

# Historic Resources Code Project

## DISCUSSION DRAFT SUMMARY

The protection of historic resources has been a priority of the City of Portland for more than fifty years. With 24 districts and 700 landmarks designated for their historic qualities and more than 2500 additional structures determined to have historic significance, historic places connect Portlanders to the city's past and provide opportunities for continued use in the future.

### ALIGNING THE CITY'S HISTORIC PRESERVATION RULES WITH BROADER COMMUNITY GOALS



With changes to Portland's zoning code, historic preservation in Portland can become more equitable, inclusive, and responsive while honoring the contributions of the past and conserving irreplaceable assets for use and enjoyment in the future. The Historic Resources Code Project proposes significant changes to Portland's regulations for inventorying, designating, and protecting historic resources to better preserve significant places from the past for the use and enjoyment of the people of Portland—those here today and those who will be here tomorrow.

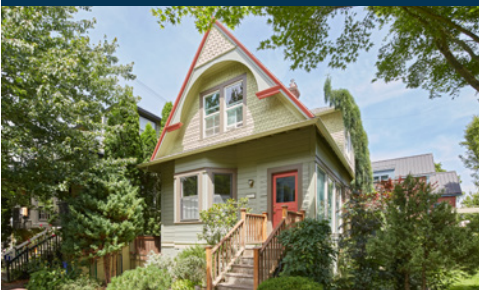
*Changes to the zoning code could allow Portland's historic places to tell more diverse stories, be adapted for changing community needs, and be better protected for future generations.*

### PROJECT TOPIC AREAS



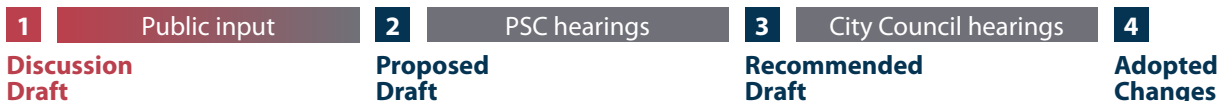
- 1 **INVENTORY** | Establish a framework for updating Portland's 35-year-old citywide Historic Resources Inventory (HRI).
- 2 **DESIGNATION** | Incorporate Oregon law and national best practice into the local landmark and district designation process.
- 3 **PROTECTION** | Revise the demolition and design protections that apply to designated landmarks and districts and expand incentives for adaptive reuse.

### PROJECT STATUS



A public discussion draft of historic resources zoning code amendments was released in January 2019. This handout summarizes the proposed changes. Public comments are due April 1, 2019 (see back page). Based on comments, project staff will revise the code proposals and publish a proposed draft before scheduling public hearings later this year.

#### TIMELINE



[www.portlandoregon.gov/bps/hrcp](http://www.portlandoregon.gov/bps/hrcp)



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## OVERVIEW OF THE HISTORIC PRESERVATION FRAMEWORK

A public interest in historic preservation has existed in the Portland area for more than 100 years, arguably beginning with the rescue of the McLoughlin House in Oregon City in 1909. Decades later in 1968, Portland became the second city on the West Coast to adopt a historic preservation ordinance and appoint a historic landmarks commission. Senate Bill 100, Oregon's foundational 1973 land use planning bill, requires cities to protect natural, scenic, and historic resources. And in 1975, Oregon became the first state to offer a tax incentive for the preservation of designated historic buildings.

This project proposes the most significant changes to Portland's historic resources program in over 20 years. The proposed changes will amend the documentation, designation, and protection framework for Portland's historic resources, while aligning with federal and state rules.



*NW 13th Avenue Historic District*



*Woodlawn Conservation District*



*Moulton House Conservation Landmark*

## FEDERAL GUIDANCE AND REGULATIONS

Since the passage of the 1966 Historic Preservation Act, the National Park Service has provided best practice guidance for documenting, designating, and protecting historic resources. The Park Service maintains the National Register of Historic Places, the nation's official list of buildings, structures, sites, objects, and districts that are significant in different areas of American history. For properties listed on the National Register, a federal income tax credit is available for rehabilitation projects. In general, the Park Service does not apply preservation regulations to National Register resources and leaves protection decisions to state and local governments.



*Rutherford House National Register Resource*



## STATE GOALS AND REQUIREMENTS

Portland's authority to manage historic resources is set by Oregon state law and administrative rules for designating and protecting historic resources:

- ORS 197.772 requires owner consent before a local government can designate a historic resource. No other state preempts local governments from designating historic landmarks and districts against the objection of the owner(s).
- Land Use Goal 5 requires local governments to protect resources that have been designated on the federal National Register of Historic Places.
- The State Historic Preservation Office offers a 10-year property tax special assessment to properties listed on the National Register.

