

02/06/2019

Testimony in Support of HB 2315: Relating to the division of land for noncommercial open space purposes

Oregon House Committee on Agriculture and Land Use

Submitted by: Derek Johnson, Director of Stewardship & Protection, The Nature Conservancy

Thank you for the opportunity to provide testimony in support of HB 2315, which proposes a technical improvement to Oregon's Exclusive Farm Use (EFU) zoning statute, ORS 215.263(10), to facilitate the protection of conservation lands and open spaces by allowing EFU land to be divided and donated to providers of such services. Current statute only allows such properties to be sold, not donated.

In Oregon, The Nature Conservancy continues to build a future in which conservation and human progress are one and the same. A future where healthy forests are contributing to healthy communities; where ecologists are embracing economics; where ranchers are managing habitat as well as herds; and where fishermen are coming together and helping to restore our oceans. Since our founding in Oregon in 1961, we have led one of the largest conservation efforts in the state. Our success has been rooted in our commitment to finding durable, non-partisan, pragmatic, science-based solutions to address Oregon's conservation challenges. We are proud of our conservation track record in Oregon, which includes helping to protect over 511,000 acres of land, 425 miles of rivers and streams, and marine protected areas and reserves covering 9.7% of territorial sea statewide. We have been able to do so with the help of a dynamic board of trustees representing many businesses and communities, and over 70,000 supporters statewide with members in every county in Oregon.

We are grateful to Representative Daniel Bonham for introducing HB 2315 and the committee for scheduling this hearing. HB 2315 has many merits. Chief among them are:

- It modifies subsection 10 of ORS 215.203 regarding division of land by eliminating the purchase requirement when land is acquired by provider of public parks or open space, or by not-for-profit land conservation organization;
- By allowing for donations of land parcels, it makes a technical improvement to ORS 215.203, aligning the original intent of enacting zoning ordinances that establish exclusive farm use zones. These ordinances were never intended to prohibit donations of land for conservation purposes;

- It alleviates the burden on organizations needing to go through expensive and unnecessary acquisition processes when the landowner's desire is to donate the property;
- It presents no negative impact on state or local taxes, allowing residential units or structures on EFU lands to be inhabited, and for those homes or structures to stay on the tax rolls.

HB 2315 is straightforward. It does not change the underlying law governing division of valuable EFU lands for non-commercial open space and conservation purposes. It merely improves current statute by correcting a drafting oversight that currently prevents donations of properties by conservation-minded landowners. If HB 2315 passes, the same standards of land management and conservation practices currently mandated by ORS 215.203 would continue. This technical improvement would simply help not-for-profit land trusts, land management organizations and public entities with a conservation mission better realize their shared stewardship goals throughout Oregon.

Given our long history of work on land acquisitions and transactions in Oregon and around the United States, The Nature Conservancy is always striving to improve enabling conditions for conservation outcomes. This is our primary motivation in urging the Oregon legislature to consider and pass HB 2315. We stand ready to work with the committee as you consider shaping our state's conservation future through sound policy solutions.

Thank you for the opportunity to provide our perspective on HB 2315.

For more information contact: Derek Johnson, djohnson@tnc.org, 503-802-8100