

Submitter: Robert Emmons  
On Behalf Of: LandWatch Lane County  
Committee: House Committee On Agriculture, Land Use, Natural  
Resources, and Water  
Measure, Appointment or Topic: HB3858

To: House Committee on Agriculture, Land Use, Natural Resources and Water

From: Robert Emmons

Re: HB 3858

Chair Helm and Members of the Committee:

Please accept the following comments on behalf of LandWatch Lane County, a non-profit organization that has worked with neighbors for almost 30 years to protect Lane County's farm and forest land, natural areas and open spaces. LandWatch is opposed to HB 3858 for the following reasons:

It intends to legalize "remainders" resulting from the partition or subdivision of a piece of land and asserts that they are somehow subtracted in the process. But, when land is partitioned or subdivided, the underlying units are vacated, and nothing remains except the newly created pieces; there is, therefore, nothing to subtract.

It would confer legal status on land "not separately described in a deed or land sale contract", upending the reliable order of our land use system.

It will overturn a case LandWatch Lane County litigated: "LandWatch Lane County v Lane County" \_\_\_OrLUBA\_\_\_ (LUBA No. 2019—044, 10/15/19).

I would also note that providing less than two working days notice of this bill to the public during spring break is an infringement of our land use system's first goal: citizen involvement.

HB 3858 is yet another attempt by development interests to have their cake and eat it, too, with serious consequences for the integrity of Oregon's land use program.

Thank you,  
Robert Emmons, President

LandWatch Lane County