



190687

Ordinance

Amend Title 33 Planning and Zoning and Title 32 Signs and Related Regulations to revise and update regulations for historic resources (amend Code Titles 32 and 33)

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. On August 29, 1968, the City Council, through ordinance 127512, established the Historic Landmarks Commission and established definitions, regulations, and procedures for Historic Landmark designation.
2. On June 19, 1975, the City Council, through ordinance 140096, established the definitions, regulations, and procedures for Historic District designation.
3. On September 8, 1977, the City Council, through ordinance 144324, established definitions, regulations, and procedures for Conservation District designation.
4. On April 10, 1996, the City Council, through ordinance 169987, updated the definitions, regulations, and procedures for Historic Landmark, Conservation Landmark, Historic District, and Conservation District designation; updated the definitions, regulations, and procedures for adding and removing undesignated resources from the Historic Resources Inventory; and provided for automatic Historic Landmark and Historic District designation for resources listed in the National Register of Historic Places.
5. On January 27, 2017, the Land Conservation and Development Commission adopted a new State Administrative Rule for procedures and requirements for local government compliance with the historic resource provisions of Statewide Land Use Goal 5.
6. Adoption of the State Administrative Rule required updates to the Zoning Code for compliance with State regulations pertaining to the protection of landmarks and districts listed in the federal National Register of Historic Places after January 2017.

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Planning and Sustainability](#)

Prepared by

Brandon Spencer-Hartle

Date Prepared

October 6, 2021

Requested Agenda Type

Time Certain

Date and Time Information

Requested Council Date

January 26, 2022

Requested Start Time

9:45 am

Time Requested

20 minutes

Confirmed Time Certain

Changes City Code

7. The Historic Resources Code Project (HRCP) was initiated by the Bureau of Planning and Sustainability in late 2017, beginning with a review of local historic resource programs and best practices in Oregon, nationally, and internationally.
8. In late 2017 and early 2018, staff held public roundtable discussions and offered a public online survey to solicit concepts related to revising the City's regulations pertaining to the identification, designation, protection, and reuse of historic resources.
9. In January 2019, the Historic Resources Code Project Discussion Draft was released for public review. Staff held public open houses and offered a public online survey to solicit feedback for incorporation into the Proposed Draft.
10. On September 15, 2020, the Historic Resources Code Project Proposed Draft was released for public review.
11. On September 21, 2020, notice of the Proposed Draft was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-0020. Notice of the Proposed Draft was also mailed to owners of historic resources on September 21, 2020 as required by Measure 56.
12. The Planning and Sustainability Commission held hearings on the Proposed Draft on October 27 and November 10, 2020.
13. The Planning and Sustainability Commission conducted seven work sessions before voting to forward the Historic Resource Code Project to City Council on May 4, 2021.
14. On June 30, 2021, staff released the Historic Resources Code Project Recommended Draft for public review.
15. On October 7, 2021, notice of the November 3, 2021 City Council public hearing was provided to those who presented oral and written testimony to the Planning and Sustainability Commission.
16. The City Council held a hearing on the Recommended Draft on November 3, 2021.
17. The City Council held an additional hearing on potential amendments to the Recommended Draft on December 15, 2021.
18. The Historic Resources Code Project amendments update City code provisions related to the identification, designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews, bringing Portland's regulations into conformance with state administrative rules and best practices.
19. Changes in Title 33 require minor conforming amendments in Title 32, Sign and Related Regulations. The project makes no substantive changes to Title 32.
20. The Findings of Fact Report, attached as Exhibit A, includes additional findings demonstrating consistency with the Statewide Planning Goals, Metro Urban Growth Management Functional Plan, and the City of Portland 2035 Comprehensive Plan.

NOW, THEREFORE, the Council directs:

- A. Adopt amended Exhibit A, dated January 2022, as additional findings.
- B. Adopt Exhibit B, Historic Resources Code Project Recommended Draft - As Amended Volume One, dated January 2022, and the commentary in Exhibit C, Historic Resources Code Project Recommended Draft - As Amended, Volume Two, dated January 2022, as legislative intent and further findings.
- C. Amend Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, as shown in Exhibit C, Historic Resources Code Project Recommended Draft - As Amended Volume Two, dated January 2022.
- D. Amend Title 32, Signs and Related Regulations, of the Municipal Code of the City of Portland as shown in Exhibit C, Historic Resources Code Project Recommended Draft - As Amended Volume Two, dated January 2022.

Section 2. This ordinance shall be in full force and effect on March 1, 2022.

