



May 20, 2025

Rep Pam Marsh, Chair
Vice Chairs Rep Andersen and Breese-Iverson and
House Committee on Housing and Homelessness
Salem, Oregon

Re: Comments on SB 974, proposed -A5 amendment, Section 4

Chair Marsh, Vice Chairs Andersen and Breese-Iverson, and Committee Members:

Restore Oregon works on the front lines and behind the scenes to empower Oregonians to reimagine and transform their communities through the preservation and reuse of historic and cultural places. Historic preservation and reuse are crucial to retaining a vibrant and equitable Oregon. It is for this reason that we are writing in opposition to Section 4 of SB 974-5. **The dash-5 amendments, which have not changed from the -4 version, introduce deeply ambiguous language, sowing confusion that will place historic resources in jeopardy.**

Restore Oregon requests consideration to remove Section 4 entirely. But, if Section 4 is necessary, we'd strongly request reverting to the engrossed version language for "20 lots or more." This is Section 4, subsection (5)(a) found on page 6, lines 30-35 of the A-Engrossed bill.

Another option and possibly the easiest for a technical amendment would be to add "historic resources" to the list of goal exceptions in Section 4, (5)(b) along with the various natural resources given exceptions. This would clarify the bill's intent and be consistent with the position of the bills proponents (as stated in the public hearing yesterday in response to Chair Marsh's question about the concerns raised by Restore Oregon during testimony). Adding historic resources to the exceptions would alleviate Restore Oregon's concerns.

We do not agree with the interpretation of the bill language as responded to by Sam Bayer of the Oregon Homebuilders Association.

Oregon has over 12,000 buildings and homes listed on the National Register of Historic Places, and hundreds more locally designated structures, either as individual landmarks or contributing within Historic Districts. Most of these resources are protected by special overlay design and siting regulations in place to ensure that new development does not overwhelm and destroy the character and integrity of the landmark.

Section 4 of the engrossed bill preempts the application of any design review requirements related to aesthetics for a development application for **20 or more “residential lots or parcels.”** In the dash-5 (and dash-4) amendments, the revised language (specifically would pre-empt the application of design review to residential development except where the development includes **less than 20 residential units.** “Residential units” includes single-unit dwelling, manufactured dwellings and middle housing. Of particular importance is the fact that “residential units” does not include multi-family dwelling units – the traditional apartment building, which would remain exempt from design review no matter how many units are proposed. Stated differently, the development of anything more than five units within a landmarked structure (something less than that would a four-plex considered middle housing) would be exempt from historic overlay design review.

This pre-emption would happen by operation of law; no hearing or other opportunity for the public to weigh in allowing development without regard to the adverse impact to the resource. 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 within the City of Portland.



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



Tower Theater – 825 NE Wall Street, Bend - Zoned Central Business District with a maximum building height of 35 to 70 feet (3 to 7 stories) would allow a four story addition.



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



Commercial Street buildings within the Downtown Historic District, Salem, is zoned Central Business (CB) with a zoned 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 design review for additions and alterations to landmarks, SB 974 would place a tremendous pressure favoring demolition, given the untapped development potential. 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, only to see that commitment upended through this one-sized fits all pre-emption.

Restore Oregon is committed to furthering the 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. Restore Oregon is in partnership with Rep Robb Nosse on HB 3190A, providing special assessment for commercial buildings making it easier for them to be converted to accommodate new uses, including housing. Restore Oregon supported 2023's HB 2984, which allows for the conversion of commercial buildings to housing without a zone change or conditional use permit.

In summary, Restore Oregon requests that this bill not pre-empting local design review when it comes to historic resources.

Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink that reads "Nicole Possert". The signature is written in a cursive, flowing style.

Nicole Possert

Executive Director