



Oregon

Tina Kotek., Governor

Department of Fish and Wildlife

Office of the Director

4034 Fairview Industrial Drive SE

Salem, OR 97302

(503) 947-6044

FAX (503) 947-6042

odfw.com

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To: The Honorable Julie Fahey, Chair
House Committee on Rules



House Bill 3197

Debbie Colbert, Deputy Director for Fish and Wildlife Programs
Oregon Department of Fish and Wildlife

The Oregon Department of Fish and Wildlife (ODFW) appreciates this opportunity to provide information relevant to the House Bill 3197 and the proposed - 3 amendment. ODFW has no position on the bill or amendment.

The purpose of this testimony is to provide the Committee with information about the overlap of important fish and wildlife habitats protected under Statewide Planning Goal 5 and the rural lands contemplated in HB 3197-3.

HB 3197 ensures “clear and objective” standards apply to residential development within urban growth boundaries (UGB). The -3 amendment ensures that the clear and objective standards would not apply to resource lands (Goal 3, Goal 4 lands). However, the -3 amendment would extend the clear and objective standards to lands outside the UGB that are zoned for rural residential development, unincorporated communities, and non-resource lands, beginning July 1, 2025.

The application of clear and objective standards for rural residential, unincorporated, and non-resource lands may create challenges, limit flexibility, and undermine the protection of many local land use ordinances that protect fish, wildlife, and their habitats.

ODFW is charged with the protection and enhancement of fish and wildlife species but has limited authority over the habitat on which wildlife depend. Therefore, ODFW relies on local government’s comprehensive plans and implementing ordinances to consider natural resources and protect large parcel sizes on rural lands necessary for habitat connectivity and resource land viability. The open space inherently provided by the land use protections under those designations is not only important for maintaining rural characteristics of the land, but also preserving critical wildlife habitat function and values that the land is providing.

Rural development is typically permitted through conditional use approvals, which allows a local government to have discretion based on site specificity. This may include evaluating the potential impacts of residential development on natural resources, such as fish and wildlife habitat protected

under Statewide Planning Goal 5 in local comprehensive plans and implementing ordinances.

Many of the Goal 5 protections afforded in local comprehensive plans provide some discretion, allowing ODFW to provide site specific recommendations that provide a balance of resource protection and the conditional uses allowed on resource lands. While approval criteria may include clear and objective standards in some instances such as locating a dwelling within a specific distance from an existing road or clustering developments, approval criteria may also include discretionary standards that maintain flexibility in siting developments through a different standard if a local government can determine that an alternative provides for “equal or greater protection” of the Goal 5 resource. The -3 amendments would limit site specific flexibility for counties after July 1, 2025, which may inadvertently lead to less flexibility for landowners and undermine long standing considerations of species needs in these valuable landscapes.

The Department appreciates the opportunity to provide background on this bill. We hope there will be future opportunities to engage in a discussion of strategic siting to meet Oregon’s urgent housing needs while protecting the species and resiliency of natural areas in the face of climate change and recurring drought and severe wildfires.

CONTACTS:

Debbie Colbert, Deputy Director, (503) 947-6072