

March 26, 2025

House Committee on Housing and Homelessness
Oregon State Capitol
900 Court Street NE
Salem, Oregon 97301

Re: HB 2316

Chair Marsh, Vice-Chair Andersen, Vice-Chair Breese-Iverson, and members of the Committee,

Thank you for the opportunity to provide testimony on HB 2316.

Central Oregon LandWatch is a land use and conservation advocacy organization that has proudly protected Central Oregon's forests, high deserts, rivers, wildlife, and vibrant communities for more than 35 years. The membership of Central Oregon LandWatch consists of farmers, ranchers, environmentalists, hunters, anglers, housing advocates, and community leaders. Our members share the belief that Oregon's land use system is fundamental to what makes this state such a special place to live.

LandWatch opposes the HB 2316 base bill and the -1 amendment. We are neutral on the -2 amendment as written, but would support it with additional amendments.

This bill explores a topic worthy of consideration – finding underutilized parcels of state-owned land to provide affordable housing opportunities for needy Oregonians. From there, the base bill and -1 amendment propose an astounding departure from statewide land use law, which protects rural lands outside urban growth boundaries from sprawling residential development. The -1 amendment maintains the problematic aspects of the base bill that would egregiously subvert Oregon's cherished statewide land use system by allowing urban sprawl outside of our cities' urban growth boundaries (UGBs).

As Section 1(3), the -1 amendment would define "home start lands" as state-owned lands within a city's boundaries and throughout rural counties. Section 4 of the -1 would then allow development of these lands, including in far-flung portions of rural counties, and exempt that development from state and local land use regulations. Although it is unclear, our interpretation of the -1 is that it goes even further. At section 3(2), it allows not just state-owned lands to be designated as "home start lands," but also any private lands nominated by a city or county, so long as "all owners of the property have consented to the designation." These provisions would go a long way to nullify Oregon's longstanding policies, embodied by statewide land use Goal 14, to contain urban populations within UGBs and preserve rural lands outside UGBs for farming, forests, open space, and wildlife habitat.



The -2 amendment, on the other hand, appears to limit the designation of “home start lands” to inside UGBs. At Section 1(3), the -2 defines “home start lands” as lands within an urban growth boundary and either designated by the Oregon Department of Administrative Services under section 2 of this 2025 Act or nominated by a local government under section 3 of this 2025 Act.” This change makes the bill significantly more in line with Oregon’s land use system and would prevent much of the harm proposed by the base bill and -1 amendment which would authorize significant sprawl outside UGBs. We would still like to see an amendment to the -2, Section 3(2) that clarifies that local governments may only nominate property for designation as “home start lands” that is within a UGB. In this same spirit, we also request an amendment to Section 2(3), which allows DAS to exchange property owned by the state for other unspecified property to be designated as “home start lands.” That section should also specify that exchange lands are limited to lands inside UGBs.

We appreciate that the -2 at Section 4 removes the language from the -1 that would exempt “home start lands” from all state and local land use regulations. The -2, at Section 4((5)(c), however, still states that an application for development of “home start lands” must be “appealed only as a writ of review under ORS 34.010 to 34.100. The circuit courts should not be bogged down with lawsuits appealing local government land use decisions, including those concerning the bill’s new “home start lands.” Oregon has a specialized adjudicative body to review local government land use decisions – the Land Use Board of Appeals (LUBA) – and any disputes concerning designation and development of “home start lands” should be addressed by LUBA.

We would be overall appreciative of a -3 amendment that facilitates housing development on underutilized state-owned lands inside UGBs. These lands could provide another tool to help Oregon meet its housing goals. **We will be able to support the bill, as modified by a -3 amendment, if additional amendments address the three issues we’ve identified above: (1) clarify that local governments may only nominate property for designation as “home start lands” that is within a UGB, (2) clarify that DAS may only exchange for lands to be designated as “home start lands” within a UGB, and (3) that local government land use decisions concerning “home start lands” are appealable to LUBA and not to the circuit courts as a write of review.**

For the reasons above, Central Oregon LandWatch respectfully urges the Committee to reject the HB 2316 -1 amendment, and support the -2 amendment if amended as described herein.

Thank you for your time and consideration.

Regards,

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