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Via electronic mail

Senate Committee on Environment and Natural Resources
900 Court Street NE
Salem, OR 97301

Re: HB 2106 A5 amendments to HB 2106 A.

I encourage the Committee to vote down the proposed -A5 amendments to HB 2106 A. The bill allows landowners in marginal lands counties to conduct dog training classes in farm buildings. The -A5 amendments to that bill are flawed in the following ways:

- The -A5 amendments have nothing to do with dog training classes
- The -A5 amendments provide *unlimited* one-year extensions for certain dwelling permits on farm and forest lands
- The -A5 amendments would allow counties to approve an extension even if a subsequent change in the law would prohibit or modify the permit

The request for *unlimited* permit extensions is simply unreasonable. After the initial 4-year permit, and a 2-year extension allowed under the current law, the proposed amendments allow an applicant to request permit extensions for 5, 10, or 20 years or longer. The change is not needed. Landowners who obtain a dwelling permit to build a dwelling for themselves or a family member do not need more than six years to accomplish that task. If landowners need more than six years to start building, then the Legislature should provide a limited, common sense time period for an extension. Unlimited permit extensions are not the answer.

The amendments fuel and promote speculation for non-resource residential development on farm and forest land. This speculation drives up the price of rural land, and makes it harder for people who want to purchase land for farm or forest uses to do so. The -A5 amendments do not promote sound public policy.

Finally, the amendments allow permit extensions even if state or local laws change in a way that would prohibit or modify the permit. The proposed amendments allow the extensions if “the residential development statutes have not been amended following the approval of the permit.” The “residential development statutes” refer to a limited area of state law. On its face, this language does not encompass changes in other state or local law that could affect dwelling approval. For example, the language does not include changes to state laws or local ordinances that regulate setbacks, density, or changes in the uses allowed within a particular zone. Permit extensions should only occur if all the laws that apply to dwelling have not changed. The language in the -A5 amendments does not provide that common sense limitation.

I respectfully ask the Committee to vote down the -A5 amendments. I write on my own behalf as a land use attorney with knowledge of this area of land use law. I have represented multiple clients who have had issues related to non-resource residential development or permit extensions on resource lands. To the extent there is a problem that this bill aims to solve, its proposed solution is not fully thought out. This proposal was not part of the discussion in the House committee, and it has nothing to do with the purpose of HB 2106: dog kennels.

Respectfully,

A handwritten signature in black ink, appearing to read "Andrew Mulkey". The signature is written in a cursive, flowing style.

Andrew Mulkey
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