



March 26, 2025

House Committee on Agriculture, Land Use, Natural Resources and Water
Oregon State Capitol
900 Court Street NE
Salem, Oregon 97301

Re: Vote “No” on SB 3858

Co-Chairs Helm and Owens, and members of the committee:

1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities, protect family farms, forests and natural areas, and provide transportation and housing choices. 1000 Friends opposes SB 3858.

The bill, would add a new category to the definition of “lawfully established unit of land” at ORS 92.010(3)(a)(C) that would recognize “[t]he 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. There is no such thing as “remainder” lots or parcels under existing law. When you divide a property, you end up with 2 or more new lots and parcels. There is no remainder.

When a piece of land is subdivided or portioned under the Oregon Planning and Subdivision laws, it creates new lots (subdivision) or parcels (partition). There is no remainder. All new units of land are lots or parcels that must comply with applicable land use regulations. That means that all new units of must meet the minimum parcel size of the subject zone or be authorized to be smaller through requirements established in law. An example would be the requirements for creating a nonfarm parcel.

HB 3858 purports to create a new unit of land called a “remainder,” without explaining why the legal units of land authorized under ORS Chapter 92 are inadequate, or how this new category of land would operate under the existing land use system. HB 3858 tries to bring into being and legalize a unit of land that does not exist under current law and that does not meet required zoning standards for minimum parcel size or standards for creating a nonresource parcel. It is contrary to and would create confusion in a long-established and sensible body of law. There is no reason to do it, except to establish a backdoor way to create more “lawfully established” lots and parcels that you can site houses on.

Please vote “no” on HB 3858.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "James Johnson". The signature is written in a cursive style with a large initial "J" and "J".

Jim Johnson
Working Lands Policy Director