

House Committee on Agriculture, Land Use, Natural Resources and Water
Oregon State Capitol
900 Court Street NE
Salem, Oregon 97301

Re: Testimony in Opposition to HB 2921

Chair Helm, Vice Chairs Hartman and Owens, and members of the committee,

Founded in 1977, Thrive Hood River is Oregon's oldest regional land use watchdog group. We work with the tools of Oregon's land use system to promote good planning policies in the Hood River Valley.

Thrive advocates for bold changes in our statutes and our local code where there is a public interest. Thrive also defends the many virtues of our land use program from loopholes, non-enforcement, and bad legislation that weaken our statewide planning program.

HB 2921 is a badly-written bill, and the language does not fit the purported intent as described by Mr. Hunnicutt or Mr. Cuyler in their submitted testimony as of February 22nd, 2023.

Supporters of this bill allege that this is a technical fix to ensure that the people who cannot rebuild homes lost to wildfires on forest lands can have a place to live.

Respectfully, we are not here to oppose the rebuilding of homes lost to wildfires and it is a base mischaracterization to attribute said intent to the vast majority of the testifiers (26 in opposition, out of 30 testifiers) who have offered public analysis.

If the intent is as narrow as the bill's supporters allege, what is with the sprawling language? What do the latest wildfires from 2020, 2021, and 2022 have to do with home demolished back in 1973? This language would include an unknown number of home sites established prior to 1973, in the 1940s, 1950s, and 1960s—a number that seems without clear limit—home sites dating back to the days before we even had a statewide planning system, when development happened mostly ad-hoc, and abandoned or demolished on or after 1973.

The 50-year look-back period on this bill is so vast that, as those of us who work with county files know, counties will struggle to find the records of alleged home sites. This is a recipe for a new gray area of land use laws that will consume county resources and poke more holes on our resource land protections. Secondly, why remove the sunset clause on the replacement provisions on EFU? What does that have to do with this bill's alleged intent?

If Mr. Hunneycutt is rightly concerned about Oregonians' ability to resurrect homes lost to a natural catastrophe, he should request that Representative David Brock-Smith and our hard-working Legislative Counsel write a bill for this purpose. It can be quite simple:

“(1) A lawfully established dwelling may be altered, restored or replaced under ORS 215.213 (1)(q), [or] 215.283 (1)(p) or 215.755 (1) if the county determines that:

iii. The home was fully destroyed by a wildfire that occurred on or after 2015.”

Additionally, if the concern is Oregonians’ well-being in the face of wildfires, we should be advocating for smart planning that prevents new construction of more homes on remote forest lands; we should not be advocating to resurrect hundreds of homesites dating back to pre-planning days as prime real estate for today.

The Committee seemed intent on making amendments that would conceive a bill for the narrow, intended purpose. We appreciate Committee Members’ scrutiny and we look forward to seeing and supporting a new version.

Sincerely,

Nico Salter, Executive Director,

A handwritten signature in black ink, appearing to read "Nico Salter". The signature is fluid and cursive, with the first name "Nico" being more prominent and the last name "Salter" following in a similar style.

Thrive Hood River