

## Watts Remy

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**From:** Kristen Minor <kminor.phlc@gmail.com>  
**Sent:** Tuesday, March 26, 2019 10:36 AM  
**To:** SENR Exhibits  
**Subject:** State Bills 48, 927, and 929

Dear Senator Dembrow and members of the Committee,

I am writing to offer support, though with a few caveats, for SB 48, 927, and 929, all of which have to do with historic preservation. I submit this testimony as a constituent experienced in preservation, planning, and architecture and I currently serve as the chair of the Portland Historic Landmarks Commission, though I am not writing in that official capacity.

First I wish to offer my enthusiastic support of both a state-level tax credit program prioritizing seismic upgrades and affordable housing, as well as the continuation of the special assessment program. The special assessment program is a critical piece of funding for many building retrofits (especially if they qualify for a second term in which seismic, energy, or ADA upgrades are required). The state-level tax credit program will help immeasurably to incentivize historic preservation in Oregon.

The state of Oregon is definitely in the minority in how we have treated properties listed on the National Register (NR). For most states, listing is simply an honorific designation (as well as an eligibility requirement for certain grants and incentive programs such as Historic Tax Credits). Oregon has begun the transition away from granting protections to these NR-listed properties, and relying instead on local designations to trigger any protections for a historic property. The adoption of statewide changes to land use Goal 5 IN 2017 stripped newly NR-listed properties of any automatic protections, except for mandatory local government demolition review. Oregon's Goal 5 rule now explicitly allows regulatory protections and financial incentives to be added at the local level, which brings us much closer in alignment to the practices of other states.

SB 927 does away with Oregon's unique owner consent mandate for historic designation, replacing owner consent with a community consensus process. I am very happy to see the owner consent provisions sunset, but do have some concerns with exclusively relying on "local control" as opposed to maintaining a connection to the very rigorous and evidence-based requirement for NR listing. While the NR listing process has been accused of being a tool to prevent density, it has also been used to discourage demolition of publicly-owned historic buildings such as Portland's Veteran's Memorial Coliseum. This is not to say that demolition cannot occur, simply that NR-listed structures must go through a public process (demolition review). Preservation of publicly-owned buildings will become much more difficult if local officials do not want them listed as a local landmark, so some of these buildings may be demolished without any public process. For neighborhoods, the underlying zoning and land use regulations are the appropriate tools to encourage density, but I believe that retaining the existing provision requiring a land use hearing to allow demolition of primary NR-listed historic structures is still warranted. Without any barriers to demolition, Portland is likely to continue losing smaller, more affordable houses to larger, more expensive single-family houses. It is my hope that local decision-making for designation can rely on similarly rigorous requirements and not become either a "beauty contest" or worse, a political tool by those who don't necessarily value preservation.

It is almost always easier for developers to demolish and build something new, but we have the opportunity to push the market just a little bit towards rehabilitation, adaptive reuse, and additions. I am arguing for retaining the demolition protection on historic NR-listed individual properties and for primary contributing structures in NR-listed historic districts. The idea of taking away control of our meaningful historic designations from some bureaucrat in Washington DC and giving it to local control sounds good in practice, but also allows business-as-usual demolition too easily. We can do better as sustainability advocates, as concerned citizens against gentrification, and as affordability advocates. Of

course not everything old should be retained, but NR listing is a high bar indeed. Making demolitions a little harder for these properties is exactly what we need, while in no way preventing added density. Local control is terrific, but should also be combined with checks and balances.

Thanks very much,  
Kristen Minor