



IMMEDIATE AND URGENT

January 20, 2025

Subject: Oregon HB 2138 Threatens Preservation of Historic Buildings and Districts

To: Senator Kathleen Taylor, Representative Mark Gamba

CC: Senate President Rob Wagner

As the President of the Eastmoreland Neighborhood Association, I am writing on behalf of our organization to ask that you support the protection of our recently approved Eastmoreland Historic District by opposing three lines of text in the current draft of HB 2138 Section 22 that will be considered during the 2025 Oregon Legislative Session. As currently written the draft states:

*“Land Conservation Development Commission [LCDC] shall adopt rules that must include:
(f) Repealing requirements for demolition review for houses listed in the National Register of Historic Places”.*

It is our position that demolition review is an important step that protects properly-designated historic buildings in Portland from being demolished.

Advocates for eliminating demolition review infer that historic preservation prevents affordable new infill housing. However:

1. The City’s own recent projections conclude that current land availability is more than adequate to support housing expansion needs for the coming 20-40 years under current zoning standards.
2. Only 6% of Portland land zoned for residential use is protected with historic district listing, meaning that the repeal of demolition review will have little impact on infill construction.
3. Housing that replaces a historic structure in our neighborhood is typically much larger and far more expensive than the existing housing stock, thereby opposing the goal of improving affordability.
4. Even under the current demolition review requirement, houses contributing to our historic district have been expanded into multi-unit use within Portland’s existing building code.

There are very good reasons to keep the current level of demolition review in place:

1. Demolition review is consistent with the goal of historic resource and neighborhood preservation in the adopted 2035 Comprehensive Plan for Portland and Oregon State Statute.
2. Demolition review limits environmental contamination of surrounding homes and yards with lead, asbestos, and other toxic substances, and preserves Portland’s urban tree canopy by limiting the removal of mature trees that provide a valued means of climate cooling.

3. Demolition review curbs the unnecessary waste of the old-growth timber, and the carbon embodied in existing houses (80% of which goes to landfills), and replacement with new building materials.
4. Demolition review helps to protect the more affordable housing in our neighborhood from the speculative construction of larger homes that are more expensive than the existing housing.
5. Preserving irreplaceable historic resources contributes to the character of any town or neighborhood, thereby defining environments that are vital to attracting visitors, new residents, and businesses.

We urge you to oppose the removal of demolition review for the reasons listed above. Thank you for your consideration of our concerns.

Please see Attachment A prepared by our Land Use Committee for further insight



Jane Monson

President, Eastmoreland Neighborhood Association

ATTACHMENT A

This attachment explains the significance of **the National Register of Historic Places**, what "demolition review" is, how it relates to our neighborhood historic district, how repeal violates Oregon land use goals *and threatens every historic district in the state*, and why it is essential for our City and State legislature to defend.

What Is Demolition Review for National Register Listed Houses

Goal 5 in the Oregon Statewide Land Use Planning Goals, OAR 660-015-0000(5), requires local governments to **protect and conserve historic resources listed in the National Register of Historic Places** ("National Register") established by the National Historic Preservation Act of 1966 (16 USC 470).

Goal 5 regulations, OAR 660-023-0200 **require** local governments to protect National Register-listed historic resources from uncontrolled demolition with "demolition review" which is, at minimum:

*"a public **hearing process** that results in approval, approval with conditions, or denial and considers the following factors: condition, historic integrity, age, historic significance, value to the community, economic consequences, design or construction rarity, and consistency with and consideration of other policy objectives in the acknowledged comprehensive plan."*

OAR 660-023-0200 was adopted in **2018 and represents agreement** among stakeholders including cities, the State, housing and development interests, historic preservation and environmental protection interests, and neighborhoods to protect historic resources. **When a house or structure of recognized historic significance is proposed to be demolished, the governing body shall conduct a hearing** and determine whether or not to approve demolition.