If not for State regulations, the proposed zoning code amendments would eliminate owner consent requirements for local historic resource designation and provide only a 120-day demolition delay period for resources listed in the National Register in the future. Should state law change during the 2019 legislative session, the proposed draft of the code proposals will incorporate those changes.



*Arleta Branch Library Historic Landmark*

## PORTLAND'S HISTORIC RESOURCES PROGRAM

The Portland City Council began designating and protecting historic landmarks and districts in the late 1960s, a major reversal from previous policies that encouraged the clearance of old buildings and displacement of longstanding residents. By the mid-1970s, these local designations were being supplemented by a growing list of properties listed on the National Register.

In addition to the local and national designations, a citywide Historic Resource Inventory was conducted in the early 1980s to gain a broad understanding of Portland's potentially significant historic resources and culminated in the documentation of 5,000 properties. Although the Inventory was intended to be updated over time, it has not been updated since 1984.

The 2035 Comprehensive Plan includes numerous policies related to historic resources, ranging from emphasizing cultural resources to updating the Inventory in areas of the city that have been under-represented in the past. These zoning code proposals seek to align the code with the policy direction provided in the Comprehensive Plan.



*Venetian Theater HRI Resource*

## TOPIC: HISTORIC RESOURCE INVENTORY

Portland's Historic Resource Inventory (HRI) was adopted in 1984 to provide documentation of historic resources that may be worthy of landmark or district designation. While the effort was comprehensive—over 5,000 resources were documented—it was never intended to be definitive. The HRI has served as a valuable information tool since the 1980s, but because it has not been updated its utility for planning and research has become inadequate. City staff are proposing several changes to make the HRI a dynamic and useful tool.

### 1. Expand the HRI

- Broaden the term HRI to include all historic resources (both documented and designated).
- Include resources identified in area surveys (including “unranked” resources) in the HRI even though they may not be subject to regulations.
- Rename “rank I, II, III” resources as “Significant Resources” for clarity.
- Provide documentation on all resources on the HRI, but clearly differentiate those that are significant and protected from those that are not.

### 2. Establish procedures for adding and removing significant resources from the HRI

- Require City Council vote to add or remove Significant Resources from the HRI.
- Eliminate owner consent requirement for listing and de-listing Significant Resources.
- Apply 120-day demolition delay requirement to Significant Resources.
- Require a formal designation process to apply demolition or design protections beyond 120-day demolition delay.





## TOPIC: HISTORIC RESOURCE DESIGNATION

Oregon has long relied on the federal National Register designation for the protection of historic resources. In 2017, changes were made to State administrative rules to give cities more flexibility in designating and protecting historic resources. The Proposed Zoning Code changes would modernize Portland's designation process in alignment with those rules.

### **3. Better differentiate Historic Landmarks from Conservation Landmarks and Historic Districts from Conservation Districts.**

- Portland has two types of designated historic resources: historic and conservation. These proposals would retain this two-tier approach to designation, but refine the listing process and protections that apply.
- Clarify the definitions of the different local designation types.
- Refine the design and demolition regulations that apply to local designation types (see next page).

### **4. Incorporate historic preservation best practice into the designation process.**

- Incorporate National Park Service evaluation criteria into the local designation process.
- Allow Historic Districts smaller than 16 lots to be designated by the Historic Landmarks Commission.
- Require Historic Districts larger than 16 lots to be designated by the City Council with recommendations from the Historic Landmarks Commission and the Planning and Sustainability Commission.
- Revise the process for amending or removing local designations.

### **5. Lower the owner consent thresholds for local historic resource designations.**

- To align with State rules, lower the owner-consent threshold to 50 percent+1 affirmative owner consent for all local landmark and district designations.



*Palestine Lodge, a Historic Landmark in SE Portland*



## TOPIC: HISTORIC RESOURCE PROTECTION

Portland's regulations for protecting historic resources have not been updated since the mid-1990s and do not adequately protect locally designated resources. Proposed changes would expand demolition review beyond National Register resources to all locally designated resources and modify design protections for all designated resource types.

### 6. Align protections for future National Register listings with State regulations

- Retain demolition and design protections for all resources listed in the National Register prior to 2017.
- Apply only demolition review to resources listed in the National Register after 2017.
- Require subsequent local designation to apply design protections to National Register resources listed after 2017.

### 7. Increase the demolition protections that apply to locally designated historic resources

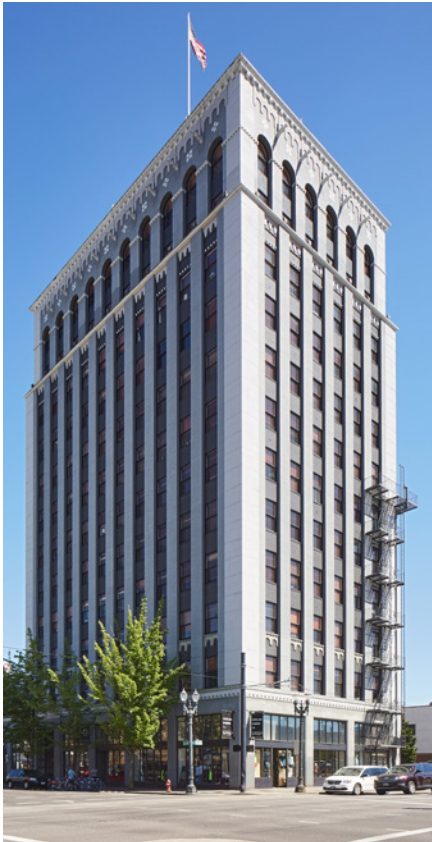
- Apply demolition review protection to locally-designated Historic Landmarks (currently only a 120-day demolition delay applies).
- Apply a new type of staff-level demolition review to Conservation Landmarks and contributing resources in Conservation Districts (currently only a 120-day demolition delay applies).
- Reduce requirements and process for demolition of accessory structures, such as garages, where they are currently subject to City Council review.
- Specify the activities that trigger demolition protections (such as removing an entire street-facing wall).



*A restored 4-plex in the South Portland Historic District*



*A rehabilitated building in the Grand Avenue Historic District*



*Weatherly Building Historic Landmark*

## 8. Refine the design protections that apply to designated historic resources

- Expand list of improvements that are exempt from historic resource review, such as:
  - > Some solar energy systems.
  - > Electrical outlets, meters, and mechanical structures.
  - > Seismic straps on foundation walls.
  - > Replacement of non-historic windows with wood windows.
- Adjust review type thresholds to streamline the review process for smaller projects.
- Refine design approval criteria to resolve technical issues related to design compatibility and replacement accessory structures.
- Revise limits on allowed façade changes in Conservation Districts and to Conservation Landmarks.
- Allow greater flexibility for additions to Conservation Landmarks.
- Possibly require more rigorous review of larger new construction projects in Conservation Districts.

**NOTE:** *Design review for historic resources is known as historic resource review.*

## 9. Increase incentives for reuse and rehabilitation

- Expand housing unit flexibility in historic districts.
- Reduce barriers to transferring unused density from historic resources.
- Eliminate parking requirements for all designated historic resources.
- Increase adaptive reuse flexibility, including allowing limited commercial uses in residential zones.

## 10. Revise Historic Landmarks Commission powers and duties

- Change the commission makeup, responsibilities, and annual report schedule to resolve administrative challenges.



*A small sign in the Kenton Historic District*



*A preserved house in the Woodlawn Conservation District*



## LEARN MORE AND PARTICIPATE

### BACKGROUND AND ADDITIONAL DOCUMENTS

The proposed historic resource zoning code changes were developed by the Bureau of Planning and Sustainability and Development Services in response to feedback provided by Portlanders in 2017 and 2018. Project staff reviewed 3,442 comments from 440 survey respondents and heard from 200 people at public meetings. This feedback was directly incorporated into the proposed code amendments.

Download the full Historic Resources Code Project Discussion Draft at [www.portlandoregon.gov/bps/hrcp](http://www.portlandoregon.gov/bps/hrcp)

### QUESTIONS AND PROJECT FEEDBACK

Questions and written feedback can be directed to Brandon Spencer-Hartle, Historic Resources Program Manager, at **503-823-4641** or [historic.resources@portlandoregon.gov](mailto:historic.resources@portlandoregon.gov).

A project survey is available at [www.portlandoregon.gov/bps/hrcp](http://www.portlandoregon.gov/bps/hrcp)

**Staff requests that feedback and survey responses be submitted by April 1, 2019.** We encourage you to include a bulleted list that addresses specific concepts and/or code citations when submitting written comments.



*Neighborhood House, a Historic Landmark built by the National Council of Jewish Women.*

### NEXT STEPS

Following the comment period, project staff will incorporate feedback into the next draft of the zoning code changes—the Proposed Draft. Staff anticipate that the Proposed Draft will be released in summer 2019. The Proposed Draft will go to the Planning and Sustainability Commission for public hearings and amendments before a Recommended Draft goes to City Council. City Council will hold public hearings in fall 2019 before adopting code amendments.



*Ariel Terrace, a Historic Landmark built for Clarissa Inman, inventor of the electric curling iron.*

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