



June 3, 2023

Hon. Julie Fahey, Chair
Hons. Breese-Iverson and Kropf, Vice-Chairs
House Committee on Rules
Oregon Legislature
Salem, OR 97301

RE: OPPOSE HB 3414 (Section 2 of -13 and -14 amendments)

Dear Chair Fahey, Vice Chairs Breese-Iverson and Kropf, and Committee Members,

This letter is to follow up on previous written and oral testimony provided by Restore Oregon in opposition to the Section 2, the variance authorization of HB 3414. Restore Oregon appreciates all of the work put in by Representatives Dexter, Gamba and others to create a more workable bill.

But we remain concerned that the -13 and -14 amendments will subject existing historic resources – well known properties like Timberline Lodge, Deans Barbershop or the Pittock Mansion in Portland or Oregon's *numerous* small town Main Streets of Astoria, Jacksonville, and Baker City – to potential adjustments that would compromise their physical historic integrity. The only way to avoid this outcome would be to exempt designated historic resources protected under the statewide planning goals to the same degree as natural resources. Such an amendment could be accomplished in one of two ways:

The first, and preferred option would be to add the following language to the list of exemptions in Subsection 1(b) of either the -13 or -14 amendments. Using the language of the -14 amendments, Section 2, subsection (1)(b)(A) would read:

“Adjustments that are not related to the implementation of land use regulations related to accessibility requirements, mandatory affordability requirements, fire ingress or egress requirements, or statewide land use planning goals related to natural resources, **designated historic areas**, natural hazards, Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes, or ocean resources.”

The benefit of this approach is that it would continue allow protections as necessary to further local comprehensive plans, state laws and National Park Service standards requiring the protection of designated historic resources as well as cultural and archeological artifacts, whose protection are of critical importance to Indigenous communities. This approach would still allow adjustments to development and design standards unrelated to historic resource protections, thereby ensuring that historic areas accept the same base zone flexibility as non-historic areas.

A second, though less preferred, option would be to make two specific, technical modifications to the proposed language set forth in the -14 amendments:

- 1) Clarify that Section 2 applies only to the construction of new structures by adding the following to Section 2, subsection 2:

(e) New construction as defined by ORS 215.501(1)(d).

A narrower alternative approach would be to exclude only alterations affecting existing historic buildings by adding the following to Section 2 subsection (1)(b):

(C) Land use regulations or requirements related to the acquisition, alteration, renovation or remodeling of a historic structure designated for protection under a statewide land use planning goal

- 2) Safe harbor adopted historic resource design protections (while still allowing adjustments to development standards as provided in Section 2 subsection (4)) by modifying Section 2 subsection (5) as follows:

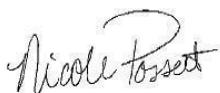
(5) A local government shall grant an adjustment to design standards, except for design standards in building codes and in historic areas designated for protection under a land use planning goal, that regulate:

The above modifications to HB 3414-14 would ensure that adopted design protections for unique historic places would remain in place, while still allowing for adjustments to parking, bike parking, landscaping, and other standards unrelated to the preservation of character-defining historic features. We believe it's important to note that the above changes would not limit the application of HB 3414 in places like Portland's Eastmoreland and Laurelhurst neighborhoods—areas which have been federally designated as historic districts but within which no historic preservation design protections have been adopted.

Amending HB 3414 as described above is essential to retaining historic resource design protections, while still meeting the Governor's call that all communities provide for adjustments to development standards such as parking and landscaping as set forth in the bill.

Assuming that the Committee is not willing to engage in a wholesale exclusion of historic areas from the scope of Section 2, adding these two technical amendments to the -13 or -14 amendments would allow those critical components of Oregon's preservation program to remain.

Restore Oregon stands ready to be a partner in increasing housing production and we believe the modifications provided above represent a compromise measure that can gain the support of many of those currently opposed to the bill. Thank you for the opportunity to comment on HB 3414 and for taking Restore Oregon's comments into consideration.



Nicole Possert
Executive Director

Cc: Rep. Gamba
Rep. Dexter
Rep. Rayfield
Gov. Kotek via Matt Tschabold