

May 4, 2019

Honorable Representatives,

Before you vote, be sure you understand the chaos that this seemingly "innocent" bill would create.

SB 534-A's operative language is this:

"Within the urban growth boundary of a city with a population greater than 25,000, local governments shall allow, subject to reasonable local regulations relating to siting and design, the development of at least one dwelling unit on each platted lot that is zoned to allow for single-family dwellings."

On its face, this may sound reasonable and harmless -- just making sure that "lots" which are zoned for single-family dwellings are allowed to have a single-family dwelling.

A busy Representative or his or her staff person might even wonder why this bill is necessary; but, sensing no harm, vote to adopt it.

But the "killer" provision is "platted lot," which makes this a *radical* requirement that would totally disrupt residential zoning in neighborhoods that were platted many years ago. These are generally the close-in, compact single-family neighborhoods, which are irreplaceable.

Here is the expert advice provided by Joe Zehnder, Director of Portland Bureau of Planning and Sustainability:

"The term "lot" is not defined. The definition should be inclusive of the term "lot" which refer to lots that are created as part of a recorded land division and "parcels" that are created through partitions. **The definition should not include** lots of record that were not created through a land division process; were created and recorded before the local jurisdiction adopted a land division code (July 26, 1979 for the City of Portland); or were created by a deed or other instrument dividing the land. The definition of a lot should not include lot remnants that have a lot area with 50 percent or less of the original platted lot."

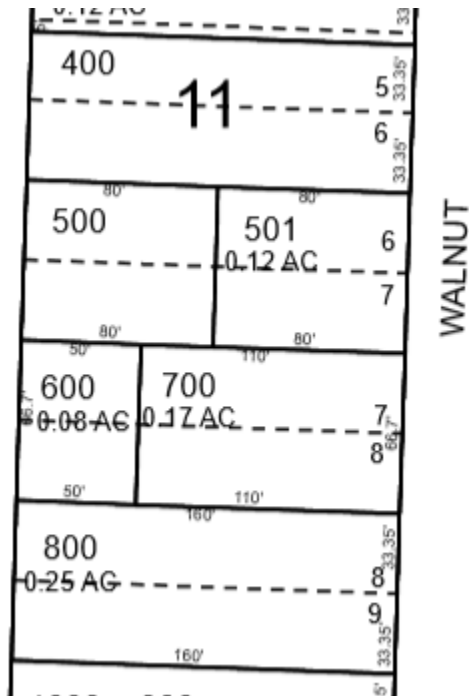
Director Zehnder's testimony was based on the bill, *as originally introduced*. The April 22 amendments did exactly the opposite and wrong thing, by making the target *platted lots*, which Director Zehnder understood would be extremely problematic.

Here is what you must know before voting: Prior to the introduction of platting and zoning regulations, many older plats comprised "lots" as narrow as 15 feet in very old plats and 25 feet in the next generation of platting. The lots weren't necessarily intended to be developed with a house on each lot. Instead, the common intent was that a buyer could "customize" the size of the lot they purchased by buying two or more adjacent lots. The resulting residential development was typically on lots with a 45-foot (3 x 15') or 50-foot (2 x 25') width and frontage.

Adopting this "innocent" bill would potentially double (or more) the allowable dwellings on such platted areas. Note that this would have *no* effect on newer partitions and subdivisions or on any area with CC&Rs. Thus, the impacts would fall on a specific set of single-family

neighborhoods where people had invested in the older homes that surround the downtown. The ultimate result would be a complete redevelopment to denser, more expensive condos and apartments and the loss or irreplaceable neighborhoods.

This bill shows a total ignorance of facts on the ground by its authors. Consider this excerpt from a Eugene tax map. Solid lines are current tax lot lines; dashed lines show the original plats with original lot numbers.



SB 534-A would require Eugene to allow at least one dwelling on platted lot 7, which comprises parts of *four* tax lots (500, 501, 600 and 700). Platted lots 6 and 8 each comprise 3 tax lots. So, which property owner would get to exercise the requirement in HB 534 A? As an example, consider this not unusual case:

- The house on tax lot 800 sits on platted lots 8 and 9
- The house on tax lot 700 sits on platted lots 8 and 7
- Tax lot 600 (an alley access lot) has no house.

Does platted lot 8 already have "one" dwelling by virtue of some partial section of two houses that sit on separate tax lots? If not, which property owner gets to force the City to allow a new dwelling on plat lot 8?

Of all the frankly stupid and harmful bills in this Legislature attacking single-family neighborhoods on behalf of YIMBY zealots and ravenous developers, SB 534-A is near the worst.

Please do your homework before voting and understand that HB 534 A serves no useful purpose, is hopelessly impossible to reasonably implement, and would create chaos and disruption in older neighborhoods.

Please also carefully review the expert testimony (attached) submitted to the Senate that identifies critical problems with this bill:

- Joe Zehnder, Director of Portland Bureau of Planning and Sustainability
- Palmer Mason, Senior Policy Advisor, DLCD

The bill should be overwhelmingly rejected.

If you do not reject it, you must follow the advice of Director Zehnder, who actually understands the implications.

Thank you for your consideration,

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