



Wendie L. Kellington
P.O. Box 2209
Lake Oswego Or
97035

Phone (503) 636-0069
Mobile (503) 804-0535
Email: wk@klgpc.com

March 27, 2025

Via ORLIS
House Agriculture, Land Use, Natural Resources and Water Committee
Oregon State Capitol
ATTN: Co-Chair Helm, Representative Marsh

Re: House Bill 3858

Co-Chair Helm, Representative Marsh:

At yesterday's public hearing on HB 3858, you asked if we could identify the provisions in the bill limiting its applicability to "historic" land divisions. The bill is limited to units of land created by "historic" land divisions in the sense that it is limited to those created in the past *that complied with all land use rules* or at a point in the past *before there were any land division or land use rules to comply with*. The bill simply says that if a unit of land was lawfully created, the "remainder" created by whichever type of perfectly legal transaction is legal too. As we discussed, decades ago, when a seller sold a part of their land and kept the rest, they did not deed to themselves what they kept back for themselves, rather they just kept the remainder that they had created for the first time in that lawful transaction.

HB 3858 is modest and amends only ORS 92.010(3)(a)(B) adding in a new subsection (C) that says:

"(C) The remainder of a lawfully established unit of land after subtracting a unit of land created *under subparagraph (B)* of this paragraph, even if the remainder is not separately described in a deed or land sales contract."

Subparagraph (B) in turn talks about two ways a unit of land can be lawfully established: (B)(i) says a unit of land can be lawfully established if it was established in compliance with all land use rules, and (B)(ii) says that a lawfully established unit of land can also be created by deed or land sale contract before the time when there were any applicable land use rules.

House Bill 3858 simply restores the law to the unremarkable rule that if my grandparent deeded land to his neighbor and kept the rest before there were any laws governing the transaction, that not only was the land deeded to the neighbor lawful but also the new unit of land my grandparent kept for himself was also lawful, having been created in the same entirely

lawful transaction.

If you have any questions, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wendie L. Kellington". The signature is written in a cursive style with a large, stylized initial "W".

Wendie L. Kellington

WLK:wlk