



March 12, 2013

Representative Brian Clem, Chair
House Committee on Land Use
Room 347, State Capitol
Salem, OR 97310

RE: HB 3125 – Relating to minimum size of unit of land.

Dear Chair Clem and Members of the Committee:

The Oregon Forest Industries Council supports HB 3125. The bill is designed to correct a drafting error in SB 683, Or Laws 1995, ch 7, § 1, which amended ORS 215.780 to allow the creation of parcels smaller than the 80 acre statutory minimum for forest lands in certain defined circumstances. However, even as revised by SB 683, a County can only adopt a parcel size smaller than 35 acres in two circumstances:

- ORS 215.780(d)(D)(i) allows, subject to certain restrictions, the creation of a lot smaller than 35 acres to accommodate land exchanges with governmental agencies (styled herein as “the Land Exchange Exception”).
- Likewise, ORS 215.780(d)(D)(ii) allows, subject to the same restrictions, the creation of a lot smaller than 35 acres if one of the parties to the transaction owns more than 2,000 acres of forestland (styled herein as “the Mom and Pop Exception”).

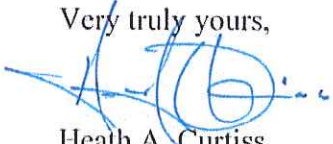
Unfortunately, as finally drafted, SB 683 included at ORS 215.780(E) a requirement that, if a dwelling is involved, the resulting parcel could not be smaller than the statutory minimum (i.e., 80 acres). Of course, this is circular, and precludes the very use intended by the bill.

The policy rationale for the Mom and Pop Exception is the desire to facilitate timberland acquisitions when the seller, often an individual owner late in life who desires to divest assets, wants to retain a home on the property. Industrial timberland purchasers do not want to be residential landlords, and sellers in these circumstances have little reason to retain 80 acres of land. Provided that the law restricts the creation of new homes on either the parcel retained or the parcel sold, as it does in ORS 215.780(d)(A) and (B), then there is little reason to prohibit the division, or disincentivize the sale.

HB 3125 includes revisions to ORS 215.780 (b) – (d). At the discretion of Legislative Counsel, the revisions to subsections (b) and (c) include several nonsubstantive drafting improvements. The revisions in (d) remedy the error described above by deleting the language at .780(d)(E). That is, it deletes the language that precludes a division that results in a parcel of less than 80 acres if a dwelling is involved.

OFIC asks for your support of HB 3125. Should you have any questions or concerns, please feel free to reach me at the number and address above.

Very truly yours,

A handwritten signature in blue ink, appearing to read "H. Curtiss", with a large, stylized flourish extending to the left.

Heath A. Curtiss
General Counsel, Director of Government Affairs
Oregon Forest Industries Counsel