



Oregon

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Date February 4, 2019

TO: The Honorable Brian Clem, Chair
House Committee on Agriculture & Land Use

FROM: Palmer Mason, Senior Policy Advisor
Department of Land Conservation and Development

RE: HB 2225



The Oregon Department of Land Conservation & Development has shared comments and suggestions about HB 2225 with Rep. Helm, who is the House sponsor. We would like to offer this information to the committee for their consideration.

TECHNICAL CHANGES

- Page 1, Lines 5 -9: A definition of “side” is needed.
- Page 2, Line 20: Definitions of “reconfiguration” and “change of ownership” are recommended.
- Page 2, Line 22: There is a reference to “would have allowed a siting of a dwelling” as a standard for evaluation. It is unclear whether all approval options for a dwelling must be considered, or just template dwelling approval.
- Page 2, Line 24: It is not clear whether parcels in a tract can be counted together to meet the minimum lot size.
- Page 2, Line 26: It recommended to make the reference to fire risk classification more clear. These maps get updated occasionally. This language could be made more clear as follows: “(A) A forestland-urban interface area identified and classified as high or extreme fire risk based on the latest information provided by the State Board of Forestry under ORS 477.027 to 477.057;”.
- Page 2, Line 28: It is recommended to reference OAR Chap. 629 as opposed to ORS 93.270.
- Page 2, Line 29: Groundwater limited areas are designated by the Oregon Dept. of Water Resources, not counties.

POLICY CHANGES

- Page 1, Lines 5 – 9: Using a center of tract method will likely work for most parcels but not necessarily in all cases (e.g., where the center will be located outside of the tract such as a flag-shaped lot). In those cases, we recommend an alternate method be provided. Requiring surveyor certification for every application may be excessive. Perhaps a surveyor certification could be required only where the primary method fails to produce a center within the tract, the tract has nonlinear sides (curves, etc.), or tract has an excessive number of sides.
- Page 2, Line 19: Currently one template dwelling is allowed per tract. A loophole in the current statute allows property owners to place multiple parcels in separate ownership and obtain template dwellings on each parcel in the pre-existing tract. The bill as introduced only addresses this problem as it relates to tracts that existed on Jan. 1, 1993.
- Page 2, line 24: The requirement to meet the minimum lot size in 1993 could have significant impacts on property owners. DLCD doesn't know how many lots met the minimum size in 1993 but 95% of the approved template dwellings in 2016-17 were on parcels smaller than 80 acres. DLCD doesn't have a policy concern per se about this requirement but we wanted to note the potential scope of the impacts.

OTHER ISSUES

- HB 2225 may raise Measure 56 issues. If so, then the bill would require DLCD to expend funds to notify affected property owners. Potentially, the costs to notice affected owners could be quite large.
- Aside from the potential Measure 56 fiscal impact, DLCD would be required to update our rules to reflect HB 2225. At this time, we don't have an estimate as it depends on the ultimate wording of the legislation.

Thank you for this opportunity to provide you with information about HB 2363. If committee members have questions about this testimony, I may be reached at 503-934-0020 or via email at palmer.mason@state.or.us