

From: McKenzie Bowerman
To: [SENR Exhibits](#); [Patrino Beth](#)
Cc: [Sen.MichaelDembrow@state.or.us](#); [Sen.AlanOlsen@state.or.us](#); [Sen Prozanski](#); [Sen Roblan](#);
[Sen.HermanBaertschiger@state.or.us](#)
Subject: Testimony regarding HB 1048
Date: Wednesday, April 12, 2017 10:33:54 AM

To: Oregon Senate Committee on Environment and Natural Resources

Re: Please accept my testimony on SB 1048

4/12/2017

Chair Dembrow, members of the Committee,

I would like to express my concern and opposition to SB1048, which would allow "further adjustments of adjusted properties" in a "single land use decision". This will be used to dramatically reconfigure tracts of land, including in farm and forest resource zones, often with the intent of facilitating new dwellings, where new dwellings would not have been permissible in it's original location and configuration.

This bill appears to be responsive to the recent Land Use Board of Appeals case 16-008 *Bowerman vs. Lane County*, in which I was the petitioner. The case challenged a single ministerial county land use decision allowing 9 property line adjustments between 8 subject properties that was not subject to public notice or a local right to appeal. The effect allowed 3 template dwelling approvals in the F2 forest zone where they wouldn't have been permissible before. LUBA ruled the adjustments were unlawful under current statute because there was further adjustment of adjusted properties in the single land use decision.

If SB1048 passes, it would constitute an erosion of the land use planning system that we enjoy in Oregon. Since the implementation of comprehensive zoning in 1973, growth and development in Oregon has been more or less deliberate and well organized. New residential areas are typically sited within urban growth boundaries, while farm and forest zones are reserved for their agricultural purposes.

However, with the pressure to maximize value of land, there is an increase in what the Lane County Planning Director recently called "more creative and complex permit requests in an effort to develop parcels that may have challenges" and "increasingly complex permit applications, which can have nuanced legal issues and are more vulnerable to appeal". These serial ministerial property line adjustments are exactly what the Planning director was referring to.

There are many good reasons for property line adjustments: Sometimes a property owner discovers part of their house or drive way is on the neighbors property, or to adjust the boundary to conform to physical geographic features rather than lines on paper, or for a successful farmer to acquire adjacent farm land from adjacent less successful farm. All these actions should be able to be done with the simple mechanism that is the property line adjustment. What SB 1048 proposes is not any of these good reasons. SB 1084 will have the effect development and defacto parcelization of farm and forest resource zones.

Please take the time carefully consider the true implications of SB 1048. This is not a housekeeping bill, it is a major policy shift. For these reasons I respectfully request that you also oppose SB 1048.

Please do not hesitate to contact me for any reason.

Yours truly,

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