



Oregon

Tina Kotek, Governor

Department of Land Conservation and Development

Director's Office

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD

TO: Representative Pam Marsh, Chair
Representative Vicki Breese-Iverson, Vice-Chair
Representative Tom Andersen, Vice-Chair
House Committee on Housing and Homelessness
Representative Kim Wallan, Chief Sponsor

FROM: Alexis Hammer, Legislative and Policy Manager
Alyssa Bonini, Legislative and Policy Analyst

DATE: February 10, 2025

SUBJECT: HB 2422 Technical Feedback



The Department of Land Conservation and Development (DLCD) is the state's land use planning agency. The department works with local partners and Tribal governments to steward the state's lands through economic development and natural resource conservation.

DLCD does not have a position on HB 2422. These comments serve to provide history and context to the changes proposed in HB 2422 and their impact on current policy.

Existing Law

ORS 197.734 notes that rural residential lands subject to an "irrevocably committed" or "physically developed" exception may be re-zoned to other rural uses without the need for a new exception to land use Goals 3 or 4 (Agricultural or Forest Lands). ORS 215.495(2)(c) requires a lot or parcel to be at least two acres for it to be eligible for an Accessory Dwelling Unit (ADU). ORS 215.501(2)(b) and OAR 660-004-0040(10)(b) require a lot or parcel to be at least two acres in order to construct a new single-family ADU when a historic home is sited on the lot or parcel. OAR 660-004-0040 currently articulates how Goal 14 (Urbanization) applies to rural residential exception areas. OAR 660-004-0040(7) requires a Goal 14 exception to increase density in an existing rural residential area.

HB 2422 Impacts

As written, HB 2422 would change longstanding policy regarding rural uses within rural residential areas and would increase human impacts on rural residential land. Furthermore, while it could lead to increased housing production, it may displace some housing production in cities, which is a primary policy of Oregon's land use system.

HB 2422 would amend ORS 197.734 to increase the allowed density on lands zoned for rural residential to one dwelling per one or more acres if the existing zoning allowed housing at a density of one dwelling per 2.5 or fewer acres. Commensurate revisions to ORS 215.495, requiring a lot or parcel to be at least two acres to be eligible for an ADU, and ORS 215.501, requiring a lot or parcel to be at least 2 acres to construct a new single-family accessory dwelling unit when a historic home is sited on the lot or parcel, are also included in the bill. This bill would require the Land Conservation and Development Commission (LCDC) to adopt conforming rules on or before January 1, 2027, which would necessitate revisions to OAR 660-004-0040.

Increasing the density levels permitted in rural residential zones could increase wildfire risk for new and existing residents and could create conflict with wildlife habitat, agricultural practices, groundwater quality, and water availability. In rural residential areas near cities, this policy could frustrate future attempts at urbanization and the provision of infrastructure at urban densities.

Thank you for considering our testimony regarding the impacts of HB 2422 on Oregon's land use program in the context of existing policy. We are happy to continue this conversation should the Committee have any further questions.