Section 3. If any section, subsection, sentence, clause, phrase, diagram or drawing contained in this ordinance, or the map, report, inventory, analysis, or document it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the map, report, inventory, analysis, or document each section, subsection, sentence, clause, phrase, diagram and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Documents and Exhibits

-  [Ordinance - As Amended \(striketthrough/underline version\)](#) (114.72 Kb)
-  [Exhibit A - As Amended](#) (1.38 Mb)
-  [Exhibit B - As Amended](#) (4.77 Mb)
-  [Exhibit C - As Amended](#) (2.59 Mb)
-  [Staff Memorandum \(January 11, 2022\)](#) (402.33 Kb)
-  [Amendment Package](#) (951.14 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed as amended by Council
January 26, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

 [Impact Statement](#) (187.42 Kb)

Budget Office Financial Impact Analysis

The HRCP Code amendment may result in a minimal short-term and long-term financial impact to the City. Those impacts, however, would mostly affect the Bureau of Development Services (BDS). This legislation is projected to streamline the development review process for many projects. In some cases, the code amendment may result in the shifting of workload among BDS Staff. Some development proposals that currently go through a discretionary demolition review process may skip that and go straight to permitting. Consequently, such workload shifts will have a minor impact to the City, as there will be fewer than anticipated Land Use Review applications. The Land Use and Permit Review fees are intended to provide cost recovery for those reviews. Thus, in the long-term, BDS Land Use Services Schedule Fee may need to be amended to change the descriptions of what work falls under different procedure types and reviews to reflect the HRCP code amendments. The bureau notes that it is unable to estimate specific fee impacts currently. However, it will be reviewing its fee schedules in Spring 2022 and will propose adjustments at that time for Council to review, if necessary. Due to other bureaus setting their fee schedules based on descriptions of work and procedures in the Land Use Services Fee Schedule, BDS will be making Land Use Services Fee Schedule changes in coordination with other bureaus as part of the standard process for Council adoption of the July 1st Fee Schedules.

Agenda Items

791 Time Certain in [November 3, 2021 Council Agenda](#)

Continued

Continued to December 15, 2021 at 2:00 p.m. Time Certain.
Visit Historic Resources Code Project webpage for more information,
<https://www.portland.gov/bps/hrcp>

911 Time Certain in [December 15-16, 2021 Council Agenda](#)

Continued As Amended

Oral and written record are closed.

Motion to allow 10' of bonus height for certain development proposals in Historic and Conservation Districts in the CM2 Commercial Mixed Use zone: Moved by Hardesty and seconded by Rubio. (Y-5)

Motion to allow certain affordable housing proposals subject to historic resource review to be processed through a Type II or Type Ix procedure

following a required design advice request meeting: Moved by Ryan and seconded by Hardesty. (Y-5)

Motion to eliminate an existing demolition review approval criterion related to “reasonable economic use” and amend the remaining demolition review approval criteria to ensure underrepresented histories and economic consequences to owners are considered by the decision-maker: Moved by Hardesty and seconded by Rubio. (Y-5)

Motion to allow permits for interior alterations to be issued during 120-day delay, consistent with the applicability of historic resource review: Moved by Ryan and seconded by Hardesty. (Y-5)

Motion to allow for independent recommendations from the Planning and Sustainability Commission and the Historic Landmarks Commission concerning the designation or removal of Historic and Conservation Districts: Moved by Mapps and seconded by Ryan. (Y-1 Mapps; N-4 Rubio, Ryan, Hardesty, Wheeler). Motion failed to pass.

Motion to adjust the Recommended Draft membership categories for the 7-member Historic Landmarks Commission (Amendment 6B): Moved by Mapps and seconded by Rubio. (Y-5)

Motion to allow any Type III historic resource review proposal in the New Chinatown/Japantown Historic District to be processed as a Type II review following a required design advice request meeting: Moved by Mapps and not seconded. Vote not called.

Motion to approve a slate of minor and technical changes intended to clarify and improve the zoning code: Moved by Hardesty and seconded by Rubio. (Y-5)

Continued to January 19, 2022 at 9:45 a.m. Time Certain as amended.

28 Time Certain in [January 19, 2022 Council Agenda](#)

Passed to second reading as amended

Motion to amend the HRCO Ordinance, Findings and Recommended Draft Volumes 1 and 2 as shown in the Memo distributed by Planning: Moved by Hardesty and seconded by Rubio. (Y-5)

Passed to second reading January 26, 2022 at 9:45 a.m. time certain as amended

47 Time Certain in [January 26, 2022 Council Agenda](#)

Passed As Amended

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea