



February 3, 2021

TO: The Honorable Representative Julie Fahey, Chair
Members of House Committee on Housing

FROM: Emma Land, Legislative Coordinator
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RE: House Bill 2655



HB 2655 departs from the state's long-established policy of limiting development to within the urban growth boundary and, by doing so, it raises important policy issues. While the department is not taking a position on the legislation, we wanted to highlight these policy concerns for the committee's consideration.

Our initial question is how to interpret this bill. In Section 2, the department reads the bill as a mandate to local governments to require that all lots zoned for rural residential use are limited to no more than one acre. On the other hand, Section 2 could be interpreted to compel local governments to allow a property owner to build a new single-family dwelling on a one acre lot zoned rural residential when the property owner converts a "historic home" into an accessory dwelling unit (ADU). We are seeking clarification from the bill sponsors.

As drafted, HB 2655 would conflict with current statutes intended to protect the state's agricultural lands by increasing densities in rural areas. If HB 2655 applies to all lots zoned for rural residential use, the effect of the bill is much more significant. If HB 2655 is limited to lots with a "historic home," the effect is less but still substantial.

Our concern is that higher densities near our rural working lands will create more conflicts between farmers and ranchers and the people living nearby. Potential impacts to our agricultural economy will likely include complaints from neighbors over noise, odors, and spraying. Other potential impacts will likely involve conflicts over increased traffic resulting from more accidents between drivers and farm equipment as farmers move their equipment between parcels.

Also, DLCD is concerned that HB 2655 would put more people and property at risk from wildfires.¹ Roads in most rural residential areas are not built for safely evacuating more people or providing increased emergency services. For these reasons, it will be harder

¹ Most wildfires in Oregon start from human activity. According to NW Interagency Coordination Center 2019 Annual Report, 60% of fires in Oregon and Washington were human caused. Also, according to Oregon Department of Forestry (ODF) 2017 Wildfire Report, 73% of all wildfires on lands protected by ODF were human caused.

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to protect people, homes, and businesses, and it will likely cost state and local governments additional resources to protect against wildfires.

DLCD does not have any concerns about Section 3 of this bill if the current statutory definition of "historic home" is retained.