

To: House Committee on Rules

From: James Gorter  
Southwest Portland

**RE: TESTIMONY IN OPPOSITION – SB534**

SB534 would require cities to recognize unused platted lots dating from early in the last century. These lots were platted by developers as marketing tools, not as buildable lots. In the past few years, developers and others have rediscovered these tax lots with the goal of gaining land for profitable redevelopment. As a result affordable homes are demolished with great disruptions of neighborhood fabric and without the creation of 'needed' housing.

There is a good example from my southwest Portland neighborhood. A home on a 75X100 foot lot sold for \$500,000 (granted, not a low priced house), the home was demolished and the lot divided using underlying lot lines. Today there are two replacement houses for sale, each on the market for \$800,000. We have lost a modest house and denied a family a somewhat affordable home in a desirable close-in neighborhood.

The recognition of these historic artifacts is inconsistent with land use and established zoning rules followed for decades and their mandated recognition is not needed now.. The winners are developers. The losers are people of more modest means. **Please, do not pass SB534, even its amended form.**

I am attaching a copy of the testimony submitted to the Committee by Loren Lutzenhizer. His testimony outlines the key points in opposition to HB238 and their negative consequences. I agree with them in their entirety.

House Rules Committee,

SB 534 has been sent to the Rules Committee "without recommendation" from the House Human Services & Housing Committee -- but with several last-minute amendments passed without public hearing that make the bill even worse.

**In a NUTSHELL** SB 534 tells cities that old plat lines that were never used (e.g., in Portland 25' lots sold in pairs in the early 1900s) and have been invisible to homeowners for over a century must now automatically be permitted for construction -- regardless of lot size and no matter the current use, adjacent land uses, city comprehensive plans, zoning, neighborhood context, or neighbors' investments. All without public input.

**Although written to seem innocent, in reality it is a stunning top-down piecemeal re-zoning of Oregon cities by the legislature. It violates decades of Oregon precedent for local control of land use regulation and planning. It would essentially overrule Comprehensive Plans that have been developed with citizen input, debated and adopted by local governments, and approved by the State.**

**It is opposed by the League of Oregon Cities, the City of Portland (which would be particularly affected), and the written testimony submitted by citizens to both Senate and House committees.**

**Rezoning on a lot by lot basis is a novel experiment in "takings" of homeowners' rights, enjoyment of their property and investments without input, let alone due process. It subverts 50 years of Oregon planning process and law so that developers can get something from the legislature that they haven't been able to get from local communities -- permitting narrow lot construction in some cases while limiting it in the vast majority of others in the City of Portland (even right across the street).**

The bill also has numerous negative consequences:

> Home owners affected by this State re-zoning are NOT AWARE of "underlying lot lines" affecting their property or their neighbors'. Those houses are where they have often invested their life savings and where they've built their lives and relationships based on what they see around them (not dotted lines hidden on maps they've never seen). They understand the zones they bought into and expect them to be stable (absent a local public process to change them). They would be **blind-sided** by the legislature and rightfully **angry**.

> Since there are already **existing houses** on nearly all of the "hidden plats," mandatory issuance of building permits on those lots requires **demolishing** more affordable housing units. Economics and past experience tells us that new **replacements** will not be **affordable** for the vast majority of households in Portland. Existing affordable housing will be removed from the stock forever.

> In Portland only about 5% of tax lots would be directly affected. There are two problems with this: both are **forms of discrimination**. To individual home owners it seems random -- like the State playing dice with their investments. The history is that these skinny "lots" were a real estate "bait and switch" gimmick used a century ago by a few developers. These "lots" were almost never sold individually, but in bundles of 2-3 that were recorded as a single tax lot. So in Portland they are found mostly in 8-9 neighborhoods scattered across the city. The result is discriminatory **unequal treatment** of **individual home owners** and **targeted neighborhoods**. Residents would be suddenly

exposed to predatory developers taking control of land next door, across the street, along entire blocks. The City's hands would be tied. And as demolitions increase, community will erode and anger will build.

> By making every lot with legacy plat lines a candidate for a building, every home on a regular tax lot in those neighborhoods would become a target for eviction of a renter, an estate sale to out-of-state speculators, and outbidding of young working families by builders. The actual construction turns already-crowded areas from **residential neighborhoods into ongoing work zones**. Portland neighborhoods and residents are under ongoing exposure now -- but on a more sporadic basis -- to heavy truck traffic, diesel pollution, noise, stress, unpredictable road closures, infrastructure work, dangerous pedestrian conditions, etc. Children and the elderly are particularly at risk. SB 534 would put demolition and construction **on steroids and in concentrated areas** -- again, **only in neighborhoods targeted because of historical accident**.

> The majority of affected neighborhoods in Portland are **historically working class**, with significant **low income and minority populations**. Just because they've been targets in the past for neglect doesn't warrant **writing them off again** for land rush demolition and gentrification -- **one more time without consulting them**. The result will be **displacement** of working households, lower-income people, persons of color. Long time working-class Oregon households will be pushed out to make room for new (wealthier) arrivals.

> The State Legislature's preemption of existing land use law with SB 534 would be a fundamental overturning of **DLCD Goal #1: Assured PUBLIC PARTICIPATION in Oregon** land use planning. This would also set a **dangerous precedent** for the Oregon legislature to **repeal long-held fundamental values of planning and public process** through an opaque process in Salem. Clearly no local discussion or planning of any sort has been involved and few citizens are even aware of these proposals. Citizens in Portland who have been involved in discussions about legacy lot lines, development and zoning will be told that the legislature thinks **their work has been a waste of time**.

> There is no public policy problem that SB 534 addresses (none expressed in the bill, analysis, testimony, or committee discussions). There is no obvious public benefit that would warrant individual property impacts and takings on this scale and with this speed. However, SB 534 would effectively transfer property rights and wealth from working families to a select set of companies and investors.

It will be **shameful** if this sort of assault on communities, shared values, precedent, and good governance is quietly made into law in the last few days of the session.

Loren Lutzenhiser  
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SE Portland resident