Demolition in the context of historic buildings is defined by the City of Portland as removing the whole structure or over 50% of the roof structure or wall structure or street-facing structure. Maintenance, remodeling, alterations, additions, or any other work short of demolition does not require a demolition review. Demolition review does not apply to:

- Non-contributing houses (within a Historic District but not meeting the criteria of historical resources)
- Detached accessory structures, e.g. garages
- Demolition urgently required for safety. City of Portland Code, Section 33.445.220.

City code 33.846.080(A) provides:

*"**Demolition review protects landmarks and contributing resources in districts.** Demolition review recognizes that **historic resources are irreplaceable assets significant to the region's architectural, cultural, and historical identity** and their preservation promotes economic and community vitality, resilience, and memory. In the event that demolition of a historic resource is approved, demolition review also addresses the potential for mitigation of the loss."*

City code 33.846.080(C) **requires demolition be approved if**

- (1) "demolition has been found to be **equally or more supportive of relevant goals and policies of the Comprehensive Plan**, and any relevant area plans, than preservation, rehabilitation, or reuse of the resource"
- (2) "demolition of the resource **will be mitigated** to enhance, preserve, or restore the archaeological, architectural, cultural, or historic significance or integrity of the district"
- (3) "demolition of the resource **will facilitate the creation of more deeply affordable dwelling units** than could practicably result from preservation, rehabilitation, or reuse of the resource"

These code adoptions represent a multi-year legislative process concluded in **2022** with similar stakeholders as in 2018 that generally reduce future protections for historic resources in the City of Portland.

Why Demolition Review Applies to Eastmoreland

Demolition review applies in the Eastmoreland Historic District portion of the Eastmoreland neighborhood that was approved by the Portland Landmarks Commission, State Historic Preservation Office ("SHPO") in February 2017, approved by the National Park Service, and officially listed in the National Register of Historic Places on December 7, 2022.

(<https://tinyurl.com/EHD-Listing-Document>)

Listing on the National Register of Historic Places represented a multi-year neighborhood effort beginning December 2015. Multiple public meetings were held to discuss both sides of the impacts. Historic specialist consultant fees and legal fees to counter legalistic maneuvering by well-funded minority opposition exceeded \$100,000. Additionally, volunteers devoted many tens of thousands of hours to this neighborhood accomplishment. Eastmoreland owners, by a substantial majority, favored listing with the second and final count indicating 2151 owners favoring and 640 opposed to listing.

Overall, there were approximately 1500 properties documented in a survey that included all within the neighborhood boundary. Within the final delineated historic district representing the period of significance from 1910-1961, there are 1020 "historic resources" including 1016 Contributing buildings and 4 Contributing Sites along with 264 Noncontributing structures. Contributing resources within the district also include the historic Eastmoreland Golf Course, the Crystal Springs Garden, and several parks along with the character defining street pattern and the Duniway Elementary School. Demolition Review does not apply to the several hundred non-contributing properties along with any detached garages.

The Eastmoreland neighborhood sought listing to **protect the diversity of size and affordability** of existing homes, the character of historic houses, and the mature tree canopy from the unregulated speculation and demolition. A dramatic increase in speculative demolitions began in 2012 when developers found a profitable market in single lot tear down and higher priced replacement houses. About thirty homes had been torn down in the period prior to listing, not counting "loophole"

demolitions that entitled developers to leave only segments of a wall above the first floor deck without a demolition permit. Replacement houses are inevitably multiples more costly than the original.

Even substantial homes in good condition were not immune from the wrecking ball. For example, a 1925 house on S.E. 29th was purchased for \$750,000 in 2016, torn down and replaced with two larger houses on the same lot that sold for about \$1.25 million each. Without historic district demolition protection, the economics made many smaller existing Eastmoreland homes ripe targets for such wasteful redevelopment.

The neighborhood sought listing on the National Register with the understanding that “*density without demolition*” could be accomplished through accessory dwelling units (“ADU”), additions, internal conversions, and accessory structures.

Demolition review protects the historic resources of this and other nationally recognized historic districts, with negligible impact on housing creation.

Demolition review helps to protect our more affordable housing from speculative mansionization that displaces existing homeowners, reduced affordability and promotes turnover and income segregation.

It is critical that Portland and other Oregon cities stay ahead of the governor's 2025 housing legislative initiative.