



Oregon

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Chair Dexter, Vice Chairs Gamba and Helfrich and members of the committee,

I am, Christine Curran, OPRD Deputy Director for Heritage Programs and Deputy State Historic Preservation Officer. Thank you for the opportunity to provide testimony on HB 3589. OPRD has no position on the bill. I want to start with a clarification. As the bill is written, it relates only to those historic properties participating in the special assessment for historic properties program – under 200 individual properties in the entire state.

If the intent was to apply this bill to properties listed in the National Register of Historic Places (National Register), or properties locally designated as historic, the scope is much broader. These comments assume this is what the bill intended.

In Oregon, properties listed in the National Register and those designated locally are regulated at the local level. That way, the local ordinance can respond to local priorities, unique circumstances, and the distinct character of a historic property, whether it is an individual property or a historic district.

Regulating the use of historic properties, including historic districts, is rarely seen in local ordinances or state laws. The reason is that “use” in and of itself is usually not a character-defining feature of a historic property. Uses can vary over time, while the elements that qualified the property for listing in the first place stay the same, i.e. architecture, association with a person, or association with an event or pattern in history, which are all criteria for listing in the National Register. For instance, in a district significant for its architecture, a house that is used as a hair salon qualifies just the same as a house being used as a primary residence. Another reason use is not a criterion of the National Register of Historic Places is that often a change of use over time is the only way to preserve a historic building. Regulating use in any historic district will have a dampening effect on participation in the National Register of Historic Places program as well as local designation programs.

There are 132 National Register-listed historic districts in Oregon. Thirty-six of these are mostly or fully residential. They span 22 cities and include over 10,000 properties. The way HB 3589 is written, it would apply to individually listed properties as well as districts, so one could add hundreds more to that list. This list includes Astoria, with two residential districts facing the Columbia River; Jacksonville, which is listed in its entirety; Gardiner on the coast of Douglas County; Ashland; Bend; and several districts in Corvallis and Eugene. One can imagine the limitations this bill would place on these cities who cater to tourists and visitors to ensure a functioning economy.

At the State Historic Preservation Office, we have seen many examples over the years of people using the National Register - any historic designation program, really - to solve zoning problems in communities. It is a dicey move that often backfires, undermining state and local historic preservation policies. The short-term rental problem in Gaiety Hill/Bush's Pasture Park Historic District represents a growing concern in neighborhoods across the country. It is a zoning issue, not a historic preservation issue. Owner occupation, quiet streets and neighbors-knowing-neighbors are desired elements of any historic district, of any neighborhood, but they are not the reasons a historic district may be historically significant. It has been our experience that adding a layer of regulation at the state level over existing regulations at the local level to stitch together two unrelated policies creates an environment ripe for all sorts of unintended consequences.