



ALEX CUYLER

Intergovernmental Relations Manager
Alex.Cuyler@lanecountyor.gov

DATE: February 20, 2023
TO: House Committee On Agriculture, Land Use, Natural Resources, and Water
FROM: Alex Cuyler, Lane County Intergovernmental Relations Manager
RE: HB 2192, relating to existing dwellings on lands zoned for exclusive farm use

Dear Chair Helm, Vice Chairs Hartman and Owens and Members of the Committee:

Lane County assisted in the introduction of HB 2192 in order to ensure that those residents with homes in forest zones can replace them after a disaster. We ask that you schedule this bill for a work session, and pass it to the floor with a “DO PASS” recommendation.

In September, 2020, Oregon’s Labor Day wildfires consumed some 1.2M acres of land, and destroyed over 3,000 buildings. These events were a wake-up call, and many existing and potential forest land owners reviewed their options in the aftermath of these fires. One such individual, a Lane County resident, was about to make an offer on a forest land dwelling and contacted the Lane County Land Management Division with a question about whether their potential home could be replaced after a wildfire. The answer, based on the plain reading of ORS 215.755 (1) is not if it were completely consumed by a fire. The statute clearly indicates a lawfully established dwelling, to be replaced, “has” walls and a roof, plumbing, wiring, and heating.

Upon getting that news from our Land Management Division, the owner immediately contacted his then seated Senator, Lee Beyer. Senator Beyer then immediately contacted Lane County for the justification used to tell a person that the home they had intended to sell as part of their retirement plan was essentially non-replaceable if destroyed by fire. We pointed him to ORS 215.755 and further pointed to the slightly different language established in statute for the replacement of a dwelling on land zoned for farm use. That language, at ORS 215.291, is exactly the same as for forest land, except it is modified by “has, or formerly had” walls, a roof, plumbing, wiring, and heat. The problem with that language was that it is scheduled to sunset on January 1, 2024.

HB 2192 rectifies this issue by ensuring the identical language is used for the replacement of dwelling on forest or farm lands. Wildfires are now firmly part of Oregon’s existence, and can and do spread from forest to farm land or vice versa.

This bill is good public policy and will ensure that dwellings may be transferred from one party to another without an artificial diminution of value, while giving confidence to homeowners of property impacted by natural disasters that they may rebuild in the event their homes are fully or partially destroyed.