there is a 25% chance of commercial forestry. At about 45 psm the odds are 50:50 that commercial forestry will be practiced and at 20 psm there is a 75% chance. The implication is that a transition between rural and urban use of forests occurs between 20 and 70 psm.”

The subdivision like configurations and the rural residential size of these forest zoned parcels are contributing to a density per square mile that is reaching, or has already reached in some areas, a level known to result in a decline in, if not loss of, commercial forest management/production capability. The reduction in commercial forest management activity and increase in population density contribute to an increase in fire safety concerns.

Included with our testimony is an example of a 'forest template subdivision' that is not the result of a land division. The maps in the attached example show how parcelization and serial property line adjustments result in tracts being converted into subdivision-like configurations. The attached "Miller" example resulted in thirteen (**13!!**) forest template dwelling applications and 13 forest template dwelling approvals.

(SEE ATTACHED EXHIBIT - "MILLER" - ONE EXAMPLE OF RESOURCE ZONE DENSIFICATION WITH SMALL PARCEL SIZES)

Forest template dwellings are expected to have primary and secondary fuel breaks that are consistent with the 1991 Department of Forestry's "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads." However, counties often rely on statements that assert slopes are less than 10% in lieu of substantial evidence. When slopes within 30 feet of a proposed development exceed 10%, additional down slope feet are required because, as noted by the Department of Forestry even as far back as 1991, "the steeper the slope, the greater the flame length, the hotter the flame front, and the faster the rate of fire spread." The DoF recommendations also note "On steeper slopes, failure to provide for a larger safety zones downslope from the residence will make it more difficult for fire personnel to protect the structure."

For the reasons described herein, LWLC supports establishing a minimum parcel size for dwellings, implementing better fire safety regulations, and reforming the 'placement' of the 160 acre template that was meant to protect the over densification of the forest environment.

Thank you.

Lauri Segel
LWLC

EXHIBIT: "MILLER" EXAMPLE