



City of Portland, Oregon
Portland Permitting & Development

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House Committee on Agriculture, Land Use, Natural Resources, and Water
900 Court St NE, HR D
Salem, OR 97301

Co-Chairs Helm and Owens, Vice Chair Finger McDonald, and Members of the Committee,

On behalf of the City of Portland's Permitting and Development Bureau (Portland Permitting & Development), I am writing to share our opposition to House Bill 3858. Portland Permitting & Development verifies the legal status of properties and their eligibility for development under the City's Zoning regulations during permit reviews and land use review processes. The City of Portland's Zoning Code allows development on configurations of land legally created through subdivision and partition processes, consistent with state law, as well as land configurations legally created through recorded deed transfer processes that occurred prior the adoption of the City's first subdivision ordinance. Land configurations that cannot demonstrate either of the previous creation mechanisms are reviewed through a Lot Validation process outlined in ORS 92.176. The Lot Validation process evaluates whether a configuration of land could have complied with the applicable criteria for creation of unit of land when the unit of land was sold.

House Bill 3858, as currently drafted, would revise the definition of a 'lawfully established unit of land,' effectively legalizing certain configurations of land without a Lot Validation by any local municipality. A result of this change as proposed would be that configurations of land not created through a subdivision or partition process and that did not meet any approval criteria for the City (or any local government) at any time in the past would be automatically legalized.

The City of Portland's Zoning regulations require minimum lot sizes and configurations for development; unvalidated lots pose challenges during development, particularly when such configurations cannot reasonably be developed under local regulations. To preserve the integrity of the Lot Validation process, we recommend amending HB 3858 to clarify that Section 1(3)(a)(C) applies only when the remaining parcel meets local minimum lot dimension requirements and/or is held in common ownership with the unit of land created under subparagraph (B).

For these reasons, we request a No vote on House Bill 3858, unless amended. The City of Portland is willing to work with the proponents of this bill on an amendment.

Sincerely,

David Kuhnhausen, Interim Director
Portland Permitting & Development
City of Portland, OR