

February 10, 2026

Senate Committee on Housing and Development
Oregon State Capitol
900 Court Street NE
Salem, Oregon 97301

Re: SB 1578 – Oppose

Chair Pham, Vice-Chair Anderson, and members of the committee,

Thank you for the opportunity to provide testimony on SB 1578. Central Oregon LandWatch (“LandWatch”) is a land use and conservation advocacy organization that, for more than 35 years, has protected Central Oregon’s farm and forest lands, rivers and springs, fish and wildlife, and vibrant communities. We work to conserve the region’s ecosystems, wildlife habitat, and working rural lands balanced with a responsible, sustainable approach to planning and fostering thriving communities.

SB 1578 would allow Eastern Oregon counties to rezone 50 acres of farm and forest land to facilitate residential sprawl outside of urban growth boundaries. It would also amend the definition of “area zoned for rural residential use” to include land zoned Exclusive Farm Use where a nonfarm dwelling has been sited and allow accessory dwelling units up to 2,500sqft on such lands.

SB 1578 is another attempt to degrade Oregon’s land use system and convert protected farmlands outside UGBs into inefficient residential sprawl. Housing for people who are not farmers belongs inside UGBs, where impacts to farm and forest land, wildlife habitat, and other natural resources are minimized, and urban services and infrastructure are nearby.

The negative impacts of allowing the significant sprawl that this bill would authorize are many.

I. Loss of agricultural and forest industrial land base

Many of the properties on which this bill would allow additional development are protected for farm use under Goal 3 of the statewide land use planning system, or protected for forest use under Goal 4. These Goals ensure that our state’s limited supply of farm and forest lands are maintained for those uses. ORS 215.243, ORS 527.630. Existing provisions of Oregon law provide several opportunities for siting dwellings on farm and forest lands, usually only when the dwellings support continued farm and forest use of the lands. SB 1578 would break up farm and forest lands for additional development without a showing of need to support farm or



forestry operations. Doing so would introduce unnecessary conflicts to farm and forest operators and drive up the costs of farm and forest land, making it more difficult for new operators to begin and for existing operators to expand. This bill is counter to longstanding state law that “substantially limits” nonfarm uses on farmland. ORS 215.243(4).

II. Degradation of wildlife habitat

Oregon’s elk, mule deer, antelope, and numerous other species depend on rural land as habitat. Many of the rural lands on which this bill would allow sprawling residential development are protected under Goal 5, which protects natural resources, scenic and historic areas, open spaces, and wildlife habitat. In Central Oregon, excessive rural development is a primary cause of the rapidly declining population of mule deer, an iconic and beloved big game species of the high desert. Here in Deschutes County, ODFW estimates that mule deer populations in the Upper Deschutes, Paulina, and Metolius units are at only 56%, 25%, and 70%, respectively, of ODFW management objectives as of 2024.¹ Greatly increasing the amount of development allowed on this species’ range in other Central and Eastern Oregon counties, which SB 1578 would permit on up to 50 acres in each county other than Deschutes, spells disaster for this and other species.

III. Risks to groundwater supplies

Greatly increasing the number of dwellings on rural lands across the state will also further destabilize groundwater resources. Deschutes County already has over 16,000 domestic wells.² These wells are unpermitted, unmonitored, and are allowed to pump up to 15,000 gallons per day. ORS 537.545(1). Unsustainable groundwater declines due to excessive pumping recently led the OWRD to reform its permitting rules.³ New groundwater wells, or tapping into existing wells, to serve the new dwellings sought to be authorized by SB 1578 would likely be exempt from regulation under ORS 537.545(1) and would further strain Oregon’s groundwater resources.

¹ ODFW (2024). Mule Deer population estimates, herd composition, and over-winter fawn survival in Oregon 2010 – 2024. Available at https://www.dfw.state.or.us/resources/hunting/big_game/controlled_hunts/docs/hunt_statistics/24/Mule%20Deer%20Population%20Estimates,%20Composition,%20and%20Over-Winter%20Fawn%20Survival%202020-2024.pdf. Accessed on February 6, 2025.

² Deschutes County Commissioner Phil Chang. 2024. “Guest column: How to avert a future groundwater crisis.” Published in the Bend Bulletin, November 18, 2024. Available at https://www.bendbulletin.com/opinion/guest-column-how-to-avert-a-future-groundwater-crisis/article_678cf696-a5c4-11ef-963f-1f6ee5bc2008.html. Accessed on February 6, 2025.

³ See <https://www.oregon.gov/owrd/programs/gwwl/gw/pages/groundwater-rulemaking.aspx>. Accessed February 6, 2025.



