

April 25, 2019

To: The Honorable Michael Dembrow, Chair, & Members
Senate Committee on Environment & Natural Resources

Re: "Do Pass" recommendation, HB 2577-A

Dear Senator Dembrow & Committee Members:

HB 2577-A is before you. The Bill seeks to settle an interpretation issue with ORS 222.750, Section 5. I ask that the 3-year notice provision in the ORS be amended by the bill so that it mirrors LUBA's interpretation of the statute, and incorporates the House -1 amendment.

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-A clarifies a key provision of HB 2760. The change requested by HB 2577-A brings about consistency of intent and interpretation. Please move the bill to the Senate floor with a "Do Pass" recommendation.

Thank you for your consideration.

Respectfully,

Francis S. Gilbert

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Rogue River, OR [REDACTED]
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