Oregon Small Woodlands Association (OSWA) Testimony on HB 2225

Chair Clem and Members of the Committee,

Forest land owners have since 1993 been allowed the provisions of ORS 215.750 as an alternative method to qualify for a home site on their property. The statute, when passed, created a finite number of opportunities for new dwellings by only including under the definition of improved lots, lots that had improvements prior to January 1, 1993. This bill would create further restrictions on that finite number of parcels by imposing new restrictions on where land owners would be allowed to use the "template" test. OSWA is opposed to HB 2225 as drafted for the following reasons.

1. The new requirement in Section 1(1) of the bill would require landowners who are interested in using the template test to hire a licensed surveyor to plot the center of the parcel. Determining the center of the parcel is an exercise in mapping, not land surveying. Many, if not all, county planning offices have the capability to assist landowners in this exercise. Requiring a landowner to hire a licensed surveyor to perform this exercise would just add cost to the process with no value back to the county or the landowner.
2. The new restrictions in Section 1(5)(f)(A,B) would completely prohibit landowners in certain areas of the state from using the provisions in ORS 215.750. Current law already allows counties to require a landowner to meet the fire safety requirements of ORS 215.730(1)(b) which include; fire retardant roofs, no dwelling on slopes of greater than 40%, be located in a fire protection district or contract with a fire protection district if not inside a district, have spark arrestors installed on all chimneys and provide for primary and secondary fire breaks on their own land surrounding the dwelling. ORS.215.730(2) adds additional requirements that local government may require if the dwelling is not in a fire district which may include fire sprinklers in the home or a water supply that would be available for fire fighters to use to protect the dwelling.
3. The new restriction in Section 1(5)(f)(C) would also prohibit new homes in areas designated as groundwater limited. Again, as above, current law, allows local government to require, in ORS 215.730 (1)(b)(c) "Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry." Groundwater limited areas should not a used as a blanket prohibition for establishing new dwellings. Domestic (exempt) wells use very low volumes of water or other sources of water may be available to a landowner. This factor alone should not be used as criteria to prohibit a home. Having local governments determine where homes are appropriate, as the current law does, is a better approach to this issue.
4. The new Section 3 of HB 2225 would remove the ability for a landowner to receive compensation for the lost value to their property. As stated above, ORS 215.750 created a finite number of lots which would be eligible for a dwelling when passed in 1993. Citizens have purchased parcels over the past 25 years based on the knowledge of the parcel being buildable at a time when they are ready to act. Taking that away, without compensation, is an affront to those landowners.

Thank you for allowing me to testify,

Roger Beyer