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House Committee on Land Use  
State Capitol  
900 Court Street NE  
Salem, OR 97301

March 25, 2013

RE: HB 3089 – Oppose as currently written

Chair Clem and members of the committee:

Thank you for this opportunity to present testimony opposing HB 3089 in its current form, legislation to allow adjacent landowners to set their own boundaries outside the land use process. 1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities, protect family farms and forests, and provide transportation and housing choice.

We are concerned that this bill could be used to get around the requirements of ORS 92.192 that have been developed to protect resource lands from Gerrymandering of property lines to produce more units of land that allow dwellings. We believe that this bill has two flaws. First, there is no need in the bill to document the necessity for the boundary line agreement. We suggest that a requirement be added to the bill to document the existence of an uncertain or disputed property line.

Also, as the bill is written, a landowner could convey land to a straw purchaser, set new boundaries by agreement and convert a unit of land from an acreage that does not qualify for a dwelling into a unit of land that could accommodate a dwelling. This could even allow such a conversion while at the same time reducing a unit of land with a dwelling under the minimum lot size for the zone. *We suggest the following be added to Section 2 of the bill to prevent abuse of boundaries by agreement:*

“(8) On land zoned for exclusive farm use, forest use or mixed farm and forest use, a boundary line agreement under subsection (2) of this section may not be used to:

(a) Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;

(b) Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be

increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or

(c) Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.”

For the reasons above, 1000 Friends of Oregon opposes HB 3089 as currently written.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. McCoy', with a stylized flourish at the end.

Steven D. McCoy  
Farm and Forest Staff Attorney