IV. Degradation of groundwater quality

Not only would groundwater quantity suffer, but so would groundwater quality. The increase of rural dwellings that SB 1578 seeks to authorize would likely be served by on-site septic wastewater systems. The bill is silent about both drinking water and wastewater. There are many areas of the state facing groundwater quality problems where new exempt wells are still allowed. This includes southern Deschutes County, where nitrate pollution from excessive on-site septic wastewater has contaminated the shallow aquifer, leading to dangerous nitrate levels in groundwater that poses severe human health risks.⁴ It also includes portions of Crook County, where manganese, aluminum, and arsenic are contaminating rural domestic wells.⁵

V. Increased wildfire risk

Greatly increasing the number of rural dwellings in the state also unnecessarily puts more Oregonians at risk of wildfire. Even with defensible space and home hardening, *this bill would increase both wildfire hazard and wildfire risk*. Wildfire hazard would be increased by introducing additional potential for new wildfire starts in rural areas, as 70% of Oregon's wildfires are human caused.⁶ Wildfire risk would also be increased by placing more people and development in the path of wildfire, which risks both residents' safety and the safety of firefighters and first responders who are already stretched thin during Oregon's lengthening wildfire season. Oregon's State Insurance Commissioner and the Director of Department of Consumer and Business Services, Andrew Stolfi, was quoted last year as saying that he does not expect wildfire insurance to become unavailable in Oregon, as is happening in California, because Oregon land use laws have minimized the amount of building in the WUI and insurance carriers really only worry about structure losses.⁷ Oregon is a step ahead of other states when it comes to mitigating wildfire risk, and now is no time to take a step back.

⁴ Bend Bulletin. 2025. "Editorial: The villain in southern Deschutes County." Published in the Bend Bulletin, February 5, 2025. Available at https://www.bendbulletin.com/opinion/editorial-the-villain-in-southern-deschutes-county/article_e5a46b14-e30d-11ef-8cdb-ab2816c88822.html. Accessed on February 6, 2025.

⁵ Central Oregon Daily News. 2025. "New tests reveal more toxins, including arsenic, in Crook County well water crisis." March 18, 2025. Available at https://www.centraloregondaily.com/news/in-focus/crook-county-toxic-well-water/article_8f41b9c8-0371-11f0-a4c7-a7c981b78a28.html

⁶ Oregon Department of Emergency Management. Available at <https://wildfire.oregon.gov/prevention#:~:text=More%20than%2070%25%20of%20Oregon's,to%20put%20a%20fire%20out>. Accessed on February 6, 2025.

⁷ Oregon Public Broadcasting. 2025. "Think Out Loud: Oregon Residents face home insurance challenges." Broadcast on January 31, 2025. Available at <https://www.opb.org/article/2025/01/31/oregon-residents-face-home-insurance-challenges/>. Accessed on February 6, 2025.



VI. Increases in sprawl and greenhouse gas emissions

One of the primary goals of Oregon's visionary land use system, embodied in Goal 14, is to concentrate population inside urban growth boundaries. This policy reduces sprawl, minimizes the costs of public services and infrastructure provision, preserves farmland, forests, open space, and wildlife habitat, and as described above, minimizes wildfire risk. Although we might not have recognized it in 1973 when SB 100 was adopted, our land use system also helps minimize our climate impact. Accommodating population in compact urban land use patterns reduces vehicle miles traveled and associated greenhouse gas emissions. Maintaining population growth inside UGBs will allow Oregon to continue being a leader in state and local efforts to mitigate greenhouse gas emissions.

VII. Upending the balance on rural ADUs

After a multi-year work group process led by then-Senator Dembrow, Oregon decided to allow **ADUs** on a limited subset of rural residential lands via SB 391 (2021). The conditions imposed on rural ADUs in SB 391 (2021) represented a carefully constructed balance that reflected the concerns of all stakeholders, which included wildfire risk, water resource and on-site wastewater impacts, not allowing rural ADUs to be used as short term rentals, and limiting the opportunity to only rural residential exception area properties greater than 2 acres in size to limit their impacts on rural lands. The delicate balance of conditions imposed on rural ADUs via SB 391 (2021) should not be disturbed a mere five years later. Allowing rural ADUs on EFU lands where nonfarm dwellings have been approved disturbs the compromise reached in SB 391 (2021) and will lead to increased well water use, problems associated with on-site septic wastewater, increased greenhouse gas emissions from transportation, and increased wildfire risk. Further, increasing their allowed size from 900sqft to 2500sqft will cause ADUs to function not as accessory, but as primary dwellings.

We respectfully request you to vote against this bill and do not pass it out of committee.

Regards,

Rory Isbell
Staff Attorney & Rural Lands Program Director
Central Oregon LandWatch

