

Submitter: John Gibbon  
On Behalf Of: self  
Committee: Senate Committee On Housing and Development  
Measure, Appointment or Topic: SB59

I support the concept of this bill, permitting individuals to grow (or hopefully glean food) from the land adjacent to their home but NOT the details of this bill, particularly the idea that individual lot owners discretion should be paramount in management of their property for this purpose when located within a planned community. I do not think that emphasis on approaching growing things or the effort to include bees and chickens in this bill is at all workable in many Oregon planned communities given the constraints of space, aspect and purpose, that they, especially ones geared toward providing affordable housing face.

I have lived in Oregon community associations in the Portland METRO for more than 40 years now and I worked professionally, as an attorney, on issues involving them for my entire 40 year career. For the last 17 years before I retired in 2020 I specialized in representing homeowners living in CAs.

I have for nearly 30 years and do currently live in the Quail Park Association an HOA located in SW Portland. Since my retirement I have served on the HOA's Board and now also as its VP, but I comment on this bill on my own behalf. Only a long term medical need and a procedure to help deal with it finally scheduled for the exact same time as this hearing keeps me from joining you in person or virtually to address this bill.

As fourth generation Oregonian and life long Pacific Northwest I have from my childhood experienced and benefited from our ability to harvest food from both much of the state's agriculture lands and also its native landscape. This included harvesting Marion berries in my grandparents backyard in Eugene as well as filling flats of strawberries in Lane County fields during summer visits to them. It also included picking chokecherries in the Silvies River canyon with my stepmothers family along side Paiute tribal members as well as harvesting pie cherries and apricots from both my other grandparents yards trees while growing up in Burns and Hines. This was and should still be part of the real Oregon.

Retaining the ability to have that experience has not been easily gained or retained while living in the Metro area or even, surprisingly, living in Quail Park.

Although I believe the proposed bill's formula might work for some PC's developed on a standard fenced yard and public street format for many other associations like, Quail Park, it is

unworkable. QPA was established in the early 1970s, before the original adoption of the Planned Community Act, as a City of Portland approved PUD. The development uses an open site plan with governing documents that prohibits fences, preserves existing trees and blends common areas into lots. Because PUDs were not subject to any setback requirements the developers used that and a scheme of easements and encroachments to allow them to site 94 mostly single family style homes on an 18.1

acre tract. This number of homes (still relatively affordable homes) actually (and legally) slightly exceeds the number of units the City authorized when it approved what it apparently thought was going to be a multifamily development. Although a the site plan more less preserved the areas treed character and two critical open drainage corridors, approximately 30% of residential structures are not located entirely on their lot impinging on either the common area or an adjoining lot and there approximately 90 cases scattered throughout the project where at minimum access to a specific home for maintenance at least requires crossing or using adjoining common area or lots.

Because of Quail Park's slope, aspect and shade cover, created by both by the remaining preserved trees and the planted replacement trees as well as closeness of the adjoining residential structures very few owners have sought to install improvements to grow vegetables and I have handle to satisfy my foraging urge by composing my leaf fall and trimming to reestablish native blackberry and oregon grape.