



*Protecting Our Natural Heritage  
From the Coast to the Cascades*

P.O. Box 5347 • Eugene, OR 97405 • (541) 741-3625 • [www.landwatch.net](http://www.landwatch.net)

May 16, 2019

Senate Committee - Environment and Natural Resources  
900 Court Street  
Salem OR

Re: NO on HB 2106

Chair Dembrow and Members of the Committee:

A late change to HB 2106 has nothing whatsoever to do with Marginal Lands counties or dog kennels and training inside structures. The proposal to punch a hole into OAR 660-033-0140 has no merit and is certainly not a fix to a broken Rule.

The Rule has worked fine for decades. It had not been challenged until recently, for the reason explained here. After years of asking Lane County to apply the law to extensions of forest dwelling approvals, without success of course, LandWatch finally asked the Lane County Hearing Official to rule on the issue. The Hearing Official agreed with LandWatch and began changing the Planning Directors condition of approval allowing an "initial two year extension" to "one two year extension" in his decisions made on appeal.

However, Planning Director decisions with the condition allowing "an initial two year extension" continued.

LUBA finally had an opportunity to consider the issue in early 2019. LUBA found that the administrative rule is clear about which resource zone dwellings receive one two year extension and which receive additional one year extensions.

The multi year extensions have enabled owners of resource zoned land to exploit the purpose of Goal 4. The allowance for dwellings was meant to enable

people to live on the land they were managing for forest uses. Instead, the forever dwelling permits are used to enable higher asking prices for vacant resource land.

There are many other issues of concern related to this practice of keeping a permit alive forever. Too many to hope for you to understand in one brief letter.

Included with this letter are just two examples of ongoing permit extensions. These two examples are for tax lots owned by the developers who testified in support of perpetual forest dwelling permits.

The arrows indicate forest zoned tax lots. The tables show number of acres of each (note their small sizes), the year a forest dwelling (either "large tract" or "template") was approved, and number of extensions. Note that the two parties (Wolf, Smejkal) are related.

Changing a law that works because a group of developers will lose a loophole is not what the people of Oregon expect from lawmakers. In addition, why should such a loophole (perpetual one year extensions) be made available only in marginal lands counties, if at all.

The current law works well, and has already been weakened once. It provides a four-year permit and one two-year extension, for a total of six full years.

If a permit expires after six years, a new application is required. It is not heavy handed for property tax deferred lots, as the lots in the examples are, to be expected to have sideboards on development and development approvals.

Please do not change the forest dwelling permit extension laws to enable developers in marginal lands counties to use property tax deferred resource land for speculative real estate dealings.

Thank you.

LandWatch Lane County

### Standard Property Search Results

97 data row(s).

Current search parameters: Map = 18021500;

*Year Approved*  
*Dwelling # Extensions*  
*Type*

Maplot	Acres #	BUS Account #	Site Address	Map City Zone	Order City Limit UGS	Owner	Year Approved	Dwelling # Extensions	Type
18-02-15-00-00100	↓	0568434				Debra Smejkal Wolf Revocable Trust			SPR
18-02-15-00-00100		0568434				Smejkal Robert A			SPR
18-02-15-00-00100		0568434				Smejkal David J			SPR
18-02-15-00-00100		1563947				Debra Smejkal Wolf Revocable Trust			SPR
18-02-15-00-00100		1563947				Smejkal Robert A			SPR
18-02-15-00-00100		1563947				Smejkal David J			SPR
18-02-15-00-00100		4072607	36443 Jasper Rd	Springfield	97478	Smejkal James A			SPR
→ 18-02-15-00-00101	31	1768496			2006	Wolf Douglas E		Temp late	8
18-02-15-00-00102		1844628				Evans Linda R & Michael P			
18-02-15-00-00102		1768504	36987 Wallace Creek Rd	Springfield	97478	Evans Linda R & Michael P			
18-02-15-00-00103		1768512	36989 Wallace Creek Rd	Springfield	97478	Gramzow Dr Matthew J & Megan D			
→ 18-02-15-00-00104	6	1768520			2006	Smejkal David J		Temp late	8
18-02-15-00-00104		1768520				Smejkal Robert A			
18-02-15-00-00200		0568442	36447 Jasper Rd	Springfield	97478	OR Dept of Transportation			SPR
18-02-15-00-00300		0568459				Janet Sweeney Trust			
18-02-15-00-00400		0568467	36452 Jasper Rd	Springfield	97478	Janet Sweeney Trust			

Acres

Year Approved

Dwelling Type Extensions

18-02-15-00-01501		0978898	36538 Jasper Rd	Springfield	97478	Cooper Dona Jean		
18-02-15-00-01600		0568582	36600 Jasper Rd	Springfield	97478	Kleinman Mitchell R & Judith		
18-02-15-00-01601		0568590				Cooper Michael Douglas		
18-02-15-00-01601		0568590				Cooper Paula Lee		
18-02-15-00-01601		0568590				Cooper Dona Jean		
18-02-15-00-01700		0568608	36581 Jasper Rd	Springfield	97478	Boggs Jon W & Darlene		
18-02-15-00-01701		1584356				Wolf Douglas E		
18-02-15-00-01702		1768538	36591 Jasper Rd	Springfield	97478	Ofs Properties LLC		
18-02-15-00-01900		1311487				Macauley Family Trust		
18-02-15-00-01900		0568632	36765 Wallace Creek Rd	Springfield	97478	Macauley Family Trust		
→ 18-02-15-00-02000	7	0568640			2007	Wolf Douglas E	Temp WTR	7
18-02-15-00-02100		4120620				Cantrell James T & Jean		
18-02-15-00-02100		4158422				Cantrell Vicki Jo		
18-02-15-00-02100		4182786				Leavitt Molly		
18-02-15-00-02100		0568657	85924 Edenvale Rd	Pleasant Hill	97455	Cantrell Jean R		
18-02-15-00-02100		0568657	85928 Edenvale Rd	Pleasant Hill	97455	Cantrell Jean R		
18-02-15-00-02100		0568657	85930 Edenvale Rd	Pleasant Hill	97455	Cantrell Jean R		
18-02-15-00-02101		1029121				OR Dept of Transportation		
18-02-15-00-02200		0568665				Chase R Donald & Laurie F		
18-02-15-00-02300		0568673				Gray Family Trust		





# Acres

Year  
Approved

Working Type J # Extensions

18-02-11-00-01603	↓	1861804			↓	York Kris W & Laurie A	↓	↓
18-02-11-00-01603		1768462	37003 Wallace Creek Rd	Springfield	97478	York Kris W & Laurie A		
18-02-11-00-01604	→	10	1768470	36991 Wallace Creek Rd	Springfield	<del>01478</del> 2006	Smejkal David J	Employe b-7
18-02-11-00-01605		1823309				Burke Susan M		
18-02-11-00-01605		1768488	37001 Wallace Creek Rd	Springfield	97478	Burke Susan M		
18-02-11-00-01700		0567865				Williamalane Park & Recreation District		
18-02-11-00-02000	→	7	0567493			Debra Smejkal Wolf Revocable Trust		SPR
18-02-11-00-02000		0567493				Smejkal Robert A		SPR
18-02-11-00-02000		0567493				Smejkal David J		SPR