

Chair Beyer, Vice-chair Findley, Senators

Please accept this written testimony in follow up to the Friends of Yamhill County presented at the hearing. Thank you for the opportunity to testify regarding SB 375.

The need for this bill is unclear and concerning. The owner has a Final Order and Home Site Authorization for three home sites. It is dated Dec 2009 and characterized as a supplemental review of a M 37 claim. This is one of the situations that fell in the transition between the two measures. The conclusion states in part:

Together, the M 37 claim property and the contiguous property in the same ownership include two lots or parcels and three dwelling. Therefore, the three home site approvals the claimant qualifies for under Section 6 of M 49 will authorize the claimant to establish one additional lot or parcel and no additional dwellings on the M37 claim property. The new lot or parcel must include at least one of the existing dwellings.

The Yamhill County plat map shows the new parcel. I drove out to the property Monday and there appear to be three dwellings currently on the property. If the owner wishes to replace one of those the process for that exists in the Yamhill County zoning ordinances. This is EFU zoned land and the YCZO is 402.02 Permitted Uses (EFU), M. It does have to be a lawfully established dwelling.

If the owner seeks to establish a fourth dwelling, that is beyond the scope of the M 37/49 final order. It was the fall of 2006 when the M 37 claim was initiated. The owner gives the timeline for removing the mobile home and striking it from the tax roll as "approximately 2006". If I understand the owner's testimony the intent is to create a rental unit on EFU land.

The information touches on some of the criteria for replacement dwelling but does not address the fundamental question of whether it was lawfully established originally. This seems to be a mash up of the various criteria for replacement dwellings as the law has evolved over the years. M 37/49 allows replacement of approved dwellings. Having a dwelling on the tax roll was once a factor but it had to still be on the rolls when the request is made. The list of features like water, plumbing, electricity, and heat source have been used to distinguish between dwellings and outbuildings. A septic system from the 1990s that has been disconnected for 14-15 years is unlikely to meet current infrastructure standards.

We find it hard to imagine that this committee, or the legislature as a whole, wants to reopen final orders from M37 and M49. This seems like an end run for more dwellings on resource land. Even if this bill intends to address a specific case there is ample evidence of one-offs creating confusion across the state cascading into the future.

Please do not advance SB 375. Thank you for your attention.

Kathryn Jernstedt  
Friends of Yamhill County