

January 31, 2019

To: The Honorable Brian Clem, Chair, & Members
House Committee on Agriculture & Land Use

Re: "Do Pass" recommendation, HB 2577

Dear Chair Clem & Committee Members:

HB 2577 is before you. The Bill seeks to settle an interpretation issue with ORS 222.750, Section 5.

In 2013 the City of Forest Grove forcibly annexed a number of "islands," but denied 3-year notice. The annexed territories were in residential use, but not specifically zoned as such. This was the city's reasoning for denial of the provision for 3-year notice.

Residents appealed to LUBA, arguing that, if "residential" is an allowed use within a territory, then the territory is "zoned for" residential use. LUBA agreed, but the law was specific. Accordingly, LUBA denied the appeal, notwithstanding its agreement with the residents' appeal.

HB 2577 clarifies a key provision of HB 2760. The change requested by HB 2577 brings about consistency of intent and interpretation. I ask that you move the bill to the House floor with a "Do Pass" recommendation.

Thank you for your consideration.

Respectfully,

Francis S. Gilbert

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