



March 4, 2025

Chair Pham, Vice-Chair Anderson and
Senate Committee on Housing and Development
900 Court St. NE, Salem Oregon 97301

Re: Comments on HB 49 dash-1 amendment, Section 4:

Chair Pham, Vice-Chair Anderson and Committee Members:

Restore Oregon is a statewide, nonprofit that works to reimagine and transform Oregon's communities through the preservation and reuse of historic and cultural places. Allowing local governments to adopt protection programs for individual landmark properties and locally designated historic districts is crucial for retaining cultural heritage, while allowing for change. It is for this reason that we are writing in opposition to Section 4 of SB 49-1.

Communities across Oregon have designated over 2,000 individual Historic Landmarks and 125 Historic Districts. Most of these resources are protected by special overlay land use regulations adopted and implemented by local governments through specific historic review approval criteria. These protections work in tandem with base zoning regulations, providing property owners and review bodies with a range of options to allow for changes to historic buildings and new construction in historic areas. Because individual landmarks and historic districts occupy just a small fraction of a broader base zone area, it is often the case that the base zoning designation authorizes taller, more massive, and more dense development than the existing buildings in the zone. By requiring historic review of additions to historic resources, local governments are able to ensure that changes are done sensitively so to not destroy the historic character and integrity of the historic resource. Additionally, by applying base zoning that allows for more dense buildings, local governments leave open the door to site-by-site flexibility to add penthouses, alley additions, and denser new development without destroying the very features of the historic resource.

SB 49-1, Section 4 would pre-empt local governments from continuing to apply long-ago adopted historic protections, many of which are the result of lengthy public processes and local community investment in design guideline documents. SB 49-1 would allow additions and new construction to be designed without regard to historic protections, bypassing previous City Council decisions to adopt well-crafted protections. This pre-emption would happen by operation of law; no hearing or other opportunity for the public to weigh the consequences to historic resources would be provided.

Some real-world examples provide the best illustration of the potential impact:



Mt. Tabor Park Gatehouse No 2 – 6002 SE Division, Portland – RM2 zoning would allow 45’ building height (4 stories) and 1.5:1 FAR with a bonus of up to 2.25:1 without consideration of the impact to this iconic one-story oblong building which serves as a gateway to the Mt Tabor Park and National Register District.



201 – 229 Broadway, Coos Bay - Waterfront Heritage zoning allows building up to 3 stories which is one story taller than these two-story buildings.



Tower Theater – 825 NE Wall Street, Bend - Central Business District zoning with a maximum building height of 35 to 70 feet (3 to 7 stories) would allow a four-story addition to one of Bend’s most well-known historic resources.



Hamley & Co Building, 30 SE Court Ave, South Main Street National Register Historic District, Pendleton - Commercial-Mixed Use (C-MU), a zone that imposes no height limits.



Commercial Street buildings within the Downtown Historic District, Salem - Central Business (CB) zoning with a building height maximum of 70 feet (6 to 7 stories), which would allow a 3 to 4 story addition.

Not only would Section 4 eliminate historic review for additions and alterations to landmarks, it would place a tremendous pressure favoring demolition, given the untapped development potential that could exist if historic review were nullified. Communities and property owners that have for decades sacrificed time and money to celebrate the stories of these cherished places, securing local government support for their protection, would see that commitment upended through this one-sized fits all pre-emption.

Although not expressly stated, it is assumed that proponents believe that allowing additional density by right will increase the production of housing. Proponents have offered no data to support this claim. Rather, the facts suggest otherwise:

- The number of extant structures listed on the National Register across Oregon is something less than 3%. Allowing expansion and alteration of these buildings without limitation with respect to height, massing, and density will have a *de minimis* impact on the housing supply. Yet, it will decimate iconic buildings that reflect community identity.
- A majority of Oregon’s historic districts encompass historic main streets where the touring, dining and shopping opportunities serve as huge economic generators for rural and urban communities. Typically, the charm of a historic main street is that it is collection of similarly pedestrian-scaled buildings that speak as a collection where the visitor can step back in time to experience the past. However, that continuity of scale can be erased by new development that does not sensitively integrate into the historic area.
- The South Portland Design guidelines encourage sculpting to acknowledge changes in height and mass but do not prohibit it:



There are no examples, as far as we are aware, of the City of Portland denying a new development within a historic district for being too tall.

- The criteria for historic review are varied but often include approval criteria intended not to prohibit additional height, mass, and density, but to sculpt it in ways that minimize visual effects. Review is accomplished with notice and a hearing creating an unconstrained and self-directed, democratic determination.
- Increasing the demolition pressure makes it more and more likely that otherwise useable structures will be sent to the landfill, a consequence that runs counter to local and state climate strategies.

Restore Oregon is committed to furthering state housing goals – it has advocated for incentives and building code changes that would make it easier to realize internal conversion of structures to accommodate middle housing and larger adaptive reuse. For example, Restore Oregon is

working with Rep Nosse in sponsoring HB 3190, providing special assessment for commercial buildings, to make it easier for existing main street buildings to be converted to accommodate new uses, including housing. Restore Oregon was a vocal supporter of 2023 HB 2984, which now allows for the conversion of commercial buildings to housing without a zone change or conditional use permit.

In summary, Restore Oregon, along with the thousands of Oregonians who love to live, work, shop, dine and play in areas rich with cultural significance, beg you to not proceed with preempting local historic review when it comes to building height, massing and density. Please strike Section 4 from SB 49-1.

Thank you for considering these comments.

Sincerely,



Carrie Richter
Chair of the Legislative Advocacy